

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas *As Engrossed: H1/22/03 H1/22/03 H1/31/03 H2/5/03 S2/24/03 S2/27/03*

2 84th General Assembly

A Bill

3 Regular Session, 2003

HOUSE BILL 1087

4
5 By: Representative Hutchinson

6 By: *Senator Womack*

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE § 9-14-107 TO
11 REQUIRE THE COURT TO ORDER THE NONCUSTODIAL
12 PARENT TO PROVIDE THE CUSTODIAL PARENT WITH PROOF
13 OF INCOME ANY TIME A COURT ORDERS CHILD SUPPORT;
14 TO ALLOW CUSTODIAL PARENT TO REQUEST PROOF OF
15 INCOME FROM THE CUSTODIAL PARENT NO MORE THAN
16 ONCE A YEAR; AND FOR OTHER PURPOSES.

Subtitle

19 TO REQUIRE THE COURT TO ORDER THE
20 CUSTODIAL PARENT TO PROVIDE THE
21 CUSTODIAL PARENT WITH PROOF OF INCOME
22 ANY TIME A COURT ORDERS CHILD SUPPORT.

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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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28 SECTION 1. *Arkansas Code § 9-14-107 is amended to read as follows:*

29 9-14-107. *Change in payor income warranting modification.*

30 (a)(1) *A change in gross income of the payor in an amount equal to or*
31 *more than twenty percent (20%) or more than one hundred dollars (\$100) per*
32 *month shall constitute a material change of circumstances sufficient to*
33 *petition the court for ~~review and adjustment~~ modification of ~~the~~ child*
34 *support ~~obligated amount~~ according to the family support chart after*
35 *appropriate deductions.*

36 (2)(A)(i) Any time a court orders child support, the court shall



1 order the noncustodial parent to provide the custodial parent and, when
2 applicable, the Office of Child Support Enforcement of the Revenue Division
3 of the Department of Finance and Administration with proof of income for the
4 previous calendar year, and whenever requested in writing by certified mail,
5 but not more than once a year, by the custodial parent.

6 (ii) Whenever a custodial parent requests in writing
7 that the noncustodial parent provide proof of income, the noncustodial parent
8 shall respond by certified mail within fifteen (15) days.

9 (B) If the noncustodial parent fails to
10 provide proof of income as directed by the court, or fails to respond to a
11 written request for proof of income, the noncustodial parent may be subject
12 to contempt.

13 (C) If a custodial parent or the Office of Child Support
14 Enforcement of the Revenue Division of the Department of Finance and
15 Administration has to petition the court to obtain the information, the
16 custodial parent or the Office of Child Support Enforcement may be entitled
17 to recover costs and a reasonable attorney's fee.

18 (D) Once notified of an increase, the Office of Child
19 Support Enforcement shall file a motion within thirty (30) days for
20 modification of child support.

21 (E)(i) All income information received by the Office of
22 Child Support Enforcement shall only be used as permitted and required by
23 law.

24 (ii) All income information received by the
25 custodial parent shall be treated confidentially and used for child support
26 purposes only.

27 (b)(1) A change in the noncustodial parent's health insurance
28 status as defined in subdivision (b)(2) of this section shall constitute a
29 material change of circumstances sufficient to petition the court for ~~review~~
30 ~~and adjustment~~ modification of ~~the~~ child support ~~order~~ according to the
31 guidelines for child support and the family support chart.

32 (2) For purposes of this section, the term "health insurance
33 status" shall mean that the noncustodial parent can obtain health insurance
34 through his or her employer or other group health insurance. Health
35 insurance shall be considered reasonable in cost if it is employment-related
36 or is other group health insurance, regardless of the service delivery

1 mechanism.

2 (3) In no event shall eligibility for or receipt of medicaid be
3 considered adequate provision for the child's health care needs in a child
4 support award.

5 (c) An inconsistency between the existent child support award and the
6 amount of child support that results from application of the family support
7 chart shall constitute a material change of circumstances sufficient to
8 petition the court for ~~review and adjustment~~ modification of ~~the child~~
9 support ~~obligated amount~~ according to the family support chart after
10 appropriate deductions unless:

11 (1) The inconsistency does not meet a reasonable quantitative
12 standard established by the state, in accordance with subsection (a) of this
13 section; or

14 (2) The inconsistency is due to the fact that the amount of the
15 current child support award resulted from a rebuttal of the guideline amount
16 and there has not been a change of circumstances that resulted in the
17 rebuttal of the guideline amount.

18 (d) Any modification of a child support order which is based on a
19 change in gross income of the noncustodial parent shall be effective as of
20 the date of filing a motion for increase or decrease in child support, unless
21 otherwise ordered by the court.

22 (e) When a person is ordered by a court of record to pay for the
23 support of his or her children, the court, at the time an order of support is
24 made or any time thereafter, upon a showing of good cause, may order periodic
25 drafts of his or her accounts at a financial institution to deduct moneys due
26 or payable for child support in amounts the court may find to be necessary to
27 comply with its order for the support of the children.

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29 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
30 General Assembly of the State of Arkansas that children are not receiving the
31 amount of child support to which they are entitled under current law; that
32 child support is an essential part of a custodial parent's income that is
33 necessary to provide the basic needs for the child; and that this act is
34 immediately necessary to prevent children from being denied the support they
35 are entitled to under law and to prevent the undue delay of changes in the
36 award of child support. Therefore, an emergency is declared to exist and

1 this act being immediately necessary for the preservation of the public
2 peace, health, and safety shall become effective on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,
5 the expiration of the period of time during which the Governor may veto the
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is
8 overridden, the date the last house overrides the veto.

9 /s/ Hutchinson

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