

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

Act 337 of 2003

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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APPROVED: 3/10/2003

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