

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.

Act 714 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 811

5 By: Senator Trusty
6
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE REFERRALS FOR THE CRIMINAL
10 PROSECUTION OF CERTAIN CASES OF NONPAYMENT OF
11 CHILD SUPPORT; AND FOR OTHER PURPOSES.
12

Subtitle

14 TO REQUIRE REFERRALS FOR THE CRIMINAL
15 PROSECUTION OF CERTAIN CASES OF
16 NONPAYMENT OF CHILD SUPPORT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 9, Chapter 14, Subchapter 2 is amended
22 to add an additional section to read as follows:

23 9-14-241. Referrals for criminal prosecution.

24 (a) The Office of Child Support Enforcement of the Revenue Division of
25 the Department of Finance and Administration shall refer to the prosecuting
26 attorney of the appropriate judicial district for prosecution under § 5-26-
27 401 and any other applicable criminal statute, all cases in which:

28 (1) The Office of Child Support Enforcement has had enforcement
29 responsibility for at least twelve (12) consecutive months;

30 (2) More than ten thousand dollars (\$10,000) in child support is
31 owed and remains unpaid; and

32 (3) Regular child support payments are not being received.

33 (b) A referral under subsection (a) of this section shall contain the
34 following information:

35 (1) An affidavit signed by the custodian of the child receiving



1 court ordered child support payments stating:

2 (A) Whether or not anything of value has been received
 3 from the person obligated to make the child support payments in lieu of child
 4 support payments;

5 (B) Any known income sources of the person obligated to
 6 make the child support payments; and

7 (C) A request that the criminal offense of nonsupport be
 8 prosecuted;

9 (2) An affidavit from the Office of Child Support Enforcement
 10 detailing the:

11 (A) Date the child support arrearage began to accrue;

12 (B) Name of each recipient and the amount of unpaid child
 13 support owed to each recipient; and

14 (C) Last known address of the person obligated to make the
 15 child support payments;

16 (3) A certified copy of the court order and any modifications of
 17 the court order mandating payment of child support;

18 (4) A certified copy of the payment history of the person
 19 obligated to make the child support payments; and

20 (5) A list of possible witnesses and known contact information.

21 (c) Within thirty (30) days of receiving a referral under this
 22 section, the prosecuting attorney will send the Office of Child Support
 23 Enforcement a:

24 (1) Copy of the criminal information or arrest warrant if a
 25 decision to file charges has been made; or

26 (2) Notice of any deficiencies in the referral.

27 (d) Nothing in this section limits the ability of the Office of Child
 28 Support Enforcement with respect to a case over which it has enforcement
 29 responsibility to:

30 (1) Refer the case for criminal prosecution if the elements of
 31 the crime of nonsupport under § 5-26-401 appear to be present; or

32 (2) Continue to pursue all available civil remedies in
 33 connection with the case.

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 35 **APPROVED: 3/30/2007**