

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

HOUSE BILL 1754

4
5 By: Representative Cavanaugh

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING CHILD SUPPORT; AND
9 FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING CHILD
14 SUPPORT.

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code § 9-14-105(b), concerning petitions for child
20 support, is amended to read as follows:

21 (b) The following may file a petition to require the ~~noncustodial~~
22 parent or parents of a minor child to provide support for the minor child:

23 (1) Any parent having physical custody of a minor child;

24 (2) Any other person or agency to whom physical custody of a
25 minor child has been given or relinquished;

26 (3) A minor child by and through his or her guardian or ~~next~~
27 ~~friend~~ fictive kin; or

28 (4) The Office of Child Support Enforcement of the Revenue
29 Division of the Department of Finance and Administration when ~~the parent or~~
30 ~~person to whom physical custody has been relinquished or awarded~~ a person to
31 whom physical custody has been relinquished or awarded, parent, or putative
32 father:

33 (A) ~~is receiving~~ Is receiving assistance ~~in the form of~~
34 ~~Aid to Families with Dependent Children,~~ under the Transitional Employment
35 Assistance Program, Medicaid, the Supplemental Nutrition Assistance Program,
36 or the Foster Care Program of Title IV-E of the Social Security Act, 42



1 U.S.C. § 670 et seq.;

2 (B) Is receiving child support services under 45 C.F.R.
 3 302.33, as it existed on January 1, 2021; or

4 (C) has Has contracted with the Department OF Finance and
 5 Administration for ~~the collection of~~ child support services.

6
 7 SECTION 2. Arkansas Code § 9-14-105(d)(2), concerning petitions for
 8 support, is amended to read as follows:

9 (2) ~~“Nonecustodial parent”~~ “Payor parent” means a parent ~~who~~
 10 ~~resides outside the household or institution in which the minor child resides~~
 11 with an obligation to pay support.

12
 13 SECTION 3. Arkansas Code § 9-14-106 is amended to read as follows:

14 9-14-106. ~~Nonecustodial parents~~ Parents – Amount of support –
 15 Definition.

16 (a)(1)(A) In determining a reasonable amount of support initially or
 17 upon review to be paid by ~~the nonecustodial~~ a parent or parents, the court
 18 shall refer to the most recent revision of the family support chart.

19 (B) It shall be a rebuttable presumption for the award of
 20 child support that the amount contained in the family support chart is the
 21 correct amount of child support to be awarded.

22 (C) Only upon a written finding that the application of
 23 the family support chart would be unjust or inappropriate as determined under
 24 established criteria set forth in the family support chart shall the
 25 presumption be rebutted.

26 (D)(i) The incarceration of a parent shall not be treated
 27 as voluntary unemployment for purposes of determining a reasonable amount of
 28 support either initially or upon review.

29 (ii) As used in subdivision (a)(1)(D)(i) of this
 30 section, “incarceration” means a conviction that results in a sentence of
 31 confinement to a local jail, state or federal correctional facility, or state
 32 psychiatric hospital for at least one hundred eighty (180) days, excluding
 33 credit for time served before sentencing.

34 (2)(A) The court may provide for a partial abatement or
 35 reduction of the stated child support amount for any period of extended
 36 visitation with the ~~nonecustodial~~ payor parent.

1 (B) The court shall consider whether an adjustment in
 2 child support is appropriate, giving consideration to the fixed obligations
 3 of the ~~custodial parent~~ physical custodian or payee parent that are
 4 attributable to the minor child, to the increased costs of the ~~noncustodial~~
 5 payor parent associated with the minor child's visit, and to the relative
 6 incomes of both parents.

7 (C) Abatement or reduction of the family support chart
 8 amount and justification of the abatement or reduction shall be clearly set
 9 forth in the written findings of the court.

10 (D)(i) The ~~noncustodial~~ payor parent shall provide written
 11 notification within ten (10) days, when abatement or reduction of child
 12 support should occur due to extended visitation, to the clerk of the court
 13 responsible for receipt of the child support payment, the ~~noncustodial~~ payor
 14 parent's employer, if income withholding is in effect, and the Office of
 15 Child Support Enforcement of the Revenue Division of the Department of
 16 Finance and Administration when applicable.

17 (ii) It is the responsibility of the ~~noncustodial~~
 18 payor parent to notify the clerk of the court responsible for receipt of the
 19 child support payment, the ~~noncustodial~~ payor parent's employer, if income
 20 withholding is in effect, and the office, when applicable, when abatement or
 21 reduction should stop and payment of child support should resume.

22 (E) If the ~~noncustodial~~ payor parent fails to exercise
 23 extended visitation periods, the child support shall not be abated or
 24 reduced.

25 (b) Subsequent to the finding by the court that the ~~defendant~~ payor
 26 parent should be ordered to pay support for the minor child, the court shall
 27 follow the same procedure and requirements as set forth in the laws of this
 28 state applicable to child support orders and judgments entered by the circuit
 29 courts in cases involving separation or divorce ~~between~~ of the parents of the
 30 minor child.

31
 32 SECTION 4. Arkansas Code § 9-14-107 is amended to read as follows:

33 9-14-107. Change in ~~payor~~ income warranting modification – Definition.

34 (a)(1) A change in the gross income of the payor or payee parent in an
 35 amount equal to or more than twenty percent (20%) ~~or more than one hundred~~
 36 ~~dollars (\$100) per month~~ shall constitute a material change of circumstances

1 sufficient to petition the court for modification of child support ~~according~~
2 ~~to the family support chart after appropriate deductions.~~

3 (2)(A)(i) Any time a court orders child support, the court shall
4 order ~~the noncustodial~~ each parent to provide proof of income for the
5 previous calendar year to:

6 (a)(1) The ~~custodial~~ other parent or the
7 physical custodian of the minor child.

8 (2) The court shall also order ~~the~~
9 ~~noncustodial~~ each parent to provide proof of income for a previous calendar
10 year whenever requested in writing by certified mail by the ~~custodial~~ other
11 parent or physical custodian of the minor child, but not more than one (1)
12 time a year; and

13 (b) The Office of Child Support Enforcement of
14 the Revenue Division of the Department of Finance and Administration, when
15 applicable.

16 (ii) Whenever a ~~custodial~~ parent or the physical
17 custodian of the minor child requests ~~in writing that the noncustodial parent~~
18 ~~provide~~ proof of income in writing, the ~~noncustodial~~ parent receiving the
19 request shall respond by certified mail within fifteen (15) days.

20 (B) If the ~~noncustodial~~ parent receiving the request fails
21 to provide proof of income as directed by the court or fails to respond to a
22 written request for proof of income, the ~~noncustodial~~ parent receiving the
23 request may be subject to contempt of court.

24 (C) If a ~~custodial~~ parent requesting information or the
25 office has to petition the court to obtain the information, the ~~custodial~~
26 parent requesting information or the office may be entitled to recover costs
27 and a reasonable attorney's fee.

28 (D) Once notified of ~~an increase~~ a material change in
29 circumstances sufficient to petition for modification and when applicable,
30 the office shall file a motion within thirty (30) days for modification of
31 child support.

32 (E)(i) All income information received by the office shall
33 be used only as permitted and required by law.

34 (ii) All income information received by ~~the~~
35 ~~custodial~~ a parent or the physical custodian of the minor child shall be
36 treated confidentially and used for child support purposes only.

1 (3)(A) The incarceration of a parent shall not be treated as
2 voluntary unemployment for purposes of determining a reasonable amount of
3 support either initially or upon review.

4 (B) As used in subdivision (a)(3)(A) of this section,
5 "incarceration" means a conviction that results in a sentence of confinement
6 to a local jail, state or federal correctional facility, or state psychiatric
7 hospital for at least one hundred eighty (180) days, excluding credit for
8 time served before sentencing.

9 (b) A change in a parent's ability to provide health insurance may
10 constitute a material change of circumstances sufficient to petition the
11 court for modification of child support according to the family support
12 chart.

13 (c)(1) The office shall, at least ~~each~~ one (1) time every three (3)
14 years, without regard to a material change of circumstances, review cases in
15 its enforcement caseload ~~where~~ in which there has been an assignment under
16 Title IV-A of the Social Security Act or upon the request of either parent or
17 the physical custodian of the minor child and petition for adjustment if
18 appropriate.

19 (2) An inconsistency between the existing child support award
20 and the amount of child support that results from application of the family
21 support chart shall constitute a material change of circumstances sufficient
22 to petition the court for modification of child support according to the
23 family support chart after appropriate deductions unless:

24 (A) The inconsistency does not meet a reasonable
25 quantitative standard established by the State of Arkansas in accordance with
26 subsection (a) of this section;

27 (B) The inconsistency is due to the fact that the amount
28 of the current child support award resulted from a rebuttal of the guideline
29 amount and there has not been a change of circumstances that resulted in the
30 rebuttal of the ~~guidelines~~ guideline amount; or

31 (C) The inconsistency is due solely to a revision of the
32 family support chart.

33 (d) Any modification of a child support order ~~that is based on a~~
34 ~~change in gross income of the noncustodial parent~~ shall be effective as of
35 the date of filing service on the other party of the file-marked notice of a
36 motion for increase or decrease in child support unless otherwise ordered by

1 the court.

2 (e) When a person is ordered by a court of record to pay for the
3 support of his or her ~~children~~ minor child, the court, at the time an order
4 of support is made or any time thereafter, upon a showing of good cause, may
5 order periodic drafts of his or her accounts at a financial institution to
6 deduct moneys due or payable for child support in amounts the court may find
7 to be necessary to comply with its order for the support of the ~~children~~
8 minor child.

9

10 SECTION 5. Arkansas Code § 9-14-201(8), concerning the definition of
11 "notice" as applicable to the enforcement of spousal and child support, is
12 amended to read as follows:

13 (8) "Notice" means any form of ~~personal~~ service authorized under
14 Arkansas law or laws of the state in which the individual is served;

15

16 SECTION 6. Arkansas Code § 9-14-201, concerning definitions applicable
17 to the enforcement of spousal and child support, is amended to add additional
18 subdivisions to read as follows:

19 (12) "Payor parent" means a parent with an obligation to pay
20 support; and

21 (13) "Payee parent" means a parent or physical custodian of a
22 child to whom support is owed.

23

24 SECTION 7. Arkansas Code § 9-14-205(a), concerning information
25 required in support cases, is amended to read as follows:

26 (a) In all cases in which the support and care of any child or
27 children are involved, it shall be the duty of the plaintiff, defendant,
28 ~~custodial~~ payee parent or physical custodian of the child, and the
29 ~~noncustodial~~ payor parent to keep the clerk of the circuit court informed of
30 his or her current address when a payment of support is directed to be paid
31 through the registry of the court or to keep the Office of Child Support
32 Enforcement of the Revenue Division of the Department of Finance and
33 Administration informed of his or her current address when a payment of
34 support is directed to be paid through the Arkansas Child Support
35 Clearinghouse.

36

1 SECTION 8. Arkansas Code § 9-14-205(b)(1), concerning information
2 required in support cases, is amended to read as follows:

3 (b)(1) ~~Each party to~~ The payor parent and the payee parent or physical
4 custodian of the child in any case in which the support and care of any child
5 or children are involved shall file with the clerk of the circuit court and
6 the Office of Child Support Enforcement and update, as appropriate, his or
7 her name, Social Security number, residential and mailing address, telephone
8 number, driver's license number, and ~~the~~ employer's name and address.

9
10 SECTION 9. Arkansas Code § 9-14-208 is amended to read as follows:

11 9-14-208. Office of Child Support Enforcement – Powers to obtain
12 information ~~on noncustodial parent~~ – Penalty – Immunity – Definitions.

13 (a) As used in this section:

14 (1) “Business” means any corporation, partnership, cable
15 television company, association, individual, utility company that is
16 organized privately, as a cooperative, or as a quasi-public entity, ~~and or~~
17 labor or other organization maintaining an office, doing business, or having
18 a registered agent in the State of Arkansas;

19 (2) “Financial entity” means any bank, trust company, savings
20 and loan association, credit union, insurance company, or any corporation,
21 association, partnership, or individual receiving or accepting money or its
22 equivalent on deposit as a business in the State of Arkansas;

23 (3) “Information” ~~means, but is not necessarily limited to,~~
24 includes without limitation the following:

25 (A) The full name of ~~the noncustodial a~~ parent;

26 (B) The Social Security number of ~~the noncustodial a~~
27 parent;

28 (C) The date of birth of ~~the noncustodial a~~ parent;

29 (D) The last known mailing and residential address of ~~the~~
30 ~~noncustodial a~~ parent;

31 (E) The amount of wages, salaries, earnings, or
32 commissions earned by or paid to ~~the noncustodial a~~ parent;

33 (F) The number of dependents declared by ~~the noncustodial~~
34 a parent on state and federal tax information and reporting forms;

35 (G) The name of the company, policy numbers, and dependent
36 coverage for any medical insurance carried by and on behalf of ~~the~~

1 ~~noneustodial~~ a parent;

2 (H) The name of the company, policy numbers, and the cash
3 values, if any, of any life insurance policies or annuity contracts that are
4 carried by or on behalf of or owned by ~~the noneustodial~~ a parent; and

5 (I) Any retirement benefits, pension plans, or stock
6 purchase plans maintained on behalf of or owned by ~~the noneustodial~~ a parent
7 and the ~~values thereof~~ value of the retirement benefit, pension plan, or
8 stock purchase plan, employee contributions ~~thereto~~ to the retirement
9 benefit, pension plan, or stock purchase plan, and the extent to which each
10 ~~benefit or~~ retirement benefit, pension plan, or stock purchase plan is
11 vested;

12 (4) ~~“Noneustodial parent”~~ “Parent” means a natural or adoptive
13 parent, including a putative father, ~~who does not reside with his or her~~
14 ~~dependent child and against~~ for or against whom the Office of Child Support
15 Enforcement of the Revenue Division of the Department of Finance and
16 Administration is enforcing or seeking to enforce a support obligation
17 pursuant to a plan described in Title IV-D of the Social Security Act;

18 (5) “Office of Child Support Enforcement” means the Office of
19 Child Support Enforcement of the Revenue Division of the Department of
20 Finance and Administration or a local child support enforcement unit
21 contracting under § 9-14-207 to establish and enforce support obligations;
22 and

23 (6) “State or local government agency” means any department,
24 board, bureau, commission, office, or other agency of this state or any local
25 unit of government of this state.

26 (b)(1) For the purpose of locating and determining resources of
27 ~~noneustodial parents~~ either parent, the Office of Child Support Enforcement
28 may request and receive information from the Federal Parent Locator Service,
29 from available records in other states, territories, and the District of
30 Columbia, from the records of all state or local government agencies , and
31 from businesses and financial entities.

32 (2) The Administrator of the Office of Child Support Enforcement
33 ~~of the Revenue Division of the Department of Finance and Administration~~ may
34 enter into cooperative agreements with other state or local government
35 agencies, businesses, or financial entities to provide direct online access
36 to data information terminals, computers, or other electronic information

1 systems.

2 (3) State ~~and~~ or local government agencies, businesses, and
3 financial entities shall provide information, if known or chronicled in their
4 business records, notwithstanding any other provision of law making the
5 information confidential.

6 (4)(A) In addition, the Office of Child Support Enforcement,
7 pursuant to an agreement with the United States Secretary of Health and Human
8 Services, or his or her designee, may request and receive from the Federal
9 Parent Locator Service information authorized under 42 U.S.C. § 653, for the
10 purpose of determining the whereabouts of any parent or child.

11 ~~(B) This information~~ The information described in
12 subdivision (b)(4)(A) of this section may be requested and received when it
13 is to be used to locate the parent or child for the purpose of enforcing any
14 state or federal law with respect to the unlawful taking or restraining of a
15 child or for the purpose of making or enforcing a child custody
16 determination.

17 (c)(1) Any business or financial entity that has received a request as
18 provided by subsection (b) of this section from the Office of Child Support
19 Enforcement or from a child support enforcement program administered by any
20 other state under Title IV-D of the Social Security Act shall further
21 cooperate with the Office of Child Support Enforcement or a requesting state
22 in discovering, retrieving, and transmitting information contained in the
23 business records that would be useful in locating ~~absent~~ parents or in
24 establishing or enforcing child support orders ~~on absent parents~~, and shall
25 provide the requested information, or a statement that any or all of the
26 requested information is not known or available to the business or financial
27 entity.

28 ~~(2) This shall be done~~ The business or financial entity shall
29 provide the requested information or the statement under subdivision (c)(1)
30 of this section within thirty (30) days of receipt of the request, or the
31 business or financial entity shall be liable for civil penalties of up to one
32 hundred dollars (\$100) for each day after the thirty-day period in which ~~it~~
33 the business or financial entity fails to provide the information ~~so~~
34 requested.

35 (d) Any business or financial entity, or any officer, agent, or
36 employee of ~~such an~~ a business or financial entity, participating in good

1 faith and providing information requested under this section, shall be immune
2 from liability and suit for damages that might otherwise result from the
3 release of the information to the Office of Child Support Enforcement or to a
4 child support enforcement program administered by a requesting state.

5 (e)(1) Each financial entity, ~~as defined herein,~~ shall cooperate with
6 the Office of Child Support Enforcement to develop, implement, and operate an
7 electronic automated data match system, using automated data exchanges to the
8 maximum extent feasible, in which each financial entity shall provide to the
9 Office of Child Support Enforcement per calendar quarter the name, record
10 address, Social Security number or other taxpayer identification number, and
11 other identifying information for each ~~noncustodial~~ payor parent who
12 maintains an account at the financial entity and who owes past-due child
13 support, as identified by the Office of Child Support Enforcement by name and
14 Social Security number or other taxpayer identification number.

15 (2) For purposes of this subsection, the term "account" means a
16 demand deposit account, checking or negotiable withdrawal order account,
17 savings account, time deposit account, or money market mutual fund account.

18 (3) The Office of Child Support Enforcement is authorized to pay
19 a reasonable fee to a financial entity for conducting an automated data
20 match, not to exceed the actual costs incurred by the financial entity.

21 (f) Pursuant to subsection (e) of this section, each financial entity,
22 in response to a notice of lien or levy, shall encumber or surrender assets
23 held by the financial entity on behalf of any ~~noncustodial~~ payor parent who
24 is subject to a child support lien pursuant to judgment or by operation of
25 law.

26 (g) In cases in which there is overdue child support and in an effort
27 to seize assets to satisfy any current support obligation and the arrearage,
28 the Office of Child Support Enforcement is authorized to:

29 (1) Intercept or seize periodic or lump-sum payments from:

30 (A) A state or local government agency, including
31 unemployment compensation, workers' compensation, or other benefits; and

32 (B) Judgments, settlements, prizes, and lotteries for the
33 full amount of the current support obligation and arrearage owed or the net
34 lump-sum payment, whichever is less;

35 (2) Attach and seize assets of the ~~obligated~~ payor parent held
36 in financial institutions;

1 (3) Attach public and private retirement funds, including any
2 union retirement fund and railroad retirement; and

3 (4) Impose liens in accordance with subsection (f) of this
4 section and, in appropriate cases, to force sale of property and distribution
5 of proceeds.

6 (h)(1) ~~Such~~ The withholdings, intercepts, and seizures as set out in
7 subsection (g) of this section may be initiated by the Office of Child
8 Support Enforcement without obtaining a prior order from any court but ~~must~~
9 shall be carried out in full compliance with published administrative
10 procedures, including due process safeguards, promulgated by the Office of
11 Child Support Enforcement.

12 (2)(A) The rules shall require written notice to each parent and
13 ~~noncustodial~~ payor parent to whom this section applies:

14 (i) That the withholding, intercept, or seizure has
15 commenced; and

16 (ii) Of the right to an administrative hearing and
17 the procedures to follow if the parent or ~~noncustodial~~ payor parent desires
18 to contest the withholding, intercept, or seizure on the grounds that the
19 withholding, intercept, or seizure is improper due to a mistake of fact.

20 (B) The notice to the parent and ~~noncustodial~~ payor parent
21 pursuant to subdivision (h)(2)(A) of this section shall include the
22 information provided to the employer, agency, or financial entity under
23 subsection (e) of this section.

24 (i) Any financial entity, or any officer, agent, or
25 employee of ~~such a financial~~ entity, participating in good faith and
26 providing information requested pursuant to subsection (e) of this section or
27 encumbering or surrendering assets pursuant to subsection (f) or subsection
28 (g) of this section, shall be immune from liability and suit for damages that
29 might otherwise result from the release of the information or the encumbering
30 or surrendering of the assets to the Office of Child Support Enforcement.

31 (j) Any information obtained under the provisions of this section
32 shall become a business record of the Office of Child Support Enforcement,
33 subject to the privacy safeguards set out in § 9-14-210(g)-(1).
34

35 SECTION 10. Arkansas Code § 9-14-210(d)-(f), concerning the Office of
36 Child Support Enforcement, employment of attorneys, the real party in

1 interest, and scope of representation, are amended to read as follows:

2 (d) The State of Arkansas is the real party in interest for purposes
3 of establishing paternity, child support obligations, and securing repayment
4 of ~~benefits paid and assigned~~ past due support, ~~future support~~, and costs in
5 actions brought to establish, modify, or enforce an order of support in any
6 of the following circumstances:

7 (1) Whenever ~~public assistance under the transitional employment~~
8 ~~assistance program, i.e., Temporary Assistance for Needy Families Program, or~~
9 ~~§ 20-77-109 or § 20-77-307 is provided to a dependent child a parent,~~
10 putative father, or person to whom physical custody of a child has been
11 relinquished or awarded is receiving assistance under the Transitional
12 Employment Assistance Program, Medicaid, the Supplemental Nutrition
13 Assistance Program, or the Foster Care Program of Title IV-E of the Social
14 Security Act, 42 U.S.C. § 670 et seq., and cooperation with child support
15 services is required or when child support services continue to be provided
16 under 45 C.F.R. 302.33 as it existed on ~~January 1, 2001~~ January 1, 2021;

17 (2) Whenever a contract ~~and assignment~~ for child support
18 services ~~have~~ has been entered into for the establishment or enforcement of a
19 child support obligation ~~for which an automatic assignment under § 9-14-109~~
20 ~~is not in effect~~;

21 (3) Whenever duties are imposed on the state in Title IV-D cases
22 pursuant to the Uniform Interstate Family Support Act, § 9-17-101 et seq.;

23 (4) When a child is placed in the custody of the Department of
24 Human Services and rights have been assigned under § 9-14-109.

25 (e)(1) In any action brought to establish paternity, ~~to secure~~
26 ~~repayment of government benefits paid or assigned child support arrearages,~~
27 ~~to secure current and future support of children,~~ or to establish, enforce,
28 or modify a child support obligation, the Department of Human Services or the
29 office, or both, or their contractors, may employ attorneys.

30 (2) An attorney ~~se~~ employed under subdivision (e)(1) of this
31 section shall represent the interests of the Department of Human Services or
32 the office and does not represent the assignor of an interest set out in
33 subsection (d) of this section.

34 (3) Representation by the employed attorney shall not be
35 construed as creating an attorney-client relationship between the attorney
36 and the assignor of an interest set forth in subsection (d) of this section,

1 or with any party or witness to the action, other than the Department of
 2 Human Services or the office, regardless of the name in which the action is
 3 brought.

4 (f)(1) In any action brought by the Department of Human Services or
 5 the office, or both, or their contractors, to establish paternity, ~~to secure~~
 6 ~~repayment of government benefits paid or assigned child support arrearages,~~
 7 ~~to secure current and future support of children,~~ or to establish, enforce,
 8 or modify a child support obligation, if another party pleads a claim
 9 relating to child custody or visitation, property division, divorce, or other
 10 claims not directly related to support, the office shall advise the ~~assignee~~
 11 parent receiving child support services, as set forth in subsection (d) of
 12 this section, of the need for separate legal counsel.

13 (2) However, for the benefit of the court clerk, in any action
 14 brought by the Department of Human Services or the office, or both, or their
 15 contractors, pursuant to subsection (d) of this section, the name of the
 16 payee parent or physical custodian of the child shall be set out in the body
 17 of any petition filed and order entered in the matter.

18
 19 SECTION 11. Arkansas Code § 9-14-211(b), concerning assigned support
 20 rights, is amended to read as follows:

21 (b) The amount of obligation owed to the state shall be the amount
 22 specified in a court order that covers the assigned rights or, when no court
 23 order exists, the amount of obligation owed to the state shall be the amount
 24 determined by a court based upon the ~~noncustodial parent's~~ parent or parents'
 25 income or ability to pay during the period of assignment as applied to the
 26 Arkansas child support guidelines and family support chart.

27
 28 SECTION 12. Arkansas Code § 9-14-213(a)(1), concerning assigned
 29 support rights, notice, and the termination of assignment, is amended to read
 30 as follows:

31 (a)(1) When a court has ordered support payments to a ~~person who has~~
 32 ~~made an assignment of support rights under § 9-14-109 or who has executed a~~
 33 ~~contract with the Office of Child Support Enforcement of the Revenue Division~~
 34 ~~of the Department of Finance and Administration for non-Temporary Assistance~~
 35 ~~for Needy Families Program assistance,~~ be paid to or by a payor parent, payee
 36 parent, or physical custodian of a child who is receiving assistance under

1 the Transitional Employment Assistance Program, Medicaid, the Supplemental
 2 Nutrition Assistance Program, or the Foster Care Program of Title IV-E of the
 3 Social Security Act, 42 U.S.C. § 670 et seq., or who has contracted with the
 4 Department of Finance and Administration or the Office of Child Support
 5 Enforcement of the Revenue Division of the Department of Finance and
 6 Administration for child support services, the office shall notify the clerk
 7 of the court.

8
 9 SECTION 13. Arkansas Code § 9-14-237 is amended to read as follows:
 10 9-14-237. Expiration of child support obligation.

11 (a)(1) Unless a court order for child support specifically extends
 12 child support after these circumstances, ~~an obligor's~~ a payor parent's duty
 13 to pay child support for a child shall automatically terminate by operation
 14 of law:

15 (A) When the child reaches eighteen (18) years of age
 16 unless the child is still attending high school;

17 (B) If the child is still attending high school, upon the
 18 child's high school graduation or the end of the school year after the child
 19 reaches nineteen (19) years of age, whichever is earlier;

20 (C) When the child:

21 (i) Is emancipated by a court of competent
 22 jurisdiction;

23 (ii) Marries; or

24 (iii) Dies;

25 (D) Upon the marriage of the parents of the child to each
 26 other; or

27 (E) Upon the entry of a final decree of adoption or an
 28 interlocutory decree of adoption that has become final under the Revised
 29 Uniform Adoption Act, § 9-9-201 et seq., and thereby relieves the ~~obligor~~
 30 payor parent of all parental rights and responsibilities.

31 (2) However, any unpaid child support obligations owed under a
 32 judgment or in arrearage pursuant to a child support order shall be satisfied
 33 pursuant to § 9-14-235.

34 (b)(1) If the ~~obligor~~ payor parent has additional child support
 35 obligations after the duty to pay support for a child terminates, then either
 36 the ~~obligor~~ payor parent, ~~custodial~~ payee parent, physical custodian, or the

1 Office of Child Support Enforcement of the Revenue Division of the Department
2 of Finance and Administration, within thirty (30) days subsequent to the
3 expiration of the ten-day period allowed for the notification as provided in
4 subdivision (b)(5) of this section, may file a motion with a court of
5 competent jurisdiction requesting that the court determine the amount of the
6 child support obligation for the remaining children.

7 (2) The remaining obligations, subsequent to the expiration of
8 the thirty-day period contained in subdivision (b)(1) of this section, shall
9 be adjusted by operation of law to an amount to be determined by using the
10 most recent version of the family support chart pursuant to § 9-12-312(a)(3)
11 for any remaining children for whom an obligation for child support exists.

12 (3) If the most recent child support order either was entered
13 ~~prior to~~ before the adoption of ~~the family support chart~~ revised
14 Administrative Order No. 10 by the Supreme Court on April 2, 2020, and the
15 remaining obligations cannot be adjusted by operation of law without both
16 parents' income, or the support amount, as indicated by the most recent child
17 support order, deviated from the family support chart, then the issue of the
18 amount of the ~~obligor's~~ payor parent's child support obligation shall be
19 decided by a court of competent jurisdiction.

20 (4)(A) In the event a review is requested, the court shall apply
21 the family support chart for the remaining number of children from the date
22 of the termination of the duty, subject to any changed circumstances, which
23 shall be noted in writing by the court.

24 (B) Deviation from the family support chart shall be noted
25 in the court order or on the record, as appropriate.

26 (5)(A) The ~~obligor~~ payor parent shall provide written
27 notification of the termination of the duty of support to the ~~custodial~~ payee
28 parent, the physical custodian, the clerk of the court responsible for
29 receipt of the child support payments, the ~~obligor's~~ payor parent's employer,
30 if income withholding is in effect, and the office, if applicable, within ten
31 (10) days of the termination of the duty of support.

32 (B) The ~~obligor~~ payor parent shall enclose with the
33 written notification of termination a copy of the most recent child support
34 order.

35 (C) The notification shall state the name and age of each
36 child for whom the obligation to pay child support has ceased and the name

1 and age of children set out in prior terminations of child support made
2 pursuant to this subsection.

3 (c) No statute of limitations shall apply to an action brought for the
4 collection of a child support obligation of arrearage against any party who
5 leaves or remains outside the State of Arkansas with the purpose to avoid the
6 payment of child support.

7
8 SECTION 14. Arkansas Code § 9-14-505 is repealed.

9 ~~9-14-505. No direct offset to child support.~~

10 ~~(a) Healthcare coverage premiums shall not be deemed or used as a~~
11 ~~direct offset to the child support award.~~

12 ~~(b) However, premiums for healthcare for a minor child can be~~
13 ~~considered in determining net take-home pay of the noncustodial parent when~~
14 ~~setting the current child support award.~~

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19 **APPROVED: 4/26/21**
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