

Hall of the House of Representatives
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of House Bill No. 2037

TO AMEND THE LAW CONCERNING CHILD SUPPORT.

Amendment No. 1 to House Bill No. 2037

Amend House Bill No. 2037 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 9, Chapter 14, Subchapter 2, is amended to add an additional section to read as follows:

9-14-243. Suspension of child support obligation – Definitions.

(a) As used in this section:

(1) "Incarcerated" includes but is not limited to involuntary confinement to a state prison, county jail, juvenile facility, or a mental health facility; and

(2) "Suspend" means the modification of a child support payment to zero dollars (\$0.00) for the period during which an obligor is incarcerated.

(b)(1) Effective July 1, 2017, an obligor's duty to pay child support shall be suspended for any period during which the obligor is incarcerated unless the obligor has the means to pay child support while incarcerated.

(2) Effective July 1, 2017, a money judgment or child support order that is enforced by the Office of Child Support Enforcement under Title IV-D of the Social Security Act, 42 U.S.C. § 651 et seq., shall state that an obligor's duty to pay child support shall be suspended for any period during which the obligor is incarcerated unless the obligor has the means to pay child support while incarcerated.

(3) The court shall provide notice to the obligee and the office when the obligor's duty to pay child support is suspended under this section.

(c)(1) Upon the obligor's release from incarceration, the obligor's duty to pay child support shall resume in the amount specified in the child support order.

(2)(A) The obligor may petition the court for an adjustment of arrears pursuant to a suspension of the child support obligation under this section.

(B) An obligor who petitions the court for an adjustment of arrears shall provide the court with proof:

(i) Of the period of the obligor's incarceration;
and

(ii) That the obligor did not have the means to pay



child support during the period of his or her incarceration.

(C)(i) The obligor shall serve copies of the petition for an adjustment of arrears on the obligee and the office.

(ii) The obligee and the office may file an objection to the obligor's petition for an adjustment of arrears.

(D)(i) An obligor's arrears shall be adjusted after the court enters an order granting the obligor's petition for an adjustment of arrears.

(ii) Notwithstanding a suspension of an obligor's duty to pay child support under this section, the court may deny the obligor's petition for an adjustment of arrears if the court finds that the obligor was incarcerated for an offense under § 5-26-301 et seq. or as a result of the obligor's failure to comply with a court order to pay child support.

(d) On or before July 1, 2017, the Arkansas Judicial Council shall develop forms necessary for the implementation of this section."

The Amendment was read _____
By: Representative Fielding
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Chief Clerk