

INTERIM STUDY PROPOSAL 2023-092

1
2 State of Arkansas
3 94th General Assembly
4 Regular Session, 2023

A Bill

HOUSE BILL 1699

5
6 By: Representative L. Fite
7 By: Senator K. Hammer

8 Filed with: Arkansas Legislative Council
9 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

10
11 AN ACT TO STREAMLINE MODIFICATION OF CHILD SUPPORT
12 WHEN A PAYOR PARENT HAS BEEN RECENTLY RELEASED FROM
13 INCARCERATION TO PROVIDE FOR THE ACCURATE REFLECTION
14 OF THE PAYOR PARENT’S INCOME; TO REQUIRE THE DIVISION
15 OF CORRECTION TO SCREEN INMATES NEARING RELEASE FROM
16 INCARCERATION AND THE DIVISION OF COMMUNITY
17 CORRECTION TO SCREEN PAROLEES AND PROBATIONERS UNDER
18 SUPERVISION FOR EXISTING CHILD SUPPORT OBLIGATIONS;
19 TO PROVIDE FOR THE SHARING OF INFORMATION BETWEEN THE
20 OFFICE OF CHILD SUPPORT ENFORCEMENT AND THE DIVISION
21 OF CORRECTION, DIVISION OF COMMUNITY CORRECTION,
22 PAROLE OFFICERS, AND PROBATION OFFICERS IN ORDER TO
23 FACILITATE A RECENTLY INCARCERATED PARENT’S PROMPT
24 PAYMENT TOWARD THE SUPPORT OF HIS OR HER MINOR CHILD;
25 AND FOR OTHER PURPOSES.

Subtitle

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29 TO STREAMLINE MODIFICATION OF CHILD
30 SUPPORT WHEN A PAYOR PARENT IS RELEASED
31 FROM INCARCERATION; AND TO FACILITATE A
32 RECENTLY INCARCERATED PARENT’S PROMPT
33 PAYMENT TOWARD THE SUPPORT OF HIS OR HER
34 MINOR CHILD.

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

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3 SECTION 1. Arkansas Code § 9-14-107(a)(3), concerning incarceration of
4 a parent obligated to pay child support, is amended to add an additional
5 subdivision to read as follows:

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

9 (B)(i) A parent's release from incarceration 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, including without limitation when the child support order was
13 previously modified due to a determination of a material change of
14 circumstances that was based partially or wholly on the parent's
15 incarceration.

16 (ii) The Office of Child Support Enforcement shall
17 communicate and exchange information with the Division of Correction,
18 Division of Community Correction, parole officers, and probation officers
19 under § 16-93-112 in order to facilitate the modification of a child support
20 order when a parent with a child support obligation is released from
21 incarceration.

22 (C) The Department of Finance and Administration shall
23 promulgate rules to implement subsection (a)(3)(B) of this section.

24 ~~(B)(D)~~ As used in subdivision (a)(3)~~(A)~~ of this section,
25 "incarceration" means a conviction that results in a sentence of confinement
26 to a local jail, state or federal correctional facility, or state psychiatric
27 hospital for at least one hundred eighty (180) days, excluding credit for
28 time served before sentencing.

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30 SECTION 2. Arkansas Code § 9-14-208(b)(3), concerning the sharing of
31 information with the Office of Child Support Enforcement, is amended to read
32 as follows:

33 (3)(A) State or local government agencies, businesses, and
34 financial entities shall provide information if known or chronicled in their
35 business records, notwithstanding any other provision of law making the
36 information confidential.

1 (B)(i) The Division of Correction, Division of Community
2 Correction, parole officers, and probation officers shall communicate and
3 exchange information with the Office of Child Support Enforcement under § 9-
4 14-107 and § 16-93-112 in order to facilitate the modification of a child
5 support order when a parent with a child support obligation is released from
6 incarceration.

7 (ii) The Office of Child Support Enforcement shall
8 designate at least one (1) employee or officer to receive the information in
9 subdivision (b)(3)(B)(i) of this section.

10 (iii) The Department of Finance and Administration
11 shall promulgate rules to implement subsection (b)(3)(B) of this section.

12
13 SECTION 3. Arkansas Code Title 16, Chapter 93, Subchapter 1, is
14 amended to add an additional section to read as follows:

15 16-93-112. Child support order of released inmate – Information
16 sharing.

17 (a) The Division of Correction shall screen inmates nearing release
18 from incarceration and the Division of Community Correction shall screen
19 parolees and probationers under supervision for existing child support
20 orders.

21 (b) A parole officer, probation officer, or Division of Correction
22 official or Division of Community Correction official may access information
23 from the Office of Child Support Enforcement that is necessary to determine
24 if there is an existing child support order that requires an inmate nearing
25 release from incarceration, parolee, or probationer to pay for the support of
26 his or her minor child.

27 (c)(1) If a parole officer or probation officer has a parolee or
28 probationer who is a parent with an existing child support order under his or
29 her supervision, the parole officer or probation officer shall collect and
30 provide the Office of Child Support Enforcement with the following
31 information:

32 (A) The parolee or probationer's current:

33 (i) Residential address;

34 (ii) Mailing address;

35 (iii) Position of employment;

36 (iv) Employer;

- (v) Employer's address;
- (vi) Phone number or numbers; and
- (vii) Email address or addresses; and

(B) The time, date, and place of the parolee or probationer's next hearing.

(2) The parole officer or probation officer under subdivision (c)(1) of this section shall provide the required information to the Office of Child Support Enforcement within five (5) working days of receiving the information.

(3) The parole officer or probation officer under subdivision (c)(1) of this section shall provide any updated information listed under subdivision (c)(1) of this section that he or she receives to the Office of Child Support Enforcement within five (5) working days of receiving the updated information throughout the parolee's or probationer's term of supervision.

(4)(A) The Division of Correction shall provide a notice to the Office of Child Support Enforcement of an inmate nearing release who, upon release, will have fully served his or her sentence.

(B) The Division of Correction's notice under subdivision (c)(4)(A) of this section shall:

(i) Contain the date of the inmate's release and the residential address that the inmate is being released to; and

(ii) Be provided to the Office of Child Support Enforcement within five (5) working dates of the inmate's anticipated release.

(d) The Department of Corrections shall promulgate rules to implement this section.

SECTION 4. DO NOT CODIFY. Rules.

(a) When adopting the initial rules required under this act, the Department of Finance and Administration and the Department of Corrections shall file the final rules with the Secretary of State for adoption under § 25-15-204(f):

(1) On or before January 1, 2024; or

(2) If approval under § 10-3-309 has not occurred by January 1, 2024, as soon as practicable after approval under § 10-3-309.

1 (b) The Department of Finance and Administration and the Department of
2 Corrections shall file the proposed rules with the Legislative Council under
3 § 10-3-309(c) sufficiently in advance of January 1, 2024, so that the
4 Legislative Council may consider the rules for approval before January 1,
5 2024.

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8 Referred by Representative L. Fite

9 Prepared by: LHR/LHR

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