

State of Arkansas  
76th General Assembly  
Regular Session, 1987  
By: Representative Mahony

HOUSE BILL 1117

"AN ACT TO AMEND SECTIONS 6 AND 7 OF ACT 989 OF 1985 [ARK. STAT. 34-1224 AND 34-1225] DEFINING THE TERM 'ACCRUED ARREARAGE'; REQUIRING JUDGMENTS TO INDICATE THAT THE AMOUNT THEREOF IS SUBJECT TO INCOME WITHHOLDING; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 6 of Act 989 of 1985, the same being Arkansas Statute 34-1224, is hereby amended to read as follows:

"Section 6. (A) 'Accrued arrearage' means a delinquency owed under a court order or an order of an administrative process established under State law for support of any child or children which is past due and unpaid. Accrued arrearage may include past due support which has been reduced to a judgment if the support obligation under the order has not been terminated.

(B) 'Court or its representative' means the Chancery Court of this State or a similar district court of another state when the context so requires, a court official of the Chancery Court, or the state or local Child Support Enforcement attorney operating pursuant to an agreement with the court in cases related to Title IV-D of the Social Security Act.

(C) 'Non-custodial parent' means a natural or adoptive parent who does not reside with his or her dependent child.

(D) 'Payor' means an employer, person or legal entity which has or may have in the future in its possession moneys, income or periodic earnings due to the non-custodial parent. Payor shall include all agencies, boards, commissions, institutions, and other instrumentalities of the United States Government and the State of Arkansas and all cities of the first class, cities of the second class, incorporated towns and counties and their agencies, boards, commissions, institutions, and other instrumentalities, and school

districts."

SECTION 2. Section 7 of Act 989 of 1985, the same being Arkansas Statute 34-1225, is hereby amended to read as follows:

"Section 7. (a) In all decrees or orders which provide for the payment of money for the support and care of any child or children, the court shall include a provision directing a payor to deduct from money, income or periodic earnings due the non-custodial parent an amount which is sufficient to meet the periodic child support payments imposed by the court plus an additional amount equal to ten percent (10%) of the periodic child support payment to be applied toward liquidation of any accrued arrearage due under the order. The order of income withholding upon good cause shown may take effect immediately at the discretion of the court or with the consent of the non-custodial parent. Otherwise, it shall become effective when the requirements set forth in Section 15 of this Act have been satisfied.

(b) Income withholding shall apply to current and subsequent periods of employment (if used in employment) or remuneration, once activated.

(c) Any forms necessary to provide notice, affidavits, or any other matter which is required by this Act to enforce the payment of child support, shall be devised by the State Commission on Child Support with advice from the Arkansas Judicial Department. Upon the approval of said forms, they shall be used on a statewide basis. Any necessary changes in said forms shall be the responsibility of the Arkansas Supreme Court.

(d) All judgments for past due support shall include in the same paragraph denoting the judgment amount, a statement that the amount is subject to reduction through income withholding to put third parties on notice that the amount currently owed may differ from that reflected in the judgment."

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

