

State of Arkansas

76th General Assembly

Regular Session, 1987

AS ENGROSSED 2/11/87

HOUSE BILL 1348

By: Representative Mahony

"AN ACT TO AMEND SECTION 12 OF ACT 989 OF 1985 [ARK. STATS. 34-1230] AND SECTION 21 OF INITIATED ACT 4 OF 1949, AS AMENDED [ARK. STATS. 81-1321] RELATING TO THE APPLICABILITY OF INCOME WITHHOLDING FOR CHILD SUPPORT OBLIGATIONS TO WORKERS' COMPENSATION; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 12 of Act 989 of 1985, the same being Arkansas Statutes 34-1230, is hereby amended to read as follows:

"Section 12. (A) A payor may withhold up to two dollars and fifty cents (\$2.50) per pay period in addition to the court ordered income withholding amount for the administrative cost incurred in each withholding.

(B) The income withholding provisions of this Act shall not apply to unemployment compensation benefits except to the extent allowed by and pursuant to the procedure set forth in subsection (c) of Section 15 of Act 391 of 1941, as amended, the same being Arkansas Statutes Annotated 81-1118(c).

(C) The income withholding provisions of this Act shall not apply to workers' compensation benefits except to the extent allowed by and pursuant to the procedure set forth in Section 2 herein."

SECTION 2. Section 21 of Initiated Act 4 of 1949, as amended, the same being Arkansas Statutes 81-1321, is hereby amended to read as follows:

"Section 21. (A) The right to compensation shall not be assignable and shall not be subject to garnishment, attachment, levy, execution or any other legal process except for child support obligations. Money compensation to dependents of a deceased employee shall not constitute assets of the estate of the deceased employee and shall be payable to and for the benefit of the dependents alone.

(B) On or after the effective date of this Act, the Commission shall forward monthly a computer tape listing the name, address, and Social Security number, if available, on all persons for which the Commission has established a file during the preceding month to the Arkansas Child Support Enforcement Unit of the Division of Economic and Medical Services of the Department of Human Services. The computer tape shall also include the name of the worker's compensation carrier and the name of the employer. The same information shall be provided to individuals who apply for such with the commission on an individual employee to an individual certifying that they have an interest in the child support obligations of the employee on whom the information is requested.

(C) Amounts withheld from weekly compensation benefits for child support obligations shall not exceed twenty-five percent (25%) of the benefit amount and amounts withheld from a lump sum settlement on a joint petition for child support obligations shall not exceed fifty percent (50%) of the settlement amount.

(D) Any amount withheld under paragraph (C) shall be paid through the appropriate court payable to the person or agency to whom the obligation is payable.

(E) Any amount withheld pursuant to the provisions of this Act shall for all purposes be treated as if it were paid to the employee as workers' compensation and paid by the employee to the person or agency to whom the obligation is payable.

(F) The term "child support obligations" is defined for purposes of this section as only those support obligations which are contained in a decree or order of the Chancery Court or County Court which provides for the payment of money for the support and care of any child or children.

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

SECTION 4. This Act shall become effective August 1, 1987.

/s/Jody Mahony

