

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL

1977

By: Representatives Townsend, I. Brown and Walker

"AN ACT RELATING TO CHILD SUPPORT; TO REPEAL SUBSECTION (E) OF SECTION 9 OF CHAPTER 51 OF THE REVISED STATUTES [ARKANSAS STATS. 34-1211 (E)]; TO AMEND SECTIONS 23 AND 28 OF ACT 989 OF 1985 [ARKANSAS STATS. 34-1241 AND 34-1246]; TO AMEND SECTION 18 OF ACT 372 OF 1983 [ARKANSAS STATS. 84-4918]; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 23 of Act 989 of 1985, the same being Arkansas Statutes 34-1241, is hereby amended to read as follows:

"Section 23. The Child Support Enforcement Unit may charge a nonrefundable application fee of up to twenty-five dollars (\$25.00) to any person who contracts with the unit for any IV-D services for whom an assignment under Act 780 of 1983 is not in effect. This shall be known as a non-AFDC application fee and shall be a flat fee in an amount to be determined by the manager which shall be paid by the applicant from support collected by the Child Support Enforcement Unit."

SECTION 2. Section 18 of Act 372 of 1983, the same being Arkansas Statutes 84-4918 is hereby amended to read as follows:

"Section 18. (A) Regardless of any other provision of law no interest shall be paid any debtor on account of any amount set-off under the provisions of this Act. Where a debtor receives a partial refund after set-off under this Act, he shall be entitled to interest only on that portion of the refund which he actually receives and only where such interest is otherwise provided by law.

(B) If the debt for which a set-off is made is for child support accrued from a contract with the Child Support Enforcement Unit of the Department of

Human Services by an individual who is not the recipient of welfare assistance, the set-off shall be placed in an interest bearing account and the set-off and any interest shall be paid to the Department of Human Services. The Department of Human Services shall send the amount received in its entirety to the individual who contracted for assistance. The Department of Human Services shall notify the individual who contracted for assistance in writing within thirty (30) days after the set-off. The notice shall include the amount of the set-off, the date of the set-off, the name of the person from whom the set-off has been made, the name of the child, the date that the payment will be made to the individual and the interest rate that will be paid.

SECTION 3. All clients of the Child Support Enforcement Unit of the Department of Human Services who are certified for a tax offset for child support from the same person shall be entitled to claim a portion of the person's Arkansas Income Tax refund collected by the Unit pursuant to Act 372 of 1983, as amended. The amount of the refund shall be distributed equally to each client certified for a tax offset.

SECTION 4. Section 28 of Act 989 of 1985, the same being Arkansas Statutes 34-1246 is hereby amended to read as follows:

"Section 28. There shall be no filing fee, service fee or other cost collected from the Child Support Enforcement Unit or any attorney acting on their behalf for actions brought under the Uniform Reciprocal Enforcement of Support Act. In an action to enforce child support rights there shall be no filing fee, service fee or other cost collected from a person who contracts with the Child Support Enforcement Unit for non-AFDC assistance. The court may direct such fees and costs to be paid by the non-custodial parent to the clerk of the court and the sheriff upon adjudication of the case. The clerk and sheriff may collect fees in all other cases from the unit by submitting monthly or quarterly statements for their services. Each statement shall clearly note the full name of the non-custodial parent thereon. No clerk or sheriff may refuse service to the unit or their attorney for its failure to pay such fees in advance."

SECTION 5. An action to recover delinquent child support payments shall be commenced on or before five (5) years after the date that the child reaches

the age eighteen (18) or is emancipated or dies. In an action to recover child support payments all delinquent child support payments, dating back to the initial child support judgement, may be recovered. This section shall not apply to any action that was barred by the operation of law prior to the effective date of this Act.

SECTION 6. Subsection (E) of Section 9 of Chapter 51 of the Revised Statutes, as amended, the same being Arkansas Statutes 34-1211(E), and which provided for a fee on child support payments paid through the Registry of the Court is hereby repealed.

SECTION 7. All laws and parts of laws in conflict with this Act are hereby repealed.

