

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **First Extraordinary Session, 1994**  
4 **By: Representatives Mahony and Northcutt**

**Call Item**

# **A Bill**

**HOUSE BILL**

## **For An Act To Be Entitled**

8 "AN ACT AMENDING ARKANSAS CODE ANNOTATED §§ 9-14-218(a)(3)  
9 AND 9-14-228 TO CONFORM WITH FEDERAL REQUIREMENTS SET  
10 FORTH IN TITLE IV-D OF THE SOCIAL SECURITY ACT AND  
11 IMPLEMENTING REGULATIONS FOR IMMEDIATE INCOME WITHHOLDING  
12 OF CHILD SUPPORT; AND TO DECLARE AN EMERGENCY; AND FOR  
13 OTHER PURPOSES."

## **Subtitle**

14  
15 "TO CONFORM ARKANSAS LAW ON IMMEDIATE  
16 INCOME WITHHOLDING OF CHILD SUPPORT WITH  
17 FEDERAL REQUIREMENTS."  
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19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code § 9-14-218(a)(3) is hereby amended to read as  
23 follows:

24 "(a)(3) Beginning January 1, 1994, all support orders issued shall  
25 include a provision for immediate implementation of income withholding, absent  
26 a finding of good cause not to require immediate income withholding or a  
27 written agreement of the parties incorporated in the order setting forth an  
28 alternative agreement. Beginning January 1, 1994, all modified support orders  
29 shall include a provision for immediate implementation of income withholding,  
30 absent a finding of good cause not to require immediate income withholding or  
31 a written agreement of the parties incorporated in the order setting forth an  
32 alternative agreement and upon proof of timely payments."  
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34 SECTION 2. Arkansas Code § 9-14-228 is hereby amended to read as  
35 follows:

1 "9-14-228. Income withholding - Procedures for payor.

2 (a) (1) A payor shall withhold the amount indicated in the notice from  
3 money, income, or periodic earnings due the noncustodial parent and remit the  
4 amount in the manner set forth in the notice.

5 (2) Payments are to be made at the same time the noncustodial  
6 parent is paid. The payor shall identify the date of income withholding on  
7 each payment.

8 (3) The amount withheld, when added to the administrative fee  
9 charged by the payor, shall not exceed the maximum limit under Section 303(b)  
10 of the Consumer Credit Protection Act if the payor is an employer of the  
11 noncustodial parent.

12 (b) A payor may combine and remit one (1) single withholding payment  
13 from several noncustodial parents so long as the payee for all payments is  
14 identical and the payment is accompanied by sufficient information to identify  
15 that portion of the payment which is attributable to each of the noncustodial  
16 parents and the date of income withholding for each payment.

17 (c) (1) If there is more than one notice for income withholding against  
18 a single noncustodial parent, the employer shall allocate amounts available  
19 for withholding giving priority to current support up to the limits imposed  
20 under Section 303(b) of the Consumer Credit Protection Act if the payor is an  
21 employer of the noncustodial parent. The employer shall disburse to the payee  
22 designated in each income withholding order an amount for current support  
23 which bears the same ratio to the aggregate amount withheld for current  
24 support as the amount designated for current support in such order bears to  
25 the aggregate of all amounts designated for current support in all the  
26 withholding orders.

27 (2) If the total to be withheld for current and past-due support  
28 exceeds Consumer Protection Act limitations and if all withholding orders for  
29 current support have been satisfied, the employer shall disburse to the payee  
30 designated in each income withholding order an amount for past-due support  
31 that bears the same ratio to the aggregate amount withheld for past-due  
32 support as the amount designated for past-due support in such order bears to  
33 the aggregate of all amounts designated for past-due support in all the  
34 withholding orders.

35 (d) The payor shall implement withholding no later than the first pay

1 period that occurs after fourteen (14) days following the date the notice was  
2 mailed."

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4 SECTION 3. All provisions of this act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 4. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

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14 SECTION 5. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

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17 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the  
18 Seventy-Ninth General Assembly that Arkansas law governing immediate income  
19 withholding does not conform with current federal requirements set forth in  
20 Title IV-D of the Social Security Act and implementing regulations; that  
21 failure to immediately remedy the law by legislative action will place Title  
22 IV-D and Aid to Families With Dependent Children funding in jeopardy.  
23 Therefore, an emergency is hereby declared to exist and this act being  
24 necessary for the immediate preservation of the public peace, health and  
25 safety shall be in full force and effect from and after its passage and  
26 approval.

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