

1 **State of Arkansas**
2 **79th General Assembly**
3 **First Extraordinary Session, 1994**
4 **By: Senators Bell, Bookout, Russ and Dowd**

Call Item 10

A Bill

SENATE BILL 9

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."
18

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 or order for income withholding*
18 *for current child support against a non-custodial parent, and the total amount*
19 *requested exceeds the limits imposed under the Consumer Credit Protection Act,*
20 *the payor shall make pro rata disbursements. Pro rata being the proportionate*
21 *amount each notice or order bears to the total amount due for current support*
22 *under all notices and orders.*

23 (2) *If the total to be withheld for current and past-due support*
24 *exceeds Consumer Credit Protection Act limits and if all notices and orders*
25 *for current support have been satisfied, the payor shall make pro rata*
26 *disbursements of the remaining amount available for disbursement for each*
27 *notice or order involving past due support. Pro rata being the proportionate*
28 *amount each notice or order for past due support bears to the total amount due*
29 *for past due support under all notices and orders.*

30 (3) *The Office of Child Support Enforcement shall notify employers of*
31 *this change from _first-come first-serve_ to _pro rata_ in the treatment of*
32 *multiple income withholding notices and orders for child support. Further,*
33 *the Office of Child Support Enforcement shall take steps through public*
34 *information activities to inform the public of this change. As far as*
35 *practical, the Office of Child Support Enforcement shall consolidate multiple*

1 income withholding notices and orders involving the same payor and non-
2 custodial parent through issuance of a single notice to the payor under the
3 notification procedures set out under Arkansas Code Annotated §9-14-222,
4 delineating the amounts of pro rata disbursements to be made by the payor in
5 Title IV-D cases.

6 (d) The payor shall implement withholding no later than the first pay
7 period that occurs after fourteen (14) days following the date the notice was
8 mailed."

9
10 SECTION 3. Arkansas Code Annotated §9-14-222(d)(10) is hereby amended
11 to read as follows:

12 "(10) That if the payor is already under an income withholding order
13 under this subchapter, then the payor must make disbursements under each
14 income withholding notice or order under the procedures for the payor provided
15 under Arkansas Code Annotated §9-14-228;"

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

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21 SECTION 5. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 6. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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30 SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the
31 Seventy-Ninth General Assembly that Arkansas law governing immediate income
32 withholding does not conform with current federal requirements set forth in
33 Title IV-D of the Social Security Act and implementing regulations; that
34 failure to immediately remedy the law by legislative action will place Title
35 IV-D and Aid to Families With Dependent Children funding in jeopardy.

1 Therefore, an emergency is hereby declared to exist and this act being
2 necessary for the immediate preservation of the public peace, health and
3 safety shall be in full force and effect from and after its passage and
4 approval.

5 */s/Bell, et al*

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As Engrossed: 3/1/94

SB 9

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