

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Mahony

A Bill

SENATE BILL 757

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE § 9-14-204 TO PROVIDE FOR AN
9 EXPEDITED PROCESS IN IV-D CHILD SUPPORT AND PATERNITY
10 CASES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

13 "TO AMEND A.C.A. § 9-14-204 TO PROVIDE
14 FOR AN EXPEDITED PROCESS IN IV-D CHILD
15 SUPPORT AND PATERNITY CASES."

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Annotated § 9-14-204 is hereby amended to
20 read as follows:

21 "9-14-204. Hearings for enforcement of support orders.

22 (a)(1) Hearings in all child support cases and paternity cases brought
23 pursuant to §§ 9-10-101 et seq. and 9-27-301 et seq. shall be heard within a
24 reasonable period of time following service of process in each county in the
25 state.

26 (2) In each of the seventy-five (75) counties of this state, the
27 chancery or juvenile judge or judges of the judicial district for the county
28 may designate at least one (1) day per month, and shall designate additional
29 days each month when expedited process is not met in the preceding quarter,
30 in each county to docket and hear matters concerning the establishment and
31 enforcement of support orders and paternity. These dates shall be publicized
32 in the court calendar for the judicial district each calendar year, clearly
33 noting the county and time of day the court shall commence to sit on these
34 matters.

35 (3)(A) In addition, in all actions in which delinquency or other

1 support-related noncompliance has been identified, cases brought pursuant to
2 Title IV-D of the Social Security Act shall be completed from time of
3 delinquency or location of the noncustodial parent by the Office of Child
4 Support Enforcement, whichever is later, to the time of disposition within
5 the following time periods within each judicial district:

6 (i) No more than thirty (30) calendar days if
7 service of process is not needed; or

8 (ii) In cases where service of process is required,
9 the chancery or juvenile judge or judges of a judicial district shall hear
10 and dispose of seventy-five percent (75%) of all Title IV-D cases within
11 forty-five (45) days after filing when service is obtained; however, when
12 there is a need for relocation of the noncustodial party in order to achieve
13 service, the forty-five (45) day time period shall not commence until filing
14 of the court's last order to appear and show cause or subsequent other
15 pleading or order necessary to proceed with service.

16 (B) In addition, in all Title IV-D actions:

17 (i) The sheriff of the county in which the case is
18 filed shall use diligent efforts to obtain service of process on the
19 noncustodial parent within ten (10) days from the date of a service request
20 and, if service of process is not accomplished within ten (10) days, the
21 sheriff shall return the service papers to the requesting party and note
22 specifically the reasons for nonservice. The return shall be filed with the
23 clerk within eleven (11) days of the request for service whether the return
24 is based on service or nonservice;

25 (ii) Pursuant to § 16-20-101, the clerk of the court
26 shall file or docket all Title IV-D cases, pleadings, and orders on the date
27 received, but no later than close of business the following business day
28 after the cases, pleadings, or orders are received in the clerk's office.
29 Filed cases, pleadings, orders, or court documents in all Title IV-D cases
30 shall be returned or made available to the filing party immediately
31 thereafter.

32 (C) All actions to establish paternity and support
33 obligations in cases brought pursuant to Title IV-D of the Social Security
34 Act shall be completed from time of service to the time of disposition within
35 the following time periods within each judicial district:

- 1 (i) Seventy-five percent (75%) in six (6) months;
- 2 (ii) Ninety percent (90%) in twelve (12) months.

3 (D) When calculating these rates of disposition:

4 (i) The percentages will be based upon a comparison
5 of all disposed cases to the total of all filed cases for the preceding
6 quarter, within each judicial district which have been brought pursuant to
7 Title IV-D of the Social Security Act; and

8 (ii) In any jurisdiction in which twenty (20) or
9 fewer Title IV-D cases have been filed during the preceding quarter, when
10 applying the percentages set forth in this subdivision, the next lowest whole
11 number will be utilized for purposes of measurement of compliance.

12 (E) These calculations will be for the quarter ending
13 April 1, 1995 , and each three (3) months thereafter.

14 (b)(1) The chancery or juvenile judge or judges of a judicial district
15 shall provide for expedited support and paternity hearings in each county of
16 the district. The Chief Justice of the Arkansas Supreme Court shall direct
17 the redistribution of case load assignments or appoint an additional chancery
18 or juvenile judge or judges to hear Title IV-D cases and assist the county or
19 judicial district and to serve in accordance with this section, if necessary,
20 to meet the time requirements for processing Title IV-D cases.

21 (2) Upon agreement of chancery and juvenile judges and clerks in
22 counties selected by the Office of Child Support Enforcement, the Office
23 shall designate up to ten (10) counties of various populations, geographic
24 locations, and economic development for test purposes and to conduct
25 demonstration projects for expedited process to determine the feasibility of
26 implementing innovative policies, procedures, practices, and techniques,
27 including but not limited to a quasi-judicial process, in the establishment
28 of paternity, child support, and enforcement of child support orders pursuant
29 to Title IV-D. The Office of Child Support Enforcement shall notify and
30 obtain the agreement of all affected judges and clerks in each of the
31 designated counties of their selection thirty (30) days prior to
32 implementation of the demonstration project. Such demonstration projects
33 shall automatically terminate by operation of law on April 1, 2001, or may be
34 extended upon application by the Office of Child Support Enforcement and
35 consent of the Governor.

1 (c) The compensation to be allowed a chancery or juvenile judge
2 appointed under this section shall be as prescribed by current law for
3 appointed chancery or juvenile judges.

4 (d) The appointed chancery or juvenile judge shall have the same
5 authority and power as a chancery or juvenile judge to issue any and all
6 process in conducting hearings and other proceedings in accordance with this
7 section. In addition, the appointed chancery or juvenile judge shall have
8 those powers as other judges under state and federal law and Title IV-D of
9 the Social Security Act. The Chief Justice of the Arkansas Supreme Court may
10 recall from retirement a chancery or juvenile judge and appoint same pursuant
11 to this section to assist the state in meeting the required time frames noted
12 above.

13 (e) The Office of Child Support Enforcement of the Revenue Division of
14 the Department of Finance and Administration shall furnish to the
15 Administrative Office of the Courts caseload information and data regarding
16 the Title IV-D cases filed by the attorneys for the State of Arkansas."

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18 SECTION 2. Arkansas Code Annotated § 9-10-107 is hereby repealed.

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

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24 SECTION 4. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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

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33 SECTION 6. EMERGENCY. It is hereby found and determined by the
34 General Assembly that it is in the best interests of the people of the state
35 of Arkansas that child support orders be enforced and that child support

1 collected in the most expedient manner and that a smooth transition from
2 current requirements to those of this act require that such provisions become
3 effective immediately upon passage and approval of this act. Therefore, an
4 emergency is declared to exist and this act being necessary for the
5 preservation of the public peace, health and safety shall be in full force
6 and effect from and after its passage and approval.

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