

State of Arkansas  
86th General Assembly  
Regular Session, 2007

# A Bill

SENATE BILL 811

By: Senator Trusty

## For An Act To Be Entitled

AN ACT TO REQUIRE REFERRALS FOR THE CRIMINAL  
PROSECUTION OF CERTAIN CASES OF NONPAYMENT OF  
CHILD SUPPORT; AND FOR OTHER PURPOSES.

## Subtitle

TO REQUIRE REFERRALS FOR THE CRIMINAL  
PROSECUTION OF CERTAIN CASES OF  
NONPAYMENT OF CHILD SUPPORT.

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

SECTION 1. Arkansas Code Title 9, Chapter 14, Subchapter 2 is amended to add an additional section to read as follows:

9-14-241. Referrals for criminal prosecution.

(a) The Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration shall refer to the prosecuting attorney of the appropriate judicial district for prosecution under § 5-26-401 and any other applicable criminal statute, all cases in which:

(1) The Office of Child Support Enforcement has had enforcement responsibility for at least twelve (12) consecutive months;

(2) More than ten thousand dollars (\$10,000) in child support is owed and remains unpaid; and

(3) Regular child support payments are not being received.

(b) A referral under subsection (a) of this section shall contain the following information:

(1) An affidavit signed by the custodian of the child receiving court ordered child support payments stating:



1                   (A) Whether or not anything of value has been received  
2 from the person obligated to make the child support payments in lieu of child  
3 support payments;

4                   (B) Any known income sources of the person obligated to  
5 make the child support payments; and

6                   (C) A request that the criminal offense of nonsupport be  
7 prosecuted;

8                   (2) An affidavit from the Office of Child Support Enforcement  
9 detailing the:

10                   (A) Date the child support arrearage began to accrue;

11                   (B) Name of each recipient and the amount of unpaid child  
12 support owed to each recipient; and

13                   (C) Last known address of the person obligated to make the  
14 child support payments;

15                   (3) A certified copy of the court order and any modifications of  
16 the court order mandating payment of child support;

17                   (4) A certified copy of the payment history of the person  
18 obligated to make the child support payments; and

19                   (5) A list of possible witnesses and known contact information.

20                   (c) Within thirty (30) days of receiving a referral under this  
21 section, the prosecuting attorney will send the Office of Child Support  
22 Enforcement a:

23                   (1) Copy of the criminal information or arrest warrant if a  
24 decision to file charges has been made; or

25                   (2) Notice of any deficiencies in the referral.

26                   (d) Nothing in this section limits the ability of the Office of Child  
27 Support Enforcement with respect to a case over which it has enforcement  
28 responsibility to:

29                   (1) Refer the case for criminal prosecution if the elements of  
30 the crime of nonsupport under § 5-26-401 appear to be present; or

31                   (2) Continue to pursue all available civil remedies in  
32 connection with the case.