

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 260

4
5 By: Senator Broadway
6
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For An Act To Be Entitled

8
9 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS
10 CODE CONCERNING CHILD SUPPORT ENFORCEMENT; AND
11 FOR OTHER PURPOSES.
12

Subtitle

13
14 TO AMEND VARIOUS SECTIONS OF THE
15 ARKANSAS CODE CONCERNING CHILD SUPPORT
16 ENFORCEMENT.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 9-14-107(b) is amended to read as follows:

22 (b)(1) A change in a parent's ability to provide health insurance as
23 defined in subdivision (b)(2) of this section shall constitute a material
24 change of circumstances sufficient to petition the court for modification of
25 child support according to the guidelines for child support and the family
26 support chart.

27 (2)(A) For purposes of this section, "ability to provide health
28 insurance" means that a parent can obtain health insurance through his or her
29 employer or other group health insurance.

30 ~~(B) Health insurance shall be considered reasonable in~~
31 ~~cost if it is employment related or is other group health insurance,~~
32 ~~regardless of the service delivery mechanism.~~

33 (3) In no event shall eligibility for or receipt of Medicaid be
34 considered adequate provision for the child's health care needs in a child
35 support award.
36



1 SECTION 2. Arkansas Code § 9-14-107(c), concerning the review of child
 2 enforcement cases, is amended to read as follows:

3 (c)(1) The Office of Child Support Enforcement of the Revenue Division
 4 of the Department of Finance and Administration shall at least each three (3)
 5 years, without regard to a material change of circumstances, review cases in
 6 its enforcement caseload where there has been an assignment under Title IV-A
 7 of the Social Security Act or upon the request of either parent and petition
 8 for adjustment if appropriate.

9 ~~(e)(2)~~ An inconsistency between the existent child support award
 10 and the amount of child support that results from application of the family
 11 support chart shall constitute a material change of circumstances sufficient
 12 to petition the court for modification of child support according to the
 13 family support chart after appropriate deductions unless:

14 ~~(1)(A)~~ The inconsistency does not meet a reasonable
 15 quantitative standard established by the State of Arkansas in accordance with
 16 subsection (a) of this section; or

17 ~~(2)(B)~~ The inconsistency is due to the fact that the
 18 amount of the current child support award resulted from a rebuttal of the
 19 guideline amount and there has not been a change of circumstances that
 20 resulted in the rebuttal of the guideline amount.

21
 22 SECTION 3. Arkansas Code § 9-14-201(2), concerning the definition of
 23 child support order, is amended to read as follows:

24 (2) "Child support order" or "support order" means a judgment, decree,
 25 or order, whether temporary, final, or subject to modification, issued by a
 26 court or an administrative agency of competent jurisdiction for the support
 27 and maintenance of a child, including a child who has attained the age of
 28 majority under the law of the issuing state, or of the parent with whom the
 29 child is living, that provides for monetary support, health care, including
 30 health insurance or cash medical support, arrearages, or reimbursement, and
 31 that may include related costs and fees, interest and penalties, income
 32 withholding, attorney's fees, and other relief;

33
 34 SECTION 4. Arkansas Code § 9-14-208 (c) and (d), concerning obtaining
 35 information on a noncustodial parent, are amended to read as follows:

36 (c) Any business or financial entity that has received a request ~~from~~

1 ~~the Office of Child Support Enforcement~~ as provided by subsection (b) of this
 2 section from the Office of Child Support Enforcement or from a child support
 3 enforcement program administered by any other state under Title IV-D of the
 4 Social Security Act shall further cooperate with the Office of Child Support
 5 Enforcement or a requesting state in discovering, retrieving, and
 6 transmitting information contained in the business records that would be
 7 useful in locating absent parents or in establishing or enforcing child
 8 support orders on absent parents, and shall provide the requested
 9 information, or a statement that any or all of the requested information is
 10 not known or available to the business or financial entity. This shall be
 11 done within thirty (30) days of receipt, of the request or the business or
 12 financial entity shall be liable for civil penalties of up to one hundred
 13 dollars (\$100) for each day after the thirty-day period in which it fails to
 14 provide the information so requested.

15 (d) Any business or financial entity, or any officer, agent or
 16 employee of such an entity, participating in good faith and providing
 17 information requested under this section, shall be immune from liability and
 18 suit for damages that might otherwise result from the release of the
 19 information to the Office of Child Support Enforcement or to a child support
 20 enforcement program administered by a requesting state.

21
 22 SECTION 5. Arkansas Code § 9-14-504(a)(2), concerning communications
 23 with the custodial parent, is amended to read as follows:

24 (2) Respond to requests concerning information necessary to
 25 determine coverage status, claims status, health policy plan, or benefits for
 26 minor children for whom services are provided under Title IV-D of the Social
 27 Security Act regardless of the identity of the policyholder if the policy
 28 covers the child or to obtain benefits through coverage for minor children;
 29 and