

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/10/17

A Bill

HOUSE BILL 2037

5 By: Representative Fielding
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING CHILD SUPPORT; AND
9 FOR OTHER PURPOSES.

Subtitle

10 TO AMEND THE LAW CONCERNING CHILD
11 SUPPORT.
12

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
14
15

16
17 *SECTION 1. Arkansas Code Title 9, Chapter 14, Subchapter 2, is amended*
18 *to add an additional section to read as follows:*

19 *9-14-243. Suspension of child support obligation – Definitions.*

20 *(a) As used in this section:*

21 *(1) "Incarcerated" includes but is not limited to involuntary*
22 *confinement to a state prison, county jail, juvenile facility, or a mental*
23 *health facility; and*

24 *(2) "Suspend" means the modification of a child support payment*
25 *to zero dollars (\$0.00) for the period during which an obligor is*
26 *incarcerated.*

27 *(b)(1) Effective July 1, 2017, an obligor's duty to pay child support*
28 *shall be suspended for any period during which the obligor is incarcerated*
29 *unless the obligor has the means to pay child support while incarcerated.*

30 *(2) Effective July 1, 2017, a money judgment or child support*
31 *order that is enforced by the Office of Child Support Enforcement under Title*
32 *IV-D of the Social Security Act, 42 U.S.C. § 651 et seq., shall state that an*
33 *obligor's duty to pay child support shall be suspended for any period during*
34 *which the obligor is incarcerated unless the obligor has the means to pay*
35
36



1 child support while incarcerated.

2 (3) The court shall provide notice to the obligee and the office
3 when the obligor's duty to pay child support is suspended under this section.

4 (c)(1) Upon the obligor's release from incarceration, the obligor's
5 duty to pay child support shall resume in the amount specified in the child
6 support order.

7 (2)(A) The obligor may petition the court for an adjustment of
8 arrears pursuant to a suspension of the child support obligation under this
9 section.

10 (B) An obligor who petitions the court for an adjustment
11 of arrears shall provide the court with proof:

12 (i) Of the period of the obligor's incarceration;
13 and

14 (ii) That the obligor did not have the means to pay
15 child support during the period of his or her incarceration.

16 (C)(i) The obligor shall serve copies of the petition for
17 an adjustment of arrears on the obligee and the office.

18 (ii) The obligee and the office may file an
19 objection to the obligor's petition for an adjustment of arrears.

20 (D)(i) An obligor's arrears shall be adjusted after the
21 court enters an order granting the obligor's petition for an adjustment of
22 arrears.

23 (ii) Notwithstanding a suspension of an obligor's
24 duty to pay child support under this section, the court may deny the
25 obligor's petition for an adjustment of arrears if the court finds that the
26 obligor was incarcerated for an offense under § 5-26-301 et seq. or as a
27 result of the obligor's failure to comply with a court order to pay child
28 support.

29 (d) On or before July 1, 2017, the Arkansas Judicial Council shall
30 develop forms necessary for the implementation of this section.

31 /s/Fielding
32
33
34
35
36