

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 311

5 By: Senator A. Clark
6 By: Representative Haak
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE AWARD OF CHILD
10 SUPPORT; TO AMEND THE LIMITATIONS PERIOD FOR WHEN A
11 PETITION FOR AN INITIAL ORDER OF CHILD SUPPORT MAY BE
12 SOUGHT; TO AMEND THE PERIOD OF TIME FOR WHICH
13 RETROACTIVE CHILD SUPPORT MAY BE AWARDED; AND FOR
14 OTHER PURPOSES.

Subtitle

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18 TO AMEND THE LIMITATIONS PERIOD FOR WHEN
19 A PETITION FOR AN INITIAL ORDER OF CHILD
20 SUPPORT MAY BE SOUGHT AND THE PERIOD OF
21 TIME FOR WHICH RETROACTIVE CHILD SUPPORT
22 MAY BE AWARDED.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 9-14-105 is amended to read as follows:
28 9-14-105. Petition for support – Definitions – Limitations period.

29 (a) The circuit courts in the several counties in this state shall
30 have exclusive jurisdiction in all civil cases and matters relating to the
31 support of a minor child ~~or support owed to a person eighteen (18) or older~~
32 ~~that accrued during that person's minority.~~

33 (b) The following may file a petition to require the parent or parents
34 of a minor child to provide support for the minor child:

- 35 (1) Any parent having physical custody of a minor child;
- 36 (2) Any other person or agency to whom physical custody of a



1 minor child has been given or relinquished;

2 (3) A minor child by and through his or her guardian or fictive
3 kin; or

4 (4) The Office of Child Support Enforcement of the Revenue
5 Division of the Department of Finance and Administration when a person to
6 whom physical custody has been relinquished or awarded, parent, or putative
7 father:

8 (A) Is receiving assistance under the Transitional
9 Employment Assistance Program, Medicaid, the Supplemental Nutrition
10 Assistance Program, or the Foster Care Program of Title IV-E of the Social
11 Security Act, 42 U.S.C. § 670 et seq.;

12 (B) Is receiving child support services under 45 C.F.R.
13 §302.33, as it existed on ~~January 1, 2021~~ January 1, 2023; or

14 (C) Has contracted with the Department of Finance and
15 Administration for child support services.

16 ~~(e) Any person eighteen (18) years of age or above to whom support was
17 owed during his or her minority may file a petition for a judgment against
18 the nonsupporting parent or parents. Upon hearing, a judgment may be entered
19 upon proof by a preponderance of the evidence for the amount of support owed
20 and unpaid.~~

21 ~~(d)~~(c) As used in this subchapter:

22 (1) "Minor child" means a child less than eighteen (18) years of
23 age; and

24 (2) "Payor parent" means a parent with an obligation to pay
25 support.

26 ~~(e) Any action filed pursuant to this subchapter may be brought at any
27 time up to and including five (5) years from the date the child reaches
28 eighteen (18) years of age.~~

29 ~~(f)~~(d) This section shall apply to all actions pending as of March 29,
30 1991, and filed thereafter and shall retroactively apply to all child support
31 orders now existing.

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33 SECTION 2. Arkansas Code § 9-14-106 is amended to read as follows:

34 9-14-106. Parents – Amount of support – Definition – Retroactivity of
35 initial order.

36 (a)(1)(A) In determining a reasonable amount of support initially or

1 upon review to be paid by a parent, the court shall refer to the most recent
2 revision of the family support chart.

3 (B) It shall be a rebuttable presumption for the award of
4 child support that the amount contained in the family support chart is the
5 correct amount of child support to be awarded.

6 (C) Only upon a written finding that the application of
7 the family support chart would be unjust or inappropriate as determined under
8 established criteria set forth in the family support chart shall the
9 presumption be rebutted.

10 (D)(i) The incarceration of a parent shall not be treated
11 as voluntary unemployment for purposes of determining a reasonable amount of
12 support either initially or upon review.

13 (ii) As used in subdivision (a)(1)(D)(i) of this
14 section, "incarceration" means a conviction that results in a sentence of
15 confinement to a local jail, state or federal correctional facility, or state
16 psychiatric hospital for at least one hundred eighty (180) days, excluding
17 credit for time served before sentencing.

18 (2)(A) The court may provide for a partial abatement or
19 reduction of the stated child support amount for any period of extended
20 visitation with the payor parent.

21 (B) The court shall consider whether an adjustment in
22 child support is appropriate, giving consideration to the fixed obligations
23 of the physical custodian or payee parent that are attributable to the minor
24 child, to the increased costs of the payor parent associated with the minor
25 child's visit, and to the relative incomes of both parents.

26 (C) Abatement or reduction of the family support chart
27 amount and justification of the abatement or reduction shall be clearly set
28 forth in the written findings of the court.

29 (D)(i) The payor parent shall provide written notification
30 within ten (10) days, when abatement or reduction of child support should
31 occur due to extended visitation, to the clerk of the court responsible for
32 receipt of the child support payment, the payor parent's employer, if income
33 withholding is in effect, and the Office of Child Support Enforcement of the
34 Revenue Division of the Department of Finance and Administration when
35 applicable.

36 (ii) It is the responsibility of the payor parent to

1 notify the clerk of the court responsible for receipt of the child support
2 payment, the payor parent's employer, if income withholding is in effect, and
3 the office, when applicable, when abatement or reduction should stop and
4 payment of child support should resume.

5 (E) If the payor parent fails to exercise extended
6 visitation periods, the child support shall not be abated or reduced.

7 (b) Subsequent to the finding by the court that the payor parent
8 should be ordered to pay support for the minor child, the court shall follow
9 the same procedure and requirements as set forth in the laws of this state
10 applicable to child support orders and judgments entered by the circuit
11 courts in cases involving separation or divorce of the parents of the minor
12 child.

13 (c)(1) An initial support order for child support may be made
14 retroactive only to the date that the payor parent was served with the
15 petition, complaint, or other initial pleading.

16 (2) As used in this section:

17 (A) "Initial support order" means the same as defined in §
18 9-14-236; and

19 (B) "Payor parent" means the same as defined in § 9-14-
20 201.

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