

SENATE AMENDMENT 2 TO sb31.

inserting "and refiling fee" on line 9 of page 3 between "case" and "and"

AND

by inserting "- Administrative orders for paternity testing" on line 19 of page 3 between "orders" and "."

AND

by deleting "(b)" on line 23 of page 3 and substituting "(b)(1)"

AND

by deleting "presumed mother, that he" on line 27 of page 3 and substituting "mother, as appropriate, that he or she"

AND

by inserting "and the mother" on line 28 of page 3 between "father" and "of"

AND

by deleting lines 32 through 36 of page 3 in their entirety and substituting:

"(2) In all cases brought pursuant to Title IV-D of the federal Social Security Act, upon request of the mother, alleged father, or the Office of Child Support Enforcement, the Office of Child Support Enforcement may issue an administrative order for paternity testing which requires the mother, alleged father, and"

AND

by deleting "(1)" on line 2 of page 4 and substituting "(A)"

AND

by deleting "(2) Said paternity" on line 5 of page 4 and substituting "(B) Paternity"

AND

by deleting "(3)" on line 8 of page 4 and substituting "(C)"

AND

by deleting ";" on line 10 of page 4 and substituting "to be"

AND

by deleting "said administrative hearing shall be" on line 11 of page 4;

AND

by deleting "(i)" on line 13 of page 4 and substituting "(3) (A)"

AND

by deleting lines 15 and 16 of page 4 in their entirety and substituting "reasonable possibility of access to the mother during the probable period of conception; or"

AND

by deleting "(ii)" on line 17 of page 4 and substituting "(B)"

AND

by deleting lines 18 and 19 of page 4 in their entirety and substituting "facts refuting access to the mother during the probable period of conception."

AND

by deleting lines 21 through 24 of page 4 in their entirety and substituting "costs of administrative paternity testing, but those costs shall be assessed against the alleged father if paternity is established or against the mother if the alleged father is excluded as the biological father. Recovery by the Office of Child Support Enforcement through all available processes shall be initiated, including income withholding, when appropriate."

AND

by deleting "contestant" on line 28 of page 4 and substituting "party"

AND

deleting "within twenty (20) days after receiving" on line 31 of page 4

AND

by deleting "paternity and" on line 33 of page 4

AND

by inserting ", as appropriate" on line 34 of page 4 between "thereof" and "."

AND

by deleting lines 27 and 28 of page 17 in their entirety and substituting "(6) State or local government agency means any department, board, bureau, commission, office, or other agency of this state or any local unit of government of this state."

AND

by inserting "or local government" on line 35 of page 17 between "state" and "agencies"

AND

by overstriking "The state" on line 2 of page 18 and substituting "State and local government"

AND

by deleting lines 27 through 31 of page 18 in their entirety

AND

by inserting two new subdivisions beginning on line 20 of page 19 to read as follows:

"(1) Prosecutions for violations of this section shall be in Pulaski County circuit court;

(2) In any civil action to enforce the provisions of this subchapter, the prevailing party may be allowed a reasonable attorney s fee to be assessed by the court and collected as costs."

AND

by deleting "shall submit" on line 34 of page 23 and substituting "is the noncustodial parent or the physical custodian who submits"

AND

by deleting "must set out" on line 36 of page 23 and substituting "which sets out the"

AND

by deleting "mail" on line 2 of page 24 and substituting "submit"

AND

by deleting "by first class mail" on line 4 of page 24

AND

by deleting "ten (10)" on line 8 of page 24 and substituting "twenty (20)"

AND

by deleting line 10 of page 24 in its entirety and substituting: "court order which enjoins disclosure or otherwise restricts"

AND

by deleting "limits" on line 11 of page 24

AND

by inserting a new Section 24 on line 11 of page 25 to read as follows:

"SECTION 24. Arkansas Code Annotated § 9-14-212 is amended to read as follows:

"9-14-212. Assigned support rights - ~~Non Aid to Families With Dependent Children~~ Non-Temporary Assistance to Needy Families application fee.

(a) The Office of Child Support Enforcement may charge a nonrefundable application fee of up to twenty-five dollars (\$25.00) to any person who contracts with the Office of Child Support Enforcement for any services under Title IV-D of the Social Security Act for whom an assignment under § 20-76-410 is not in effect.

(b) The fee shall be known as a ~~non Aid to Families with Dependent Children~~ non-Temporary Assistance to Needy Families application fee and shall be a flat fee in an amount to be determined by the manager which shall be paid by the applicant at the time the application for assistance is submitted.

(c) (1) ~~Non Aid to Families with Dependent Children~~ Non-Temporary Assistance to Needy Families services shall be provided to an applicant on a cost recovery/fee for services basis as provided under Title IV-D program requirements.

(2) (A) The Director of the Office of Child Support Enforcement shall establish and publish a schedule of such fees which shall be administratively incorporated into child support enforcement policy.

(B) Copies of the fee schedule shall be provided to all applicants for child support services.

(d) ~~Nothing in this section shall preclude cost recovery from the noncustodial parent for reimbursement to the applicant. In all IV-D cases, after Non-Temporary Assistance to Needy Families costs are charged to a recipient of IV-D services, such amounts shall constitute a judgment by operation of law against the noncustodial parent, which shall be recovered by the Office of Child Support Enforcement through income withholding, or any other available process for the collection of child support, and refunded to the custodial parent or the physical custodian, as appropriate.~~"

AND

by appropriately renumbering subsequent sections of the bill

AND

by inserting ", work activities and incarceration" on line 34 of page 28 between "fees" and

."

AND

by deleting "d" on line 12 of page 29 and substituting "d (1)"

AND

by deleting the period (.) at the end of line 16 of page 29 and substituting "; or"

AND

by deleting lines 17 and 18 of page 29 and substituting "(2) If the obligated parent is subject to such a plan and is not incapacitated"

AND

by deleting "parent" on line 19 of page 29

AND

by deleting "f" on line 29 of page 29 and substituting "3"

AND

by deleting the quotation marks (") at the end of line 36 of page 29

AND

by inserting two new subsections beginning on line 1 of page 30 to read as follows:

"(e) If the obligated parent, who is not incapacitated, refuses to pay past due support and further refuses to engage in work activities or seek work activities as ordered by the court, the court may order the obligated parent to be incarcerated.

(f) In any action brought for the enforcement of a child support obligation, whenever the court orders an obligated parent to be incarcerated for failure to obey a previous order, the court may further direct that the obligated parent be temporarily released from confinement to engage in a work activity, upon such terms and conditions as the court deems just."