

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 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1255

4
5 By: Representative Mahony
6 By: Senator Broadway

For An Act To Be Entitled

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

Subtitle

15 AN ACT TO AMEND VARIOUS SECTIONS OF THE
16 ARKANSAS CODE CONCERNING CHILD SUPPORT
17 ENFORCEMENT.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 9-10-112 (a)(2)(A), concerning child
23 support enforcement, is amended to read as follows:

24 (2)(A) In all orders which provide for the payment of money for the
25 support of any child, the court shall include a provision directing a payor
26 to deduct from money, income, or periodic earnings due the noncustodial
27 parent an amount which is sufficient to meet the periodic child support
28 payments imposed by the court plus an additional amount of not less than ~~ten~~
29 ~~percent (10%)~~ twenty percent (20%) of the periodic child support payment to
30 be applied toward liquidation of any accrued arrearage due under the order.

31
32 SECTION 2. Arkansas Code § 9-14-210(d)(3), concerning child support
33 enforcement, is amended to read as follows:

34 (d)(3) Whenever duties are imposed on the state in Title IV-D cases
35 pursuant to the Uniform Interstate Family Support Act, § 9-17-101 et seq.

36



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1 SECTION 3. Arkansas Code § 9-14-210(g)(1), concerning child support
 2 enforcement, is amended to read as follows:

3 (g)(1) Administration of the state plan for child support enforcement
 4 required under Title IV-D of the Social Security Act, or administration of
 5 the Title IV-D program, ~~or administration of programs approved under Parts A,~~
 6 ~~B, D, E, or F of Title IV or under Titles I, X, XIV, XVI, XIX, or XX, or the~~
 7 ~~Supplemental Security Income Program established under Title XVI of the~~
 8 ~~Social Security Act;~~

9
 10 SECTION 4. Arkansas Code § 9-14-210(l), concerning child support
 11 enforcement, is amended to read as follows:

12 (l) A release of payment information made in compliance with § 9-14-
 13 807 is a permissible release of information in connection with the
 14 administration of the Title IV-D program.

15 (m) A violation of subsection (g), (h), (i), (j), ~~or (k)~~, or (l) of
 16 this section shall constitute a Class B misdemeanor.

17
 18 SECTION 5. Arkansas Code § 9-14-218(a)(1)(A), concerning child support
 19 enforcement, is amended to read as follows:

20 (a)(1)(A) In all decrees or orders which provide for the payment of
 21 money for the support and care of any children, the court shall include a
 22 provision directing a payor to deduct from money, income, or periodic
 23 earnings due the noncustodial parent an amount which is sufficient to meet
 24 the periodic child support payments imposed by the court plus an additional
 25 amount of not less than ~~ten percent (10%)~~ twenty percent (20%) of the
 26 periodic child support payment to be applied toward liquidation of any
 27 accrued arrearage due under the order.

28
 29 SECTION 6. Arkansas Code § 9-14-221 (b)(3)(B), concerning child
 30 support enforcement, is amended to read as follows:

31 (b)(3)(B) The amount of arrearages alleged to have accrued under the
 32 support order and that an additional amount of not less than ~~ten percent~~
 33 ~~(10%)~~ twenty percent (20%) of the support ordered will be withheld to
 34 liquidate the arrearages or such amount as set forth by an order, if
 35 applicable;

1
 2 SECTION 7. Arkansas Code § 9-14-237 (a)(1), concerning child support
 3 enforcement, is amended to read as follows:

4 (a)(1) An obligor's duty to pay child support for a child shall
 5 automatically terminate by operation of law when the child reaches eighteen
 6 (18) years of age or should have graduated from high school, whichever is
 7 later, or when the child is emancipated by a court of competent jurisdiction,
 8 marries, or dies, or upon the marriage of the parents of the child to each
 9 other, unless the court order for child support specifically extends child
 10 support after such circumstances.

11
 12 SECTION 8. Arkansas Code § 9-14-239, concerning child support
 13 enforcement, is amended to read as follows:

14 9-14-239. Suspension of license for failure to pay child support.

15 (a) As used in this section:

16 (1) "Department" means the Department of Finance and
 17 Administration or its duly authorized agents;

18 (2) "Office" means the Office of Child Support Enforcement of
 19 the Revenue Division of the Department of Finance and Administration;

20 (3) "License" means an Arkansas driver's license issued pursuant
 21 to § 27-16-101 et seq., and § 27-20-101 et seq., or an occupational,
 22 professional, or business license regulated under Title 17 of this Code, and
 23 all other licenses regulated under Titles 2-6, 8, 9, 14, 15, 20, 22, 23, and
 24 27 of this Code;

25 (4) "Permanent license plate" means the license plate, issued by
 26 the department, which by law must be affixed to every vehicle as defined by §
 27 27-14-1002 and every motorized cycle as defined by § 27-20-101; and

28 (5) "Other licensing entity" means any other state agency,
 29 department, board, commission, municipality, or any entity within the State
 30 of Arkansas or the United States that issues or renews an occupational,
 31 professional, or business license regulated under Title 17 of this Code, and
 32 all other licenses regulated under Titles 2-6, 8, 9, 14, 15, 20, 22, 23, and
 33 27 of this Code.

34 (b)(1)(A) Unless ~~a noncustodial parent~~ an obligor executes an
 35 installment agreement or makes other necessary and proper arrangements with
 36 the office, the office shall notify the department or other licensing entity

1 to suspend the license or permanent license plate of the ~~noncustodial parent~~
 2 obligor whenever the office determines that one (1) of the following
 3 conditions exists:

4 (i) The ~~noncustodial parent~~ obligor is delinquent on
 5 a court-ordered child support payment or an adjudicated arrearage in an
 6 amount equal to three (3) months' obligation or more; or

7 (ii) The ~~noncustodial parent~~ obligor is the subject
 8 of an outstanding failure to appear warrant, a body attachment, or a bench
 9 warrant related to a child support proceeding.

10 (B) Prior to the notification to suspend the license of
 11 the ~~noncustodial parent~~ obligor, the office shall determine whether the
 12 ~~noncustodial parent~~ obligor holds a license or permanent license plate with
 13 the department or other licensing entity.

14 (2)(A) The office shall notify the ~~noncustodial parent~~ obligor
 15 that a request will be made to the department to suspend the license or
 16 permanent license plate sixty (60) days after the notification, unless a
 17 hearing with the office is requested in writing within thirty (30) days to
 18 determine whether one (1) of the conditions of suspension does not exist.

19 (B) Notification shall be sufficient under this
 20 subdivision (b)(2) of this section if mailed to the ~~noncustodial parent~~
 21 obligor at either the last known address provided to the court by the parent
 22 pursuant to § 9-14-205 or to the address used by the ~~noncustodial parent~~
 23 obligor on the license or the application for a permanent license plate.

24 (c) Following a determination by the office under subdivision (b)(1)
 25 of this section, the office shall notify the department or other licensing
 26 entity to suspend the license or permanent license plate of the ~~noncustodial~~
 27 ~~parent~~ obligor.

28 (d)(1) The department or other licensing entity, upon receipt of the
 29 notification, shall immediately suspend the license or permanent license
 30 plate of the ~~noncustodial parent~~ obligor.

31 (2) Such suspension shall remain in effect until the department
 32 or other licensing entity is notified by the office to release the
 33 suspension.

34 (e)(1) If the ~~noncustodial parent~~ obligor enters into an installment
 35 agreement or makes other necessary and proper arrangements with the office to
 36 pay child support, the office shall immediately notify the department or

1 other licensing entity to restore the license or permanent license plate of
 2 the ~~noncustodial parent~~ obligor.

3 (2) In the case of fraud or mistake, the office shall
 4 immediately notify the department or other licensing entity to restore the
 5 license or permanent license plate of the ~~noncustodial parent~~ obligor, as
 6 appropriate.

7 (f) The office and the department are authorized to promulgate rules
 8 and regulations necessary to carry out this section in the interests of
 9 justice and equity.

10 (g) The office is authorized to seek an injunction in the circuit
 11 court of the county in which the child support order was entered, restraining
 12 the ~~noncustodial parent~~ obligor from driving or from any licensed or
 13 permitted activity during the time the ~~noncustodial parent's~~ obligor's
 14 license or permanent license plate is suspended.

15 (h)(1)(A) Any ~~noncustodial parent~~ obligor whose license or permanent
 16 license plate has been suspended may appeal to the circuit court of the
 17 county in which the child support order was entered or transferred, within
 18 thirty (30) days after the effective date of the suspension, by filing a
 19 petition with a copy of the notice of the suspension attached, or with a copy
 20 of the final administrative hearing decision of the office, with the clerk of
 21 the ~~chancery~~ circuit court and causing a summons to be served on the
 22 administrator of the office.

23 (B) For persons paying child support pursuant to § 9-17-
 24 501 or § 9-17-507, the foreign order shall be registered by the office
 25 pursuant to § 9-17-601 et seq.

26 (2) The case shall be tried de novo in the chancery court, or
 27 the juvenile division thereof, as appropriate.

28 (3) The circuit judges are vested with jurisdiction to determine
 29 whether the petitioner is entitled to a license or permanent license plate or
 30 whether the decision of the hearing officer should be affirmed, modified, or
 31 reversed.

32 (i) Nothing provided in this section shall be interpreted to prohibit
 33 the chancery court, or the juvenile division thereof, from suspending a
 34 permanent license plate or a license through contempt proceedings resulting
 35 from the nonpayment of child support.

36

1 SECTION 9. Arkansas Code § 9-14-503(b), concerning child support
 2 enforcement, is amended to read as follows:

3 (b) All contract of individual or group health care coverage sold,
 4 delivered, issued for delivery, renewed, or offered for sale in this state by
 5 any insurer, health maintenance organization, self-funded group, multiple-
 6 employer welfare arrangement, or hospital or medical services corporation
 7 shall provide for the immediate enrollment of the minor child or children.
 8 The minor child shall be enrolled immediately in the noncustodial parent's
 9 healthcare plan upon submission of the notice as provided in § 9-14-511 or,
 10 in cases being enforced under Title IV-D of the Social Security Act by the
 11 Office of Child Support Enforcement, as required in § 9-14-516.

12
 13 SECTION 10. Arkansas Code § 9-14-506(a), concerning child support
 14 enforcement, is amended to read as follows:

15 (a)(1) An order of income withholding for health care coverage shall
 16 take effect immediately upon completion of enrollment requirements or, in
 17 cases being enforced under Title IV-D of the Social Security Act by the
 18 Office of Child Support Enforcement, as required in § 9-14-516.

19 (2) Enrollment requirements shall be completed at the earliest
 20 enrollment period or, in cases being enforced under Title IV-D of the Social
 21 Security Act by the Office of Child Support Enforcement, as required in § 9-
 22 14-516.

23 (3) Enrollment information shall be provided by the custodial
 24 parent, noncustodial parent, or the Office of Child Support Enforcement of
 25 the Revenue Division of the Department of Finance and Administration as
 26 available.

27
 28 SECTION 11. Arkansas Code § 9-14-508, concerning child support
 29 enforcement, is amended to add an additional subsection to read as follows:

30 (f) In cases being enforced under Title IV-D of the Social Security
 31 Act by the Office of Child Support Enforcement, § 9-14-516 shall apply.

32
 33 SECTION 12. Arkansas Code § 9-14-509, concerning child support
 34 enforcement, is amended to add an additional subsection to read as follows:

35 (c) In cases being enforced under Title IV-D of the Social Security
 36 Act by the Office of Child Support Enforcement, § 9-14-516 shall apply.

1
 2 SECTION 13. Arkansas Code § 9-14-510, concerning child support
 3 enforcement, is amended to read as follows:

4 9-14-510. Determination of contest.

5 (a) Should the noncustodial parent contest the withholding because of
 6 mistake of fact, then, after providing the noncustodial parent an opportunity
 7 to present his or her case, the court or its representative shall determine
 8 whether the withholding shall occur and shall notify the noncustodial parent
 9 of the determination and, if appropriate, the time period in which
 10 withholding will commence.

11 (b) In cases being enforced under Title IV-D of the Social Security
 12 Act by the Office of Child Support Enforcement, § 9-14-516 shall apply.

13
 14 SECTION 14. Arkansas Code § 9-14-511, concerning child support
 15 enforcement, is amended to add an additional subsection to read as follows:

16 (d) In cases being enforced under Title IV-D of the Social Security
 17 Act by the Office of Child Support Enforcement, § 9-14-516 shall apply.

18
 19 SECTION 15. Arkansas Code § 9-14-512, concerning child support
 20 enforcement, is amended to read as follows:

21 9-14-512. Objection of employer.

22 (a) Upon receipt of an objection from a payor under an order of income
 23 withholding for health care coverage, the court or its representative shall
 24 expeditiously determine whether the payor shall be relieved under the order
 25 and shall so inform the payor within ten (10) days of receipt of the
 26 objection by a notice of its determination sent to the payor by regular mail.

27 (b) In cases being enforced under Title IV-D of the Social Security
 28 Act by the Office of Child Support Enforcement, § 9-14-516 shall apply.

29
 30 SECTION 16. Arkansas Code § 9-14-514, concerning child support
 31 enforcement, is amended to read as follows:

32 9-14-514. Notification of court by employer of termination.

33 A payor shall notify the court or its representative, or the Office of
 34 Child Support Enforcement, in cases enforced under Title IV-D of the Social
 35 Security Act immediately when the noncustodial parent terminates employment
 36 or takes other adverse action terminating the income source and shall provide

1 the noncustodial parent’s last known address and the name and address of any
 2 new employer, if known.

3
 4 SECTION 17. Arkansas Code Title 9, Chapter 14, Subchapter 5 is amended
 5 to add an additional section to read as follows:

6 9-14-516. Enforcing medical support in Title IV-D cases.

7 (a) In all cases where either parent is ordered to provide medical
 8 support and the court order is enforced by the Office of Child Support
 9 Enforcement under Title IV-D of the Social Security Act, the Office of Child
 10 Support Enforcement shall utilize the National Medical Support Notice in
 11 compliance with federal regulations 45 CFR 303.32 and 29 CFR 2590 as they
 12 existed on March 27, 2001.

13 (b) Unless the court or administrative order stipulates alternative
 14 coverage, the Office of Child Support Enforcement shall send the National
 15 Medical Support Notice to the employer or payor within two (2) business days
 16 of receiving employment information or matching with employer information
 17 contained in the New Hire Directory.

18 (c) Immediately upon receipt of the National Medical Support Notice,
 19 the employer or payor shall deduct from wages or other income an amount
 20 sufficient to cover the cost of the health care premiums and forward that
 21 amount to the health care plan administrator.

22 (d)(1) The Consumer Credit Protection Act limits shall apply to the
 23 combined total withheld for both child support and medical coverage.

24 (2) Income withholding for child support shall take priority
 25 over the deduction for health care premiums.

26 (e) The employer or payor shall transmit the National Medical Support
 27 Notice to the health care plan administrator no later than twenty (20)
 28 business days after the date of the notice.

29 (f)(1) The health care plan administrator shall complete the
 30 enrollment requirements for the child and notify the parents and the child,
 31 if the child resides at an address other than the address of the custodial
 32 parent, that coverage is or will become available.

33 (2) The health plan administrator shall also furnish the
 34 custodial parent, within forty (40) business days after the posting date of
 35 the National Medical Support Notice, the following:

36 (A) A description of the coverage;

- 1 (B) The effective date of the coverage; and
- 2 (C) Any forms or documents necessary to effectuate the
- 3 coverage.

4 (g) The Office of Child Support Enforcement, in consultation with the
 5 custodial parent, shall promptly select from available plan options when the
 6 plan administrator reports that there is more than one (1) option available
 7 under the plan.

8 (h)(1)(A) The employee may contest the income withholding for health
 9 care premiums based on a mistake of fact by objecting, within twenty (20)
 10 days after receipt of the notice, to the court or its representative.

11 (B) Notice of the objection shall be provided to the
 12 Office of Child Support Enforcement.

13 (2) In order for the child to be enrolled in the health plan
 14 while the matter is being reviewed, the employer shall:

15 (A) Implement withholding immediately; and

16 (B) Forward the National Medical Support Notice to the
 17 plan administrator.

18 (i) The employer shall notify the Office of Child Support Enforcement
 19 promptly when the employment of the obligor is terminated and provide the
 20 Office of Child Support Enforcement:

21 (1) The obligor's last known address; and

22 (2) The name and address of the obligor's employer, if known.

23 (j) The Office of Child Support Enforcement shall notify the employer
 24 when there is no longer a current order for medical support in effect for
 25 which the Title IV-D agency is responsible.

26

27 SECTION 18. Arkansas Code § 9-14-807(c), concerning child support
 28 enforcement, is amended to read as follows:

29 (c)(1)(A) The Office of Child Support Enforcement shall furnish the
 30 child support payment record, duly certified as set out in subsection (b) of
 31 this section, to a noncustodial parent or custodial parent in his or her
 32 child support case or cases, or to the attorney of record of the noncustodial
 33 or custodial parent, upon written request.

34 (B) The request shall state the name of the noncustodial
 35 parent and custodial parent, the court docket number, and the Title IV-D
 36 numbers, when available.

1 (2) The office may also furnish a certified child support payment
2 record, as set out in subsection (b) of this section, to officers of the
3 court and judges, and for the purpose of facilitating the satisfaction of a
4 judgment for child support to abstractors and attorneys.

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