

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1699

By: Representative L. Fite

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO STREAMLINE MODIFICATION OF CHILD SUPPORT WHEN A PAYOR PARENT HAS BEEN RECENTLY RELEASED FROM INCARCERATION TO PROVIDE FOR THE ACCURATE REFLECTION OF THE PAYOR PARENT'S INCOME; TO REQUIRE THE DIVISION OF CORRECTION TO SCREEN INMATES NEARING RELEASE FROM INCARCERATION AND THE DIVISION OF COMMUNITY CORRECTION TO SCREEN PAROLEES AND PROBATIONERS UNDER SUPERVISION FOR EXISTING CHILD SUPPORT OBLIGATIONS; TO PROVIDE FOR THE SHARING OF INFORMATION BETWEEN THE OFFICE OF CHILD SUPPORT ENFORCEMENT AND THE DIVISION OF CORRECTION, DIVISION OF COMMUNITY CORRECTION, PAROLE OFFICERS, AND PROBATION OFFICERS IN ORDER TO FACILITATE A RECENTLY INCARCERATED PARENT'S PROMPT PAYMENT TOWARD THE SUPPORT OF HIS OR HER MINOR CHILD; AND FOR OTHER PURPOSES.

Subtitle

TO STREAMLINE MODIFICATION OF CHILD SUPPORT WHEN A PAYOR PARENT IS RELEASED FROM INCARCERATION; AND TO FACILITATE A RECENTLY INCARCERATED PARENT'S PROMPT PAYMENT TOWARD THE SUPPORT OF HIS OR HER MINOR CHILD.

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



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SECTION 1. Arkansas Code § 9-14-107(a)(3), concerning incarceration of a parent obligated to pay child support, is amended to add an additional subdivision to read as follows:

(3)(A) The incarceration of a parent shall not be treated as voluntary unemployment for purposes of determining a reasonable amount of support either initially or upon review.

(B)(i) A parent's release from incarceration may constitute a material change of circumstances sufficient to petition the court for modification of child support according to the family support chart, including without limitation when the child support order was previously modified due to a determination of a material change of circumstances that was based partially or wholly on the parent's incarceration.

(ii) The Office of Child Support Enforcement shall communicate and exchange information with the Division of Correction, Division of Community Correction, parole officers, and probation officers under § 16-93-112 in order to facilitate the modification of a child support order when a parent with a child support obligation is released from incarceration.

(C) The Department of Finance and Administration shall promulgate rules to implement subsection (a)(3)(B) of this section.

~~(B)(D)~~ As used in subdivision (a)(3)~~(A)~~ of this section, "incarceration" means a conviction that results in a sentence of confinement to a local jail, state or federal correctional facility, or state psychiatric hospital for at least one hundred eighty (180) days, excluding credit for time served before sentencing.

SECTION 2. Arkansas Code § 9-14-208(b)(3), concerning the sharing of information with the Office of Child Support Enforcement, is amended to read as follows:

(3)(A) State or local government agencies, businesses, and financial entities shall provide information if known or chronicled in their business records, notwithstanding any other provision of law making the information confidential.

(B)(i) The Division of Correction, Division of Community Correction, parole officers, and probation officers shall communicate and

exchange information with the Office of Child Support Enforcement under § 9-14-107 and § 16-93-112 in order to facilitate the modification of a child support order when a parent with a child support obligation is released from incarceration.

(ii) The Office of Child Support Enforcement shall designate at least one (1) employee or officer to receive the information in subdivision (b)(3)(B)(i) of this section.

(iii) The Department of Finance and Administration shall promulgate rules to implement subsection (b)(3)(B) of this section.

SECTION 3. Arkansas Code Title 16, Chapter 93, Subchapter 1, is amended to add an additional section to read as follows:

16-93-112. Child support order of released inmate – Information sharing.

(a) The Division of Correction shall screen inmates nearing release from incarceration and the Division of Community Correction shall screen parolees and probationers under supervision for existing child support orders.

(b) A parole officer, probation officer, or Division of Correction official or Division of Community Correction official may access information from the Office of Child Support Enforcement that is necessary to determine if there is an existing child support order that requires an inmate nearing release from incarceration, parolee, or probationer to pay for the support of his or her minor child.

(c)(1) If a parole officer or probation officer has a parolee or probationer who is a parent with an existing child support order under his or her supervision, the parole officer or probation officer shall collect and provide the Office of Child Support Enforcement with the following information:

(A) The parolee or probationer's current:

(i) Residential address;

(ii) Mailing address;

(iii) Position of employment;

(iv) Employer;

(v) Employer's address;

(vi) Phone number or numbers; and

(vii) Email address or addresses; and

(B) The time, date, and place of the parolee or probationer's next hearing.

(2) The parole officer or probation officer under subdivision (c)(1) of this section shall provide the required information to the Office of Child Support Enforcement within five (5) working days of receiving the information.

(3) The parole officer or probation officer under subdivision (c)(1) of this section shall provide any updated information listed under subdivision (c)(1) of this section that he or she receives to the Office of Child Support Enforcement within five (5) working days of receiving the updated information throughout the parolee's or probationer's term of supervision.

(4)(A) The Division of Correction shall provide a notice to the Office of Child Support Enforcement of an inmate nearing release who, upon release, will have fully served his or her sentence.

(B) The Division of Correction's notice under subdivision (c)(4)(A) of this section shall:

(i) Contain the date of the inmate's release and the residential address that the inmate is being released to; and

(ii) Be provided to the Office of Child Support Enforcement within five (5) working dates of the inmate's anticipated release.

(d) The Department of Corrections shall promulgate rules to implement this section.

SECTION 4. DO NOT CODIFY. Rules.

(a) When adopting the initial rules required under this act, the Department of Finance and Administration and the Department of Corrections shall file the final rules with the Secretary of State for adoption under § 25-15-204(f):

(1) On or before January 1, 2024; or

(2) If approval under § 10-3-309 has not occurred by January 1, 2024, as soon as practicable after approval under § 10-3-309.

(b) The Department of Finance and Administration and the Department of Corrections shall file the proposed rules with the Legislative Council under

§ 10-3-309(c) sufficiently in advance of January 1, 2024, so that the Legislative Council may consider the rules for approval before January 1, 2024.