

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

SENATE BILL 561

By: Senator A. Clark
By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO EXPAND UPON THE USE OF CHILD SUPPORT PAYMENTS BY A PHYSICAL CUSTODIAN OR PAYEE; TO REQUIRE CHILD SUPPORT PAYMENTS TO BE USED FOR THE BENEFIT OF A MINOR CHILD; TO ALLOW A COURT TO ORDER A PHYSICAL CUSTODIAN OR PAYEE RECEIVING CHILD SUPPORT TO FURNISH AN ACCOUNTING OF EXPENSES PAID WITH CHILD SUPPORT PAYMENTS; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE CHILD SUPPORT PAYMENTS TO BE USED FOR THE BENEFIT OF A MINOR CHILD; AND TO ALLOW A COURT TO ORDER A PERSON RECEIVING CHILD SUPPORT TO FURNISH AN ACCOUNTING OF EXPENSES PAID WITH CHILD SUPPORT PAYMENTS.

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

SECTION 1. Arkansas Code § 9-14-106(a)(1), concerning the determination of a reasonable amount of child support to be paid, is amended to add an additional subdivision to read as follows:

(E)(i) A court, on its own motion or upon proper, verified motion of the payor and a showing of good cause, including without limitation based on evidence that the minor child's needs are not being met, may order the physical custodian, payee, or other person to whom child support may be owed to:



(a) Provide the court and the payor with an accounting of expenses that have been paid with child support payments; and

(b) Demonstrate to the court how the child support payments were used for the benefit of the minor child or children.

(ii) The court may prescribe the form, substance, and time frame of the accounting under subdivision (a)(1)(E)(i)(a) of this section.

(iii) The court may provide for the accounting under subdivision (a)(1)(E)(i)(a) of this section in the initial support order, including requiring that the physical custodian or payee provide the information under subdivision (a)(1)(E)(i)(a) of this section to the payor upon the payor’s request and with sufficient notice provided to the physical custodian or payee.

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

9-14-111. Child support payments – Use for benefit of minor child – Accounting.

(a) All child support payments received by a physical custodian, payee, or other person to whom child support may be owed shall be used for the benefit of the minor child or minor children for whom the payor is ordered to provide support.

(b)(1) A court, on its own motion or upon proper, verified motion of the payor and a showing of good cause, including without limitation based on evidence that the minor child’s needs are not being met, may order the physical custodian, payee, or other person to whom child support may be owed to:

(A) Provide the court and the payor with an accounting of expenses that have been paid with child support payments; and

(B) Demonstrate to the court how the child support payments were used for the benefit of the minor child or children.

(2) The court may prescribe the form, substance, and time frame of the accounting under subdivision (b)(1)(A) of this section.

(3) The court may provide for the accounting under subdivision (b)(1)(A) of this section in the initial support order, including requiring that the physical custodian or payee provide the information under

subdivision (b)(1)(A) of this section to the payor upon the payor's request and with sufficient notice provided to the physical custodian or payee.