

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

A Bill

HOUSE BILL 1699

5 By: Representative L. Fite
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT TO STREAMLINE MODIFICATION OF CHILD SUPPORT
10 WHEN A PAYOR PARENT HAS BEEN RECENTLY RELEASED FROM
11 INCARCERATION TO PROVIDE FOR THE ACCURATE REFLECTION
12 OF THE PAYOR PARENT'S INCOME; TO REQUIRE THE DIVISION
13 OF CORRECTION TO SCREEN INMATES NEARING RELEASE FROM
14 INCARCERATION AND THE DIVISION OF COMMUNITY
15 CORRECTION TO SCREEN PAROLEES AND PROBATIONERS UNDER
16 SUPERVISION FOR EXISTING CHILD SUPPORT OBLIGATIONS;
17 TO PROVIDE FOR THE SHARING OF INFORMATION BETWEEN THE
18 OFFICE OF CHILD SUPPORT ENFORCEMENT AND THE DIVISION
19 OF CORRECTION, DIVISION OF COMMUNITY CORRECTION,
20 PAROLE OFFICERS, AND PROBATION OFFICERS IN ORDER TO
21 FACILITATE A RECENTLY INCARCERATED PARENT'S PROMPT
22 PAYMENT TOWARD THE SUPPORT OF HIS OR HER MINOR CHILD;
23 AND FOR OTHER PURPOSES.
24

Subtitle

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27 TO STREAMLINE MODIFICATION OF CHILD
28 SUPPORT WHEN A PAYOR PARENT IS RELEASED
29 FROM INCARCERATION; AND TO FACILITATE A
30 RECENTLY INCARCERATED PARENT'S PROMPT
31 PAYMENT TOWARD THE SUPPORT OF HIS OR HER
32 MINOR CHILD.
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35 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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1 SECTION 1. Arkansas Code § 9-14-107(a)(3), concerning incarceration of
2 a parent obligated to pay child support, is amended to add an additional
3 subdivision to read as follows:

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

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

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

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

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

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

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

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

1 exchange information with the Office of Child Support Enforcement under § 9-
 2 14-107 and § 16-93-112 in order to facilitate the modification of a child
 3 support order when a parent with a child support obligation is released from
 4 incarceration.

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

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

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

13 16-93-112. Child support order of released inmate – Information
 14 sharing.

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

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

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

30 (A) The parolee or probationer’s current:

31 (i) Residential address;

32 (ii) Mailing address;

33 (iii) Position of employment;

34 (iv) Employer;

35 (v) Employer’s address;

36 (vi) Phone number or numbers; and

1 (vii) Email address or addresses; and
 2 (B) The time, date, and place of the parolee or
 3 probationer's next hearing.

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

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

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

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

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

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

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

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 27 SECTION 4. DO NOT CODIFY. Rules.

28 (a) When adopting the initial rules required under this act, the
 29 Department of Finance and Administration and the Department of Corrections
 30 shall file the final rules with the Secretary of State for adoption under §
 31 25-15-204(f):

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

33 (2) If approval under § 10-3-309 has not occurred by January 1,
 34 2024, as soon as practicable after approval under § 10-3-309.

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

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

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