

State of Arkansas

96th General Assembly

Regular Session, 2027

A Bill

SENATE BILL ____

By: Joshua P. Irby

For An Act To Be Entitled

AN ACT TO PROMOTE EARLY PARENTAL RESPONSIBILITY; TO REDUCE CHILD POVERTY AND PUBLIC ASSISTANCE DEPENDENCY THROUGH ENCOURAGED SUPPORT ARRANGEMENTS; TO PROTECT THE RIGHTS OF ALL PARENTS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE EARLY SUPPORT AND PARENTAL RESPONSIBILITY ACT; TO ENCOURAGE EQUITABLE AND ENFORCEABLE SUPPORT AGREEMENTS FOR ALL PARENTS BEGINNING AT BIRTH.

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

SECTION 1. TITLE.

This act shall be known and may be cited as the "*Early Support and Parental Responsibility Act.*"

SECTION 2. FINDINGS AND INTENT.

(a) The General Assembly finds that:

1. Every child born in Arkansas is entitled to financial support from both parents beginning at birth;
2. A lack of early support contributes to child poverty, family instability, and increased reliance on public assistance;
3. Many custodial parents face avoidable hardship when the other parent fails to contribute financially;
4. Proactive and fair approaches to child support reduce welfare dependency and promote

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responsible parenting;

5. Enforcement should not be punitive but focused on securing outcomes that serve the best interest of the child;
6. Encouraging cooperative parenting, voluntary support agreements, and mediation reduces family conflict;
7. This act respects intact family units and focuses on non-compliance only where a parent refuses to act in good faith.

(b) The intent of this act is to:

1. Promote early parental responsibility through support arrangements beginning at birth;
2. Protect the rights of both parents through due process and constitutional safeguards;
3. Encourage financial accountability while recognizing the reality of hardship;
4. Prevent abuse of public assistance by ensuring both parents share in the cost of raising a child;
5. Use enforcement mechanisms only after failure of voluntary resolution;
6. Emphasize mediation, family stability, and shared parenting as guiding principles.

SECTION 3. SCOPE AND DEFINITIONS.

(a) This act applies to all children born in Arkansas on or after January 1, 2028.

(b) "Parent" means:

1. A biological or legal parent listed on the birth certificate; or
2. A person adjudicated or acknowledged as a parent by affidavit or court order.

(c) This Act shall not apply to parents who meet all of the following conditions at the time of the child's birth:

1. Are legally married to each other;
2. Reside together in the same household; and
3. Neither parent has filed a formal complaint or petition for child support enforcement against the other.

(d) For purposes of this Section, "reside together" means living in the same dwelling with the intent to maintain a shared family household for a continuous period of not less than ninety (90) days immediately preceding the child's birth.

(e) If either parent subsequently files a formal complaint or petition for child support enforcement, the exemption provided by this Section shall no longer apply, and the provisions of

this Act shall govern the establishment and enforcement of child support obligations.

(f) This act shall not apply retroactively to children born before January 1, 2028.

SECTION 4. ESTABLISHMENT OF EARLY SUPPORT RESPONSIBILITIES AND VOLUNTARY ARRANGEMENTS.

(a) Upon registration of a child's birth, the Department of Finance and Administration (DFA), in coordination with the Office of Child Support Enforcement (OCSE), shall:

1. Provide both parents with clear notice of their legal responsibilities and options for establishing voluntary child support arrangements;
2. Encourage the development of private or mediated agreements consistent with state support guidelines;
3. Offer access to state resources for job training, mediation services, and financial counseling if needed.

(b) Parents shall be granted a forty-five-day (45) window from the date of notification to:

1. Submit a mutually agreed upon support arrangement;
2. Execute a voluntary waiver under Section 5, if appropriate;
3. Initiate mediation or provide notice of active negotiation.

(c) If no action is taken within the forty-five (45) day period, and one parent is not residing in the child's household, the DFA shall:

1. Issue a final notice of pending formal support establishment;
2. Allow an additional fifteen (15) days for resolution before initiating enforcement proceedings.

(d) If paternity is in dispute:

1. The custodial parent shall be entitled to prompt, no-cost genetic testing;
2. If paternity is confirmed, any resulting support obligation shall be retroactive to the child's date of birth.

(e) The DFA may recognize a written, signed, and legally binding support agreement between the parents in lieu of formal enforcement, provided the agreement meets or exceeds state support guidelines.

SECTION 5. VOLUNTARY WAIVER.

(a) A custodial parent may submit a signed, notarized waiver to the DFA to defer support

enforcement.

(b) The waiver may:

1. Be submitted or revoked at any time;
2. Not apply if the custodial parent or child is receiving public assistance.

(c) If public assistance is accessed, the state may pursue reimbursement from the noncustodial parent regardless of waiver status.

(d) Parents who share physical custody equally or through a formal co-parenting agreement may petition jointly for waiver or modification of support obligations.

SECTION 6. ENFORCEMENT MECHANISMS.

(a) The DFA shall prioritize voluntary compliance and mutual resolution. Enforcement mechanisms shall only be used where a parent:

1. Has failed to engage in good faith negotiation;
2. Has not submitted an agreement, waiver, or mediation request within the designated time frame.

(b) Enforcement may include:

1. Income withholding;
2. Interception of contractor, rental, or investment income;
3. Interfacing with payment platforms and employers.

(c) If payments are not received after initial enforcement efforts:

1. The DFA may intercept state tax refunds, lottery winnings, and gaming proceeds;
2. The DFA may impose liens on financial accounts or property;
3. The DFA may request suspension of state-issued professional or driver's licenses.

(d) Before initiating any action beyond income withholding, the DFA shall:

1. Notify the parent in writing;
2. Provide a fourteen (14) day opportunity to request an administrative review or file a hardship appeal;
3. Allow submission of documentation supporting temporary inability to pay or economic hardship.

(e) A parent may appeal the outcome of the review through an expedited hearing in circuit court.

(f) Employers or platforms that fail to comply with withholding obligations may be fined and held liable for unpaid amounts.

SECTION 7. SPECIAL PROTECTIONS FOR VICTIMS OF SEXUAL ASSAULT AND DOMESTIC ABUSE.

(a) This section applies in cases where:

1. A child is conceived as a result of a rape or sexual assault, as determined by a criminal conviction, a plea of guilty or nolo contendere, or a civil court finding by clear and convincing evidence; or
2. A parent has been adjudicated to have committed domestic abuse against the other parent by a court of competent jurisdiction within one (1) year before or after the birth of the child.

(b) In such cases, the custodial parent shall not be required to negotiate, mediate, or communicate directly with the offending parent in establishing child support obligations.

(c) Upon request of the custodial parent or order of the court, the Department of Finance and Administration (DFA) shall initiate immediate income withholding and garnishment from the offending parent upon confirmation of legal findings as described in subsection (a).

(d) The custodial parent shall be eligible for financial assistance through the Temporary Support Advance Fund under Section 9(b), with priority consideration given to cases covered under this section.

(e) A child support order issued under this section may include an order for restitution to the custodial parent for the following:

1. Medical care related to the offense;
2. Counseling or psychological services;
3. Relocation and safety-related expenses;
4. Legal or court-related costs incurred due to the offense.

(f) The offending parent shall not be granted custody or visitation rights under this act unless such rights are established separately through a court-supervised custody proceeding, subject to heightened scrutiny for the safety and well-being of the child and the custodial parent.

(g) Nothing in this section shall be construed to diminish the rights of the child to receive support from both parents or to prevent the DFA from pursuing reimbursement under applicable law.

(h) Mandatory Restitution from Incarcerated Offenders.

1. In cases where the offending parent is incarcerated for an offense listed in subsection (a), the Department of Correction shall coordinate with the DFA and the Office of Child

Support Enforcement to:

- A. Enroll the offending parent in a correctional work program if eligible and available;
 - B. Deduct up to fifty percent (50%) of net wages earned through such work program toward court-ordered child support or restitution;
 - C. Transfer collected funds to the custodial parent through the child support enforcement system.
2. If the incarcerated parent is ineligible for a work program due to verified medical, security, or behavioral restrictions, the court may:
 - A. Establish a deferred support obligation to be enforced upon release;
 - B. Consider alternative assets, including commissary deposits or third-party financial gifts, for garnishment consistent with due process and applicable law.
 3. All deductions shall be subject to constitutional protections and must not reduce the incarcerated person's wages below the minimum threshold for basic prison necessities, as defined by the Department of Correction.
 4. This subsection shall not be construed to mandate employment but authorizes participation in any available work program consistent with the Arkansas Correctional Industries system or equivalent.

SECTION 8. CRIMINAL LIABILITY FOR WILLFUL NONPAYMENT.

(a) Criminal enforcement shall be a last resort and only used in cases of persistent, willful evasion of lawful child support obligations.

(b) A noncustodial parent may be criminally charged only if:

1. They owe more than five thousand dollars (\$5,000) or have failed to pay for more than six (6) consecutive months;
2. All civil enforcement remedies have been exhausted;
3. There is clear and convincing evidence of willful refusal to pay despite having the ability to do so.

(c) Offenses shall be classified as:

1. First offense – Class A misdemeanor;
2. Subsequent or aggravated offenses – Class D felony.

(d) "Willful nonpayment" means an intentional refusal to meet support obligations despite having

the present financial ability.

(e) Before any criminal enforcement:

1. The parent shall be notified and provided a court hearing;
2. The parent shall receive an indigency hearing;
3. If incarceration is a possibility, the parent shall be entitled to court-appointed counsel.

(f) A parent shall not be subject to penalties under this act if they demonstrate a documented, good faith effort to:

1. Pay;
2. Seek employment;
3. Comply with a court-approved payment plan.

(g) Nothing in this act shall compel self-incrimination or override protections guaranteed under the United States or Arkansas Constitutions.

(h) This act shall not criminalize poverty or inability to pay.

SECTION 9. ADMINISTRATION AND IMPLEMENTATION.

(a) The DFA shall:

1. Promulgate necessary rules and timelines;
2. Coordinate with the Office of Child Support Enforcement, other state agencies, and financial institutions;
3. Maintain a secure, online platform for managing and submitting support documentation.

(b) A Temporary Support Advance Fund may be created to provide interim assistance during delays in paternity establishment or early enforcement.

(c) The DFA shall prioritize:

1. Administrative efficiency;
2. Effective enforcement;
3. Family-centered resolution practices;
4. Data security.

(d) The DFA shall submit an annual report to the General Assembly beginning in 2029, detailing:

1. Implementation outcomes;
2. Number and type of agreements reached;
3. Use of enforcement mechanisms;
4. Number and result of hardship appeals;

5. Recommendations for statutory or procedural improvement.

SECTION 10. EFFECTIVE DATE.

This act shall take effect on January 1, 2028.

SECTION 11. SEVERABILITY.

If any provision of this act or its application is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.