

# Expiration of Income Withholding

---

A.C.A. § 9-14-240

Arkansas Code of 1987 Annotated Official Edition  
© 1987-2012 by the State of Arkansas  
All rights reserved.

\*\*\* Legislation is current through the 2012 Fiscal Session and updates \*\*\*  
\*\*\* received from the Arkansas Code Revision Commission through \*\*\*  
\*\*\* August 1, 2012. \*\*\*

Title 9 Family Law  
Subtitle 2. Domestic Relations  
Chapter 14 Spousal and Child Support  
Subchapter 2 -- Enforcement Generally

A.C.A. § 9-14-240 (2012)

## **9-14-240. Expiration of income withholding.**

**(a) (1)** Income withholding for child support shall terminate by operation of law when one (1) of the conditions set out in § 9-14-237(a) is met.

**(2)** However, in no event shall income withholding for child support terminate:

**(A)** When a current child support obligation exists; or

**(B)** When a child support arrearage exists, until such time as the arrearage has been satisfied.

**(b) (1)** If there are no child support arrearages, the obligor may terminate income withholding for child support without petitioning the court by giving written notice, in person or by certified mail, to the obligor's employer, the custodial parent or physical custodian, the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration, the Arkansas child support clearinghouse, and the clerk of the court.

**(2)** The notice shall be given no earlier than thirty (30) days before the termination of the duty to pay support, and shall state:

**(A)** The name and address of the obligor;

**(B)** The name and address of the obligor's employer;

**(C) (i)** That income withholding for child support will be terminated;

**(ii)** The date of intended termination; and

**(iii)** The basis for termination of income withholding; and

**(D)** That the custodial parent or physical custodian, the office, or the clerk of the court has the right to file written objection to the termination.

**(3)** The written objection to the termination shall:

**(A)** Be made by certified mail to the obligor and the obligor's employer within ten (10) days after receipt of the notice of intent to terminate income withholding for child support;

**(B)** State that the obligor's duty to pay child support has not been fulfilled as required by court order; and

**(C)** Set forth the reasons for nonfulfillment.

**(4)** If a written objection is filed as provided in this section, then income withholding for child support shall continue until such time as an order is entered that terminates, alters, or amends income withholding for child support.

**(c) (1)** Income withholding for child support may be terminated without petitioning the court by filing with the clerk of the court and submitting to the obligor's employer an affidavit attested to by the obligor, the custodial parent or physical custodian, and the office.

**(2)** The affidavit shall state:

**(A)** The name and address of the obligor and the custodial parent or physical custodian;

**(B)** The name and address of the obligor's employer;

**(C)** The style of the court case and number;

**(D)** That one (1) of the conditions set forth in § 9-14-237(a) has been met;

**(E)** The date that income withholding for child support shall terminate;

**(F)** That there are no child support arrearages; and

**(G)** That the office by its agent, designee, or contractor, whose name and address is provided, has determined that no debt to the state is owing in the cause based on an assignment of rights under §§ 9-14-109 and 20-77-109.

**(d) (1)** In any action to reinstate income withholding for child support, and when the court determines that income withholding for child support was wrongly terminated pursuant to subsection (b) or subsection (c) of this section, the court shall award costs and a minimum of ten percent (10%) of the support amount due as attorney's fees to the prevailing party.

**(2) (A)** If the custodial parent or physical custodian, the office, or the clerk of the court objects to the termination of income withholding for child support and a petition is filed for an order terminating income withholding for child support and the obligor prevails, the court may award attorney's fees and costs to the obligor.

**(B)** However, there shall be no award for attorney's fees and costs against the office or

the clerk of the court.

**(e)** Notices of intent to terminate income withholding for child support filed by the obligor, and any written objection filed by the custodial parent or physical custodian, the office, or the clerk of the court, shall be executed under penalty for false swearing.

**(f) (1)** If a court determines that the amount withheld for child support exceeded the obligor's child support obligation, the obligor shall be entitled to reimbursement.

**(2)** The court may order the custodial parent or physical custodian to repay the excess amounts withheld and may refer to the family support chart to fix a schedule of repayments.

**HISTORY:** Acts 1995, No. 1075, § 1; 1997, No. 1296, § 34.