

**CHILD SUPPORT ARREARAGE  
PAYMENT PLAN**

**House Bill 4792**  
**Sponsor: Rep. John Garfield**  
**Committee: Judiciary**

**Complete to 6-16-03**

**A SUMMARY OF HOUSE BILL 4792 AS INTRODUCED 6-3-03**

The bill would amend the Support and Parenting Time Enforcement Act by adding a new section pertaining to the development of a child support arrearage payment plan. Specifically, the bill states that a payer who has an arrearage under a support order could file a motion with the circuit court for a payment plan to pay the arrearage and discharge or abate arrearages.

The court would approve of the plan if (1) the arrearage is owed to an individual payee and the payee consents to the plan (and does not consent to the plan out of fear, coercion, or duress) or (2) the arrearage is owed to the state or a political subdivision and the arrearage did not arise out of an action by the payer to avoid payment; the payer does not have the ability to pay the arrearage other than through the payment plan; the payment plan will pay a reasonable portion of the arrearage over a reasonable time, based on the payer's ability to pay; and the Office of Child Support has been served with a copy of the motion establishing the payment plan. In addition to the above requirements, the court would also have to find that the establishment of the payment plan would be in the best interest of the parties and children involved in the matter. In addition, the court could require certain conditions in the payment plan (in addition to the payment of support) that it determines are in the best interest of a child, such as the payer's participation in a parenting program, drug or alcohol counseling, anger management classes, and participating in a work program.

The court would be required to discharge any remaining arrearage if the payer completes the payment plan, and the court would be permitted to enter an order granting relief if the payer substantially completes the payment plan. However, the plan would have to include a requirement that any arrearage subject to the plan could be reinstated upon motion and hearing for good cause shown at anytime.

The provisions added by the bill would not modify the right of a party to receive other child support credits nor prevent the court from correcting a support order under other applicable law or court rule. Finally, the Family Independence Agency would have to designate an office to receive service of a motion. The department would be considered to have consented to the payment plan if within 56 days after service, the department files a written consent in response to the motion or, (1) fails to file an answer to the motion or, (2) fails to appear at the hearing in opposition to the motion. The Friend of the Court would assist the department in determining how to respond to the proposed payment plan, though the final decision in response to the plan would remain solely the province of the department.

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.