

2019 Regular Session

HOUSE BILL NO. 552

BY REPRESENTATIVES JACKSON, TERRY BROWN, COX, AND HOFFMANN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN/SUPPORT: Provides with respect to the collection of certain court fees

1 AN ACT

2 To amend and reenact R.S. 46:236.11(B)(2) and (4), relative to the collection of child  
3 support payments; to provide for the collection of child support payments and  
4 statutory court fees; to provide relative to the distribution of collected payments; to  
5 provide for monthly reporting requirements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:236.11(B)(2) and (4) are hereby amended and reenacted to read  
8 as follows:

9 §236.11. Louisiana disbursement unit for child support payments

10 \* \* \*

11 B.

12 \* \* \*

13 (2)(a) The provisions of this Section shall apply to child support payments  
14 made through any court.

15 (b) ~~Any such court may enter into a cooperative agreement with the secretary~~  
16 ~~of the Department of Children and Family Services to authorize the department to~~  
17 ~~collect those support payments and administrative costs collected and distributed by~~  
18 ~~the court~~ The Department of Children and Family Services may collect, and shall at  
19 the request of any court collect, those support payments and statutory court fees  
20 assessed by the court pursuant to R.S. 46:236.5(B);, provided that the court has

1 obtained a written affirmative designation from the payor of the child support and  
2 statutory court fee stating the following:

3 (i) The payor identifies and designates the appropriate percentage fee of the  
4 payor's payment assessed by the court pursuant to R.S. 46:236.5(B) as a statutory  
5 court fee rather than child support.

6 (ii) The failure to pay the full amount of child support, in addition to any  
7 designated fee, will result in arrearage and further enforcement action.

8 (d) The department may retain an amount equal to the department's actual  
9 costs incurred in collecting and distributing the statutory court fee. ~~child support,~~  
10 ~~including administrative costs.~~ However, such amount shall not exceed one percent  
11 of the total statutory court fee amount collected for the court.

12 (e) The department shall distribute such the statutory court fee amounts  
13 collected pursuant to this Subsection in accordance with federal regulations on a  
14 monthly basis, accompanied by a detailed written accounting showing the following  
15 amounts for the month itemized by the name of the payor, the Louisiana Automated  
16 Support Enforcement System number, and if available, the court docket number:

17 (i) The total amount of support collected for the court's jurisdiction.

18 (ii) The total amount of statutory court fees collected and disbursed for the  
19 court's jurisdiction.

20 (iii) The total amount retained by the department for the department's costs.

21 (iv) If the sum of the statutory court fees disbursed and the department's  
22 retained costs do not equal the appropriate percentage of total child support collected  
23 for the court, an explanation for the discrepancy.

24 (v) The total amount of arrears for all cases in the court's caseload which are  
25 in arrears as of the end of each reporting month, listing the total amount of arrears  
26 shown on the Louisiana Automated Support Enforcement System for each payor.

27 \* \* \*

28 (4) The unit shall distribute all child support collections in accordance with  
29 federal regulations within two business days after receipt from the employer or other

1 source, if sufficient information identifying the payee is available except in cases  
2 where a timely appeal has been filed.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 552 Original

2019 Regular Session

Jackson

**Abstract:** Provides for the collection and disbursement of child support payments, court fees, and administrative fees by the Dept. of Children and Family Services (Dept.).

Present law (R.S. 46:236.5(B)) authorizes courts that adopt an expedited process to establish paternity or establish and enforce support obligations to, by court order or rule, assess and collect a sum payable by the obligor as a fee of not more than 5% of all existing and future support obligations to fund administrative cost.

Present law (R.S. 46:236.11) authorizes courts to enter into a cooperative agreement with the secretary of the Dept. to authorize the Dept. to collect child support payments and administrative costs.

Proposed law instead authorizes the Dept. to collect support payments and statutory court fees without requiring a cooperative agreement with the court and requires the Dept. to do so when requested by the court. Requires that the court obtain a written designation from the payor of the support payment and statutory fee stating that the payor identifies the appropriate percentage fee as a statutory court fee rather than child support and that the failure to pay the full amount of child support and the fee will result in arrearage.

Present law authorizes the Dept. to retain an amount equal to the Dept.'s cost in collecting and distributing the fee, not to exceed 1% of the court fee, and requires the Dept. to distribute all amounts collected in accordance with federal law.

Proposed law further requires the Dept. to distribute the statutory court fee on a monthly basis accompanied by an indexed accounting indicating the total amount of support collected, the total amount of statutory court fees collected and disbursed, the total amount retained by the Dept., an explanation of any discrepancy between amount disbursed and amount collected, and the total amount of arrears for all cases on the court's docket.

(Amends R.S. 46:236.11(B)(2) and (4))