
DIGEST

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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))