
DIGEST

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HB 593 Engrossed

2020 Regular Session

Seabaugh

Abstract: Provides a prescriptive period on judicial mortgages securing past-due child support payments.

Present law provides that each payment of child support that is past due shall be deemed a judgment by operation of law and shall be executory in all respects. For cases where the Department of Children and Family Services (DCFS) is enforcing child support services, DCFS shall certify the actual amount past due in an affidavit. For cases where DCFS is not enforcing child support services, the court shall by summary proceeding determine the amount actually owed. Proposed law retains present law.

Present law provides that the resulting judgment or affidavit shall have the effect of a legal mortgage once recorded as provided by law.

Proposed law retains present law but provides that the effect of recordation shall prescribe 10 years from the date of the judgment or affidavit unless appropriately reinscribed or filed.

Proposed law further provides that the effect of recordation of an affidavit that was of record on or before the effective date of this Act shall not cease until August 31, 2022.

Proposed law provides for retroactive application of proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 13:4291(A) and (B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Remove proposed law provisions related to the contents of the judgment or affidavit.
2. Restore present law relative to the running of prescription.
3. Provide for prescription of the effect of recordation of the judgment or affidavit.
4. Provide for the effect of recordation of affidavits filed on or before the effective date of the Act.
5. Provide for retroactivity.
6. Change the effective date from Jan. 1, 2021, to upon the governor's signature.