

2016 Regular Session

HOUSE BILL NO. 486

BY REPRESENTATIVE ROBERT JOHNSON

1 AN ACT

2 To amend and reenact R.S. 46:236.15(D)(1)(introductory paragraph) and (a), relative to
3 child support enforcement; to provide relative to authority for seizures and intercepts
4 by the Department of Children and Family Services; to provide for an administrative
5 hearing process; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:236.15(D)(1)(introductory paragraph) and (a) are hereby amended
8 and reenacted to read as follows:

9 §236.15. Limited administrative authority for certain paternity and child support
10 actions

11 * * *

12 D. Authority to seize and intercept.

13 (1) In cases in which there is a child support arrearage or child support
14 overpayment made to a custodial parent, and after notice of such arrearage or
15 overpayment has been made by certified or regular mail, personal service, or
16 domiciliary service, the agency shall have the administrative authority to:

17 (a) Intercept, encumber, freeze, or seize periodic or lump sum payments
18 from a state or local agency or any entity licensed or permitted by any state agency
19 or board under Chapters 1, 4, 5, or 7 of Title 27 of the Louisiana Revised Statutes of
20 1950, including but not limited to unemployment compensation benefits, workers'
21 compensation, and other benefits, judgments, settlements, lottery winnings,
22 progressive slot machine annuities beginning with the second annuity payment, cash
23 gaming winnings, assets held in financial institutions, and public and private
24 retirement funds. However, child support overpayments are excluded from recovery

1 from unemployment compensation benefits. The provisions of R.S. 13:3881
 2 providing general exemptions from seizure are applicable to the provisions of this
 3 Subparagraph. After the agency encumbers, intercepts, or freezes any assets set out
 4 in this Subsection, it shall notify the payor or custodial parent that he has thirty days
 5 to advise the agency that he wishes to appeal the seizing of ~~said~~ the assets. Upon
 6 receipt of such notice, the agency shall either release the property or schedule a
 7 hearing ~~with the appropriate court~~ in accordance with the Administrative Procedure
 8 Act. Such hearing may be conducted telephonically or by means of any other such
 9 electronic media. The sole issue at the administrative hearing shall be whether the
 10 payor is in compliance with an order of support or whether the custodial parent owes
 11 an overpayment of support. If the payor or custodial parent fails to file an appeal
 12 within thirty days, the agency may institute proceedings through administrative
 13 process to seize or sell the property in accordance with state law.

14 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____