
DIGEST

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HB 426 Original

2017 Regular Session

Marino

Abstract: Provides for the modification of child support under certain circumstances when an obligor is incarcerated for 30 days or more.

Present law requires an obligor who is incarcerated to continue child support payments consistent with the obligation established prior to incarceration.

Proposed law requires a court to consider an obligor's incarceration of more than 30 days a material change in circumstances, and therefore requires a temporary modification of the support order. Provides for an exception to proposed law when the incarceration is pursuant to an intentional failure to pay a child support obligation.

Proposed law permits the temporary modification of support order to terminate upon the obligor's release from imprisonment, and allows an obligor, obligee, or the Dept. of Children and Family Services to file pleadings to modify support.

Proposed law requires the department to notify a party of the legal right to file for temporary modification of support when an obligor is incarcerated.

Proposed law provides for a defense when an obligor is charged with contempt of court for failure to pay support while incarcerated.

Proposed law adds that a person shall not be considered voluntarily unemployed or underemployed if that person is incarcerated for more than thirty days.

Effective Aug. 1, 2018.

(Amends R.S. 9:315.11(C); Adds R.S. 9:315.27 and 315.28)