

SENATE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 185
by Senator Walsworth

AMENDMENT NO. 1

Delete pages 2 through 5 and insert the following:

"§236.2. Redirection of support payments

A.(1) Pursuant to 42 U.S.C. 654b(a)(1)(A), the department is authorized to receive and disburse support payments made on behalf of each child who is a recipient of public assistance, or for any obligee when an individual has applied for support enforcement services pursuant to Title IV-D of the Social Security Act. Except as provided in this Section, the department is not required to seek an amendment to the support order, file a motion to intervene, or subrogate itself to the rights of the obligee to exercise its standing as independent party.

(2) To carry out and effectuate the purposes and provisions of this Section and 42 U.S.C. 666(c)(1)(E), the department shall administratively change the payee of a support order to the department. Such change shall not occur until the department has provided notice of the change to all parties under this Subsection.

(3) If a court has ordered support payments to be made to an obligee, the department shall, on providing notice to the obligee and the obligor, direct the obligor or other payor to make support payments payable to the department and to transmit the payments to the state disbursement unit. The department shall file a copy of the notice with the court by which the order was issued or last registered. **The redirection of payment to the department is effective when mailed to the parties and no further action is necessary for the department to enforce the support order.** The notice shall include all of the following:

- (a) A statement that the child's family is receiving support enforcement services.
 - (b) The name of the child and the obligee for whom support has been ordered by the court.
 - (c) The docket number and court by which support was ordered or last registered.
 - (d) Instructions for the payment of ordered support to the department.
- (4) The notice shall be sent by regular mail to the obligor and the obligee at the last known address of each as listed in the state case registry. The obligor shall be required to submit payment, in accordance with Subparagraph (3)(d) of this Subsection, ten days after the date of the notice.

(5) On receipt of a copy of the notice, the clerk of court shall file the notice in the appropriate case record. **Upon receipt of the notice, the court upon its own motion shall issue an order, as promulgated in the Louisiana Rules of District Court, recognizing that the department upon mailing of the notice became payee of the support order. The order shall be granted ex parte without contradictory hearing. The order shall be served upon the obligor, the obligee and the department.**

B.(1)(a) Notwithstanding the provisions of R.S. 13:1599(B), in cases receiving support enforcement services from the department, upon the motion of the district attorney or the department to transfer, a support order shall be transferred for subsequent enforcement and modification to the appropriate juvenile court within the parish wherein the support order was rendered or last registered.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply in East Baton Rouge Parish.

(2)(a) Notwithstanding the provisions of R.S. 13:1599(B), in cases no longer receiving support enforcement services from the department, upon motion to transfer by the interested party, a support order shall be transferred for subsequent enforcement and modification to the district or family court in the same parish as the juvenile court transferring the order.

(b) As used in this Section, "interested party" shall include only the department, the district attorney, the contract attorney providing support services pursuant to Title

1 IV-D, the person owing the support obligation, or the individual or current caretaker
2 to whom the support obligation is owed.

3 (3) In any of the cases in this Subsection, the court shall grant its order ex parte and
4 without hearing any adverse party.

5 C.(1) On termination of support enforcement services under 45 CFR 303.11(b), or
6 upon the death of the obligee or caretaker, the department shall send a notice **to the**
7 **obligor and the obligee** to terminate the redirection. The notice shall include all of
8 the following:

9 (a) A statement that either:

10 (i) The child's family is no longer receiving support enforcement services.

11 (ii) The obligee or caretaker is now deceased.

12 (b) The name of the child and the obligee for whom support has been ordered by the
13 court.

14 (c) The docket number and court in which support was ordered or last registered.

15 (d) Instructions for the payment of ordered support and any past-due support that has
16 accrued.

17 (2) The notice shall be sent by regular mail to the address listed in the state case
18 registry for the obligor and the obligee, as appropriate. The obligor shall be required
19 to submit payments in accordance with the instructions in this notice ten days after
20 the date of the notice.

21 (3) The department shall file a copy of the notice with the court in which the order
22 was issued or last registered. On receipt of a copy of the notice, the clerk of the court
23 shall file the notice in the appropriate case record. **Upon receipt of the notice, the**
24 **court upon its own motion shall issue an order recognizing that the department**
25 **was removed as payee of the support order, effective upon the date that notice**
26 **of redirection of payment was mailed to the parties. The order shall be granted**
27 **ex parte without contradictory hearing. The order shall be served upon the**
28 **obligor, obligee and the department.**

29 D. This Section applies regardless of whether the individual applying for or receiving
30 support enforcement services has ever received any public assistance and regardless
31 of whether there is a delinquency.

32 E. The department shall not enforce or collect any past-due support that accumulated
33 before support enforcement services were provided until a contradictory hearing is
34 held by the appropriate court to determine the amount of past-due support owed."
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