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DIGEST

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SB 489 Engrossed

2022 Regular Session

Jackson

Present law provides that in or ancillary to any action to make past-due child support executory, in an action for contempt of court for failure to comply with an order of support, or in a criminal neglect of family proceeding, the court on its own motion or upon motion of an obligee or the Dept. of Children and Family Services shall, unless the court determines good cause exists, issue an order of suspension of a license or licenses of any obligor who is not in compliance with an order of child support. The court shall give specific written and oral reasons supporting its determination of good cause.

Proposed law provides that in such actions, the court may, rather than shall, order the suspension of licenses and removes the necessity of a good cause finding to avoid the suspension of licenses.

Proposed law provides that the court shall not issue an order for a suspension of a license unless it finds that a properly issued immediate income assignment or garnishment of wages did not result in the withholding or seizure of income and the obligor has not otherwise made payment toward the obligation of child support.

Proposed law further provides that if an obligor's failure to appear or failure to comply with an order of support is due to incarceration, the court shall not suspend the obligor's license.

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

(Amends R.S. 9:315.32(A))

Summary of Amendments Adopted by House

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

1. Provide that the court may, rather than shall, order the suspension of licenses in actions to make past-due child support executory, actions for contempt of court for failure to comply with an order of support, or in a criminal neglect of family proceeding.
2. Remove the necessity of a good cause showing to avoid the suspension of licenses.
3. Provide for the suspension of licenses only after an immediate income assignment or garnishment of wages did not result in the withholding or seizure of income and the obligor has not otherwise made payment toward the obligation of child support.
4. Provide that incarceration shall not cause the suspension of the obligor's license.