

Regular Session, 2010

HOUSE BILL NO. 871

BY REPRESENTATIVE HAZEL

CHILDREN/SUPPORT: Provides relative to summonses for contempt for nonpayment of child support orders or medical support orders

1 AN ACT

2 To amend and reenact R.S. 46:236.6(A) and 236.7(B), relative to summonses for contempt
3 for nonpayment of child support orders or medical support orders; to provide for
4 authority to issue summonses for contempt; to provide for changes to a statutory
5 reference regarding child support collection agencies; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:236.6(A) and 236.7(B) are hereby amended and reenacted to read
9 as follows:

10 §236.6. Failure to pay support; procedure, penalties and publication

11 A. If a defendant violates the terms of a court order, issued pursuant to the
12 provisions of R.S. 46:236.1.1 et seq., ~~R.S. 46:236.2~~ and 236.2, Ch.C. Articles 1301
13 et seq., or R.S. 13:4241, requiring him to pay child support to the Department of
14 Social Services, a representative of the child support collection agency as set forth
15 in R.S. 46:236.1.8 may issue and serve on the defendant a summons ordering him to
16 appear and show cause before the proper court of competent jurisdiction why he
17 should not be held in contempt of court. Prior to or at the hearing, the Department
18 of Social Services or the district attorney shall file with the court and serve in open
19 court on the defendant a rule for contempt, setting forth the terms of the original
20 court order for child support and all modifications thereof, along with the allegations

1 and date where the offender is to show cause in answer to the rule. Hearings held on
2 rules for contempt or rules to show cause shall be tried in a summary manner.

3 * * *

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abstract: Specifies parties who are authorized to issue summonses for contempt for nonpayment of child support orders or medical support orders.

Present law provides that a representative of the child support collection agency may serve on the defendant a summons ordering him to appear before the proper court.

Proposed law retains present law, but gives the representative of the child support collection agency authority to issue as well as serve summonses.

Present law provides that only the district attorney may file with the court and serve in open court on the defendant a rule for contempt.

Proposed law retains present law, but also allows the Dept. of Social Services to file with the court and serve in open court on the defendant a rule for contempt.

Proposed law removes a reference to a repealed statute (R.S. 46:236.1(K)) and adds a reference to the appropriate section of present law (R.S. 46:236.1.8).

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

(Amends R.S. 46:236.6(A) and 236.7(B))