

ACT No. 216

2016 Regular Session.

HOUSE BILL NO. 259

BY REPRESENTATIVE NANCY LANDRY

(On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To enact R.S. 13:3494 and 3495, relative to child support actions; to provide for required
3 notice; to provide for contents of the notice; to provide relative to the failure to
4 provide notice; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:3494 and 3495 are hereby enacted to read as follows:

7 §3494. Child support; notice required in child support actions

8 A. A notice in a child support action shall be signed by the clerk of the court
9 or his deputy issuing it with an expression of his official capacity and under the seal
10 of his office, shall be accompanied by a certified copy of the pleading, and shall
11 contain all of the following:

- 12 (1) The date of issuance.
- 13 (2) The title of the cause.
- 14 (3) The name of the person to whom it is addressed.
- 15 (4) The title and location of the court issuing it.
- 16 (5) Statements to the following effect:
 - 17 (a) That the person served is being sued for child support.
 - 18 (b) That the person served may be entitled to raise issues relating to child
19 custody or visitation, or both.

20 B. The notice shall provide substantially as follows:

21 ATTENTION:
 22 YOU ARE BEING SUED FOR CHILD SUPPORT.
 23 YOU MAY HAVE THE RIGHT TO RAISE ISSUES IN THIS
 24 PROCEEDING RELATING TO CUSTODY OF THE CHILD(REN) OR

1 VISITATION WITH THE CHILD(REN). ACCORDING TO LOUISIANA LAW
 2 (R.S. 9:315.25), THE COURT MAY HEAR AND DECIDE CHILD CUSTODY OR
 3 VISITATION ISSUES IN A CHILD SUPPORT PROCEEDING, PROVIDED
 4 THAT THE JUDGE AND ALL PARTIES AGREE TO HAVE THE ISSUE(S)
 5 HEARD. IF ALL DO NOT AGREE, YOU WILL HAVE TO FILE LEGAL
 6 PLEADINGS TO HAVE THE COURT DECIDE THE ISSUE(S) RELATING TO
 7 CHILD CUSTODY OR VISITATION. NOTE THAT YOUR DECISION TO
 8 RAISE THESE ISSUES MAY NOT BE USED TO DELAY THE CHILD
 9 SUPPORT PROCEEDINGS.

10 IF YOU DO NOT UNDERSTAND THIS NOTICE OR ARE UNSURE
 11 WHAT TO DO, YOU SHOULD SEEK LEGAL ADVICE FROM AN ATTORNEY
 12 OR AN ORGANIZATION THAT PROVIDES LEGAL SERVICES IN YOUR
 13 COMMUNITY.

Comment - 2016

15 This provision is new. It is intended to facilitate use of R.S. 9:315.25 by
 16 litigants in child support proceedings by increasing general knowledge of its
 17 existence. It is anticipated that increased use of R.S. 9:315.25 by litigants in child
 18 support proceedings will provide both custodial and non-custodial parents the option
 19 to obtain a child custody judgment in a child support proceeding without filing any
 20 additional proceedings and without the investment of further court or litigant
 21 resources. Clerks of court are encouraged, when issuing the above notice, to append
 22 to it any information regarding statewide and local pro bono or self-help providers,
 23 including local legal service providers, legal service hotlines, self-help centers and
 24 community legal clinics.

25 §3495. Failure to give notice; validity of judgment not affected

26 A failure to give the notice required pursuant to R.S. 13:3494 shall not
 27 invalidate a judgment of child support.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____