

FOR OFFICE USE ONLY

HOUSE FLOOR AMENDMENTS

2017 Regular Session

Amendments proposed by Representative Marino to Engrossed House Bill No. 680 by Representative Marino

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 9:311(D)" to "R.S. 9:311(A)(2) and (D)"

3 AMENDMENT NO. 2

4 On page 1, line 7, after "orders;" and before "to provide for a defense" insert "to provide for
5 notice requirements;"

6 AMENDMENT NO. 3

7 On page 1, line 17, change "R.S. 9:311(D)" to "R.S. 9:311(A)(2) and (D)"

8 AMENDMENT NO. 3

9 On page 1, line 19, after "Modification" and before "of" insert "or suspension"

10 AMENDMENT NO. 5

11 On page 1, after line 21, insert the following:

12 "A.

13 * * *

14 (2) The Department of Children and Family Services shall prepare and
15 distribute information, forms, and rules for the modification or suspension of support
16 orders, in accordance with this Subsection, and for proceeding *in forma pauperis*.
17 The information provided by the Department of Children and Family Services shall
18 specifically include what may constitute a material change in circumstances. The
19 clerks of court in all parishes shall make this information available to the public upon
20 request. This information shall also be distributed by the Department of Public
21 Safety and Corrections or the sheriff of any parish, as appropriate, to every person
22 incarcerated in every state and parish jail and prison facility. When the initial
23 support order is entered, either the court or the department, if providing services,
24 shall provide this information to the parties.

25 * * *

26 AMENDMENT NO. 6

27 On page 2, delete lines 27 through 29 in their entirety

28 AMENDMENT NO. 7

29 On page 3, delete lines 1 through 5 in their entirety

30 AMENDMENT NO. 8

31 On page 3, at the beginning of line 6, change "D." to "C."

1 AMENDMENT NO. 9

2 On page 3, delete lines 14 through 23 in their entirety and insert the following:

3 "D.(1) When the Department of Children and Family Services is providing
4 support enforcement services, the department shall, upon receipt of notice in
5 accordance with Paragraph (C)(1) of this Section, verify that none of the conditions
6 in Subsection A exists.7 (2) Upon finding that none of the conditions in Subsection A exists, the
8 department shall provide notice to the custodial party by certified mail, return receipt
9 requested. The notice shall state all of the following:10 (a) The child support order shall be suspended unless the custodial party
11 objects no later than fifteen calendar days after receipt of such notice on any of the
12 following grounds:13 (i) The obligor has sufficient income or assets to comply with the order of
14 child support.15 (ii) The obligor is incarcerated for an offense against the custodial party or
16 the child subject to the order of child support.17 (iii) The offense for which the obligor is incarcerated is due to the obligor's
18 failure to comply with an order to pay child support.19 (b) The custodial party may object to the proposed modification by delivering
20 a signed objection form, indicating the nature of the objection to the department no
21 later than fifteen calendar days after receipt of the notice in this Paragraph.22 (3) If no objection is received from the custodial party in accordance with
23 Paragraph (2) of this Subsection, the department shall file an affidavit with the court
24 that has jurisdiction over the order of child support. The affidavit shall include all
25 of the following:26 (a) The beginning and expected end dates of such obligor's incarceration.27 (b) A statement by the affiant of all of the following:28 (i) A diligent search failed to identify any income or assets that could be
29 used to satisfy the order of child support while the obligor is incarcerated.30 (ii) The offense for which the obligor is incarcerated is not an offense against
31 the custodial party or the child subject to the order of child support.32 (iii) The offense for which the obligor is incarcerated is not due to the
33 obligor's failure to comply with an order to pay child support.34 (iv) A notice was provided to the custodial party in accordance with
35 Paragraph (2) of this Subsection and an objection was not received from such party.36 (4) The suspension of the order of support shall begin upon the date that the
37 department files the affidavit.38 (5) If the custodial party makes a timely objection, the department shall file
39 a contradictory motion with the court that has jurisdiction over the order of child
40 support.41 (6) If a timely objection is made, the order of child support shall continue
42 until further order of the court."43 AMENDMENT NO. 1044 On page 3, at the beginning of line 24, change "G." to "E."45 AMENDMENT NO. 1146 On page 3, at the beginning of line 27, change "H." to "F."47 AMENDMENT NO. 1248 On page 4, at the beginning of line 4, change "I." to "G."

1 AMENDMENT NO. 13

2 On page 4, at the beginning of line 14, change "J." to "H."

3 AMENDMENT NO. 14

4 On page 4, between lines 16 and 17, insert the following:

5 "I. The provisions of this Section shall not apply if a court does not have
6 continuing exclusive jurisdiction to modify the order of child support in accordance
7 with Children's Code Article 1302.5."

8 AMENDMENT NO. 15

9 On page 4, at the beginning of line 17, change "K." to "J."

10 AMENDMENT NO. 16

11 On page 5, line 25, after "longer" delete the remainder of the line and insert a period "."

12 AMENDMENT NO. 17

13 On page 5, delete lines 26 through 27 in their entirety