

SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 161 By Senator Jackson**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

CHILDREN. Provides relative to income assignment orders. (8/15/08)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Provides that the notice to withhold is binding 14 days after mailing or other transmission or upon an administrative order issued by DSS.
2. Provides that the fine imposed shall not exceed the support amount which should have been withheld.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

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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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Jackson

SB No. 161

Present law (R.S. 9:397.1(B)) provides that if the state, a political subdivision of the state, or the petitioner pays the initial costs of blood or tissue tests to determine paternity, then they may recover costs from an individual only if he is found to be the father of the child in the action and the court determines the manner of reimbursement for costs.

Proposed law retains present law but requires the reimbursement for costs to be ordered through the income assignment order if an income assignment order is issued.

Present law (R.S. 13:42919(A)) provides that a failure to pay court-ordered child support results in a judgment by operation of law which is executory in all respects except that the court shall determine the actual amount owed in a summary proceeding and provides that the judgment shall have the effect of a judicial mortgage when final and legally recorded, but prescription does not begin to run against any such judgment for child support arrearage until the child reaches the age of majority or the obligation to provide child support ceases.

Proposed law retains present law but further provides that prescription is interrupted by each payment of child support pursuant to a judgment ordering support, including payments made through income assignment orders, seizures, or tax intercepts.

Present law (R.S. 46:236.3(B)(1)) requires a court to order an immediate income assignment order upon entry of any court order for the establishment or modification of support, with such assignment to be immediately provided by written notice to the payor of income unless there is a written agreement between the parties or the court finds good cause not to require immediate income assignment. Requires the income assignment order to advise the payor to withhold an amount for current support, plus an additional amount toward any arrearage.

Proposed law retains present law but additionally requires the income assignment order to advise the payor to withhold an amount for any judgments entered for the costs of genetic testing.

Present law provides that the notice to withhold operates as an assignment and is binding.

Proposed law retains present law and specifies that the notice becomes binding 14 days after it is mailed or other transmission or from DSS by administrative order of income assignment.

Present law (R.S. 46:236.3(K)) requires a court upon due notice and hearing when a payor willfully fails to withhold or pay over income pursuant to a valid income assignment order or willfully discharges or otherwise penalizes a person ordered to pay support to enter judgment against the payor and direct the issuance of an execution for the total amount the payor failed to withhold, and also authorizes the court to order reinstatement of or restitution to the person who was discharged or penalized by the payor.

Proposed law retains present law but additionally authorizes the court to impose a fine against the payor of up to \$25.00 per day for the failure to comply with the income assignment order, but the fine shall not exceed the support amount that should have been withheld.

(Amends R.S. 9:397.1(B), R.S. 13:4291(A), and R.S. 46:236.3(B)(1), (I), and (K))

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