

SENATE BILL NO. 161

BY SENATOR JACKSON

1 AN ACT

2 To amend and reenact R.S. 9:397.1(B), R.S. 13:4291(A), and R.S. 46:236.3(B)(1), (I), and  
3 (K), relative to income assignment orders; to provide for the interruption of  
4 prescription of child support payments intercepted through any means; to authorize  
5 the use of income assignment orders; to collect paternity testing costs; to provide for  
6 fines against employers for failing to withhold payments from income assignment  
7 orders; to provide terms and conditions; to provide for the effect of the notice to  
8 withhold; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 9:397.1(B) is hereby amended and reenacted to read as follows:

11 §397.1. Compensation of expert witnesses and recovery of testing costs

12 \* \* \*

13 B. If the state, a political subdivision of the state, or the petitioner pays the  
14 initial costs of testing under this Part in a paternity action, the state, political  
15 subdivision, or petitioner may recover those costs from an individual only if he is  
16 found to be the father of the child in the action. **If an income assignment order is**  
17 **issued, the reimbursement for the costs shall be ordered through the income**  
18 **assignment order. If an income assignment order has not been issued, The the**  
19 court shall determine the manner in which the reimbursement for the costs shall be  
20 made.

21 Section 2. R.S. 13:4291(A) is hereby amended and reenacted to read as follows:

22 §4291. Effect of child support payments; legal mortgage and privilege; affidavit of  
23 support owed; prescription



1 administrative order of income assignment, upon any existing or future employers  
2 or payors of income of the person ordered to pay support ~~upon whom a copy of the~~  
3 ~~notice to withhold is served.~~

4 \* \* \*

5 K. When a payor willfully fails to withhold or pay over income pursuant to  
6 a valid income assignment order or willfully discharges, disciplines, or otherwise  
7 penalizes a person ordered to pay support, or otherwise fails to comply with any  
8 duties imposed by this Section, the court, upon due notice and hearing:

9 (1) Shall enter judgment against the payor and direct the issuance of an  
10 execution for the total amount that the payor failed to withhold or pay over.

11 (2) May impose a fine against the payor, up to twenty-five dollars per  
12 day, for the failure to withhold or pay over the support in accordance with the  
13 provisions of the income assignment notice. The fine shall not exceed the  
14 support amount that should have been withheld or paid over to the obligee.

15 ~~(2)~~ (3) May order reinstatement of or restitution to the person ordered to pay  
16 support, or both, where the person has been discharged, disciplined, or otherwise  
17 penalized by the payor as prohibited in this Section.

18 \* \* \*

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_