
DIGEST

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HB 680 Original

2017 Regular Session

Marino

Abstract: Provides for the modification or suspension of child support under certain circumstances when an obligor is incarcerated for 180 days or more.

Proposed law provides for the temporary modification or suspension of a child support order due to an obligor's incarceration of more than 180 days. Allows an obligor, obligee, or the Dept. of Children and Family Services to file pleadings to modify support. Provides for the following exceptions:

- (1) The incarceration is pursuant to an intentional failure to pay a child support obligation.
- (2) The obligor has the means to pay support while incarcerated.
- (3) The obligor is incarcerated for an offense against the custodial party or the child subject to the support order.

Proposed law requires the Dept. of Public Safety and Corrections or the sheriff to notify the Dept. of Children and Family Services in certain circumstances when a person in its custody may be subject to a child support obligation.

Proposed law requires a court to consider an obligor's incarceration of more than 180 days a material change in circumstances.

Proposed law adds that a person shall not be considered voluntarily unemployed or underemployed if that person is incarcerated for more than 180 days.

Effective Jan. 1, 2019.

(Amends R.S. 9:311(D) and 315.11(A) and (C); Adds Ch.C. Art. 1353(G), R.S. 9:311.1, R.S.13:4611(1)(d)(iii), and R.S. 46:236.6(B)(4) and 236.7(C)(4); Repeals R.S. 9:311(G))