

Regular Session, 2012

HOUSE BILL NO. 224

BY REPRESENTATIVE ARMES

CHILDREN/SUPPORT: Provides relative to enforcement of child support by income assignment

1 AN ACT

2 To amend and reenact R.S. 46:236.3(E)(1)(a), (G), and (O), relative to child support
3 enforcement; to provide for withholdings for support; to provide with respect to civil
4 liability of persons who honor an income assignment order; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:236.3(E)(1)(a), (G), and (O) are hereby amended and reenacted
8 to read as follows:

9 §236.3. Enforcement of support by income assignment

10 * * *

11 E.(1)(a) Upon receipt of a notice to withhold, the payor of income shall
12 withhold from the income of the obligor the amount ordered for support, as it
13 becomes due, together with an additional sum, determined by the obligee, subject to
14 the limitations provided by R.S. 13:3881, to discharge the past due amount, and shall
15 continue the withholding each pay period or each singular or periodic payment until
16 further order of the court or until the requirements in Subparagraph ~~(1)~~(b) of this
17 ~~Subsection~~ Paragraph have been met. The ~~employer or~~ payor of income ~~must~~ shall
18 implement withholding no later than the first pay period or first singular or periodic
19 payment that occurs following receipt of the notice of income assignment and ~~must~~
20 shall remit amounts withheld within seven days.

21 * * *

1 G. Any person whose income is assigned under the provisions of this Section
2 shall advise the court of any change in his employment during the effective period
3 of assignment and shall advise the court of the name and address of any new
4 ~~employer or~~ payor of any singular or periodic payment of income. The information
5 required herein shall be filed with the clerk of court on a form which shall be
6 developed and distributed by the Department of Children and Family Services. The
7 ~~employer or~~ payor of a person whose income is assigned under the provisions of this
8 Section shall inform the assignee in writing within ten days when the obligor
9 terminates employment or the payment of income terminates and provide the
10 obligor's last known address and the name and address of the obligor's new
11 employer, if known. Any person who violates the provisions of this Subsection may
12 be found guilty of contempt of court.

13 * * *

14 O. ~~An employer~~ A payor who complies with a notice to withhold issued in
15 accordance with this Section shall not be subject to civil liability to any person or
16 agency with regard to the ~~employer's~~ payor's withholding of support from the
17 obligor's income.

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)]

Armes

HB No. 224

Abstract: Deletes references to "employer" relative to provisions involving income assignment orders for the purposes of child support enforcement.

Present law provides for an income assignment by the court directing a payor to withhold a certain amount for current support. Provides that an employer shall not be civilly liable for honoring an income assignment order.

Proposed law retains present law except it provides for a change in terminology to allow for consistency throughout proposed law.

(Amends R.S. 46:236.3(E)(1)(a), (G), and (O))