

2016 Regular Session

HOUSE BILL NO. 212

BY REPRESENTATIVE DAVIS

CHILDREN/SUPPORT: Requires employers to report pending lump sum payments to employees to appropriate enforcement agencies

1 AN ACT

2 To amend and reenact R.S. 46:236.3(A)(4), (5), (6), and (7), and to enact R.S.
3 46:236.3(A)(8) and 236.3(E)(6), relative to enforcement of support by income
4 assignment, to provide for procedures for the issuance of lump sum payments; to
5 provide definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:236.3(A) (4), (5), (6), and (7) are amended and reenacted and R.S.
8 46:236.3(A)(8) and (E)(6) are enacted to read as follows:

9 §236.3. Enforcement of support by income assignment

10 A. For purposes of this Section, the following words have the meaning
11 ascribed to them by this Section unless the context clearly indicates a different
12 meaning:

13 * * *

14 (4) "Lump-sum payment" means any income in the amount of five hundred
15 dollars or more, excluding an employee's usual earnings or amount paid as severance
16 pay on termination of employment.

17 ~~(4)~~(5) "Obligee" means the person for whom support has been ordered, or
18 the person whose support rights have been assigned to the department or for whom
19 the department is providing support enforcement services, or the department.

20 ~~(5)~~(6) "Obligor" means the person ordered to pay support.

21 ~~(6)~~(7) "Payor" means the payor of any income to a person ordered to pay
22 support, or any financial institution in which the obligor has assets.

1 ~~(7)~~(8) "Support" means child support, spousal support, and medical support
2 established by a court order and any amounts ordered under R.S. 46:236.5.

3 * * *

4 (6)(a) When a payor intends to issue a lump-sum payment to an obligor, the
5 payor shall notify the department in writing within fifteen days prior to its issuance
6 of the lump sum payment.

7 (b) After the payor notifies the department pursuant to Subparagraph (a) of
8 this Paragraph, the department has fifteen days to provide the payor with written
9 verification as to whether all or a portion of the lump-sum payment should be
10 withheld to be applied to support owed by the obligor.

11 (c) If, after fifteen days from the date the payor contacts the department, the
12 payor has not received any written verification from the department as to any
13 withholdings of the lump-sum payment, then the payor may dispense the lump-sum
14 payment in full to the obligor, and cannot be held liable under Subsection K of this
15 Section in connection with the dispensed lump sum payment.

16 * * *

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)]

HB 212 Original 2016 Regular Session Davis

Abstract: Provides guidelines for employers' lump-sum payments to employees owing support.

Present law provides procedures for the enforcement of child support, spousal support, and medical support through income assignment orders. Requires employers to withhold the amount of support owed from an employee's income in accordance with present law.

Proposed law requires employers to notify the Dept. of Children and Family Services of pending lump-sum payments to employees who owe support.

Proposed law protects employers from liability who issue a lump-sum payment in full to an employee if the employer satisfies the reporting requirements.

(Amends R.S. 46:236.3(A)(4), (5), (6), and (7); Adds R.S. 46:236.3(A)(8) and 236.3(E)(6))