HLS 16RS-499 ENGROSSED

2016 Regular Session

HOUSE BILL NO. 212

1

BY REPRESENTATIVE DAVIS

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

AN ACT

2	To enact R.S. 46:236.3(E)(6), relative to enforcement of support by income assignment, to
3	provide for procedures for the issuance of lump sum payments; to provide
4	definitions; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 46:236.3(E)(6) is hereby enacted to read as follows:
7	§236.3. Enforcement of support by income assignment
8	* * *
9	E.
10	* * *
11	(6)(a) For the purpose of this Paragraph, "lump-sum payment" means a
12	single payment made all at once from any source, in lieu of recurring payments that
13	would be received by an obligor over a period of time.
14	(b)(i) When a payor intends to issue a lump-sum payment in the amount of
15	three hundred dollars or more to an obligor, the payor shall notify the department
16	within fifteen days prior to its issuance of the lump sum payment. Nothing in this
17	Paragraph shall prevent a payor from reporting a lower lump-sum payment at the
18	payor's discretion.
19	(ii) Notice of the lump-sum payment shall be provided in a method approved
20	by the department. The department shall provide information regarding all approved
21	methods on its website.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 (c) If, after fifteen days from the date the payor notifies the department, the 2 payor has not received any verification from the department as to any withholdings 3 of the lump-sum payment, then the payor may dispense the lump-sum payment in 4 full to the obligor. 5 (d) The provisions of this Paragraph only apply when the department is 6 providing support enforcement services. 7 (e) A payor who complies with the requirements of this Paragraph shall not 8 be subject to the penalties in Subsection K of this Section. 9

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 Engrossed

2016 Regular Session

Davis

Abstract: Provides procedures for employers' lump-sum payments to employees owing support if the Dept. of Children and Family Services is providing support enforcement services.

<u>Present law</u> 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.

<u>Proposed law</u> requires employers to notify the Dept. of Children and Family Services of pending lump-sum payments to employees who owe support if that lump-sum payment is \$300 or more.

<u>Proposed law</u> defines lump-sum payments as a single payment made all at once from any source, in lieu of recurring payments that would be received by an obligor over a period of time.

<u>Present law</u> provides that an employer who willfully violates certain <u>present law</u> provisions with respect to withholding income pursuant to a valid order may be fined up to \$50 per day.

<u>Proposed law provides</u> that employers who issue a lump-sum payment in full to an employee if the employer satisfies the reporting requirements shall not be subject to <u>present law</u> penalties.

(Adds R.S. 46:236.3(E)(6))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Civil Law and Procedure</u> to the <u>original bill</u>:

- 1. Changes the definition of lump-sum payment to remove the required amount of \$500 to constitute a lump-sum payment.
- 2. Adds that the Department must be notified of a lump-sum payment only if the amount will be \$300 or more.
- 3. Specifies that notification of the lump-sum payment shall be provided in a method approved by the department.