

2016 Regular Session.

HOUSE BILL NO. 259

BY REPRESENTATIVE NANCY LANDRY

(On Recommendation of the Louisiana State Law Institute)

CHILDREN/SUPPORT: Provides relative to notice in child support actions

1 AN ACT

2 To enact R.S. 13:3494 and 3495, relative to child support actions; to provide for required
3 notice; to provide for contents of the notice; to provide relative to the failure to
4 provide notice; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:3494 and 3495 are hereby enacted to read as follows:

7 §3494. Child support; notice required in child support actions

8 A. A notice in a child support action shall be signed by the clerk of the court
9 or his deputy issuing it with an expression of his official capacity and under the seal
10 of his office, shall be accompanied by a certified copy of the pleading, and shall
11 contain all of the following:

12 (1) The date of issuance.

13 (2) The title of the cause.

14 (3) The name of the person to whom it is addressed.

15 (4) The title and location of the court issuing it.

16 (5) Statements to the following effect:

17 (a) That the person served is being sued for child support.

18 (b) That the person served may be entitled to raise issues relating to child
19 custody or visitation, or both.

B. The notice shall provide substantially as follows:

ATTENTION:

YOU ARE BEING SUED FOR CHILD SUPPORT.

YOU MAY HAVE THE RIGHT TO RAISE ISSUES IN THIS

PROCEEDING RELATING TO CUSTODY OF THE CHILD(REN) OR

VISITATION WITH THE CHILD(REN). ACCORDING TO LOUISIANA LAW

(R.S. 9:315.25), THE COURT MAY HEAR AND DECIDE CHILD CUSTODY OR

VISITATION ISSUES IN A CHILD SUPPORT PROCEEDING, PROVIDED

THAT THE JUDGE AND ALL PARTIES AGREE TO HAVE THE ISSUE(S)

HEARD. IF ALL DO NOT AGREE, YOU WILL HAVE TO FILE LEGAL

PLEADINGS TO HAVE THE COURT DECIDE THE ISSUE(S) RELATING TO

CHILD CUSTODY OR VISITATION. NOTE THAT YOUR DECISION TO

RAISE THESE ISSUES MAY NOT BE USED TO DELAY THE CHILD

SUPPORT PROCEEDINGS.

IF YOU DO NOT UNDERSTAND THIS NOTICE OR ARE UNSURE

WHAT TO DO, YOU SHOULD SEEK LEGAL ADVICE FROM AN ATTORNEY

OR AN ORGANIZATION THAT PROVIDES LEGAL SERVICES IN YOUR

COMMUNITY.

Comment - 2016

This provision is new. It is intended to facilitate use of R.S. 9:315.25 by litigants in child support proceedings by increasing general knowledge of its existence. It is anticipated that increased use of R.S. 9:315.25 by litigants in child support proceedings will provide both custodial and non-custodial parents the option to obtain a child custody judgment in a child support proceeding without filing any additional proceedings and without the investment of further court or litigant resources. Clerks of court are encouraged, when issuing the above notice, to append to it any information regarding statewide and local pro bono or self-help providers, including local legal service providers, legal service hotlines, self-help centers and community legal clinics.

§3495. Failure to give notice; validity of judgment not affected

A failure to give the notice required pursuant to R.S. 13:3494 shall not

invalidate a judgment of child support.

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 259 Engrossed

2016 Regular Session

Nancy Landry

Abstract: Requires the clerk or deputy clerk to provide notice in actions for child support, but provides that the failure to give notice does not invalidate an otherwise valid child support judgment.

Proposed law requires that notice be provided by the clerk or deputy clerk in child support actions.

Provides for the contents of the notice.

Proposed law provides that the required notice does not invalidate an otherwise valid child support judgment rendered.

(Adds R.S. 13:3494 and 3495)