

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 680

2017 Regular Session

Marino

CHILDREN/SUPPORT: Provides relative to child support when a parent is incarcerated

### Synopsis of Senate Amendments

1. Creates two classifications for the continuation of child support when the obligor is released from incarceration depending upon the age of the child:
  - (a) When the child is a minor upon the obligor's release from incarceration, only the Department of Children and Family Services may petition the court to continue the award of support, rather than any party.
  - (b) When the child has reached the age of majority when the obligor is released from incarceration, the child who has reached the age of majority or the custodial parent may petition for continuation of support. Adds that any petition for continuation must be done within twenty-four months of the obligor's release.
2. Adds a requirement that DCFS be given at least 6 months advance notification of a person's release for any person who is currently incarcerated and may be subject to a child support obligation.

### Digest of Bill as Finally Passed by Senate

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. Requires the Dept. of Children and Family Services (DCFS), once it is notified that an individual subject to support enforcement services is being incarcerated, to verify that none of the following exceptions exist:

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

Proposed law requires the Dept. of Public Safety and Corrections or the sheriff in certain circumstances to distribute information to every person in a prison facility regarding the suspension of child support, including information specific as to what may constitute a material change in circumstances. Further requires the Dept. of Public Safety and Corrections to notify DCFS of those persons who were in their custody and who may be subject to a child support order.

Proposed law requires DCFS to provide notice to the custodial party by certified mail that the child support obligation will be suspended (if none of the exceptions exist) unless the custodial party objects no later than fifteen calendar days from receipt of notice.

Proposed law outlines the grounds for the custodial parent to object to modification or suspension of support, and provides the means required for the custodial parent to object.

Proposed law requires DCFS to file an affidavit with the court having jurisdiction over the order of child support and provides for the mandatory contents of the affidavit.

Proposed law permits a court to continue an award of child support that would be otherwise terminated, if the award was suspended due to the obligor's incarceration. Provides for the appropriate moving party, depending upon the age of the child once the parent is released from incarceration. Proposed law prohibits such a continuation from exceeding a longer period of time than the award was suspended due to the obligor's incarceration.

Provides that proposed law does not apply if a court does not have continuous exclusive jurisdiction to modify the order pursuant to the Uniform Interstate Family Support Act.

Effective Jan. 1, 2019.

(Amends R.S. 9:311(A)(2) and (D) and 315.11(A) and (C); Adds Ch.C. Art. 1353(G), R.S. 9:311.1 and 315.27, 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))