

2020 Regular Session

HOUSE BILL NO. 358

BY REPRESENTATIVE PRESSLY

CHILDREN/SUPPORT: Provides relative to the role of the Department of Children and Family Services as an indispensable party in certain domestic matters

1 AN ACT

2 To amend and reenact R.S. 46:236.1.9(C), relative to indispensable parties when the
3 Department of Children and Family Services is providing support enforcement
4 services; to require the department to be served as an indispensable party in paternity
5 and support proceedings; to require certification of the receipt of support
6 enforcement services in certain actions; to provide for the failure to provide notice;
7 to provide an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 46:236.1.9(C) is hereby amended and reenacted to read as follows:

10 §236.1.9. Family and child support programs; duties; courts; agencies; party status

11 * * *

12 C.(1) ~~The~~ When providing support enforcement services, the department
13 shall be an indispensable party to any proceeding involving paternity, a support
14 obligation, or arrearages owed ~~under this Subpart.~~

15 (2) A party shall not commence an action, file a pleading, or submit a written
16 stipulation to the court without complying with Paragraph (3) of this Subsection, if
17 the purpose or effect of the action, pleading, or stipulation is any of the following:

18 (a) Establish, disavow, or contest paternity.

19 (b) Establish, modify, or terminate a support obligation.

20 (c) Change the court-ordered manner of payment of support.

Proposed law provides that if, during the pendency of the action, a child becomes the recipient of support enforcement services, both parties shall notify the court and the court shall provide DCFS with a copy of any hearing notice pertaining to a pending proceeding.

Proposed law provides that if notice is not given, DCFS shall not bound by any decision, judgment, or stipulation rendered in the action.

Effective Jan. 1, 2021.

(Amends R.S. 46:236.1.9(C))