

2018 Regular Session

HOUSE BILL NO. 576

BY REPRESENTATIVE MARINO

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

1 AN ACT

2 To amend and reenact Section 7 of Act No. 264 of the 2017 Regular Session of the
3 Legislature and to repeal R.S. 9:311.1(J), relative to child support; to provide relative
4 to child support obligations; to provide relative to the incarceration of the obligor;
5 to provide procedures for the temporary modification or suspension of child support
6 orders; to provide for notice requirements; to provide for a defense to contempt of
7 court; to provide for effective dates; to provide for the implementation of rules; and
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Section 7 of Act No. 264 of the 2017 Regular Session of the Legislature
11 is hereby amended and reenacted to read as follows:

12 Section 7.(A) ~~The provisions of this Act shall become~~
13 ~~effective January 1, 2109~~ Except as provided in Subsection (B) of
14 this Section, the provisions of Sections 1 through 7 this of Act shall
15 become effective on August 1, 2019.

16 (B) The provisions of R.S. 9:315.11 as amended and
17 reenacted by Section 2 of this Act shall become effective on August
18 1, 2018.

19 Section 2. R.S. 9:311.1(J) is hereby repealed in its entirety.

1 Section 3. The secretary of the Department of Children and Family Services, in
2 consultation with the courts, the Department of Public Safety and Corrections, and law
3 enforcement entities, shall promulgate rules in accordance with the Administrative
4 Procedure Act necessary to implement the provisions of this Act and Act No. 264 of the
5 2017 Regular Session of the Legislature.

6 Section 4. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective on the day following such approval.

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 576 Original

2018 Regular Session

Marino

Abstract: Changes the effective dates of Act No. 264 of the 2017 Regular Session which provides relative to the suspension of child support obligations when a parent is incarcerated.

Act No. 264 of the 2017 R.S. provides relative to child support obligations, procedures for the temporary modification or suspension of child support orders, notice requirements, defense for contempt of the failure to comply with a child support order due to incarceration, and rule-making authority for the Dept. of Children and Family Services.

The provisions of Act No. 264 of the 2017 R.S. become effective on Jan. 1, 2019.

Proposed law retains all of the substantive provisions of Act No. 264 except for changing the effective date as follows:

- (1) The provisions of Sections 1 through 7 of Act No. 264 become effective on Aug. 1, 2019, instead of Jan. 1, 2019, except as provided in (2) and (3) below.
- (2) The provisions of R.S. 9:315.11, relative to voluntary unemployment or underemployment, as amended and reenacted by Act No. 264, become effective on Aug. 1, 2018, instead of Jan. 1, 2019.
- (3) Repeals the rule-making authority provided to DCFS in Act No. 264 (R.S. 9:311.1(J)), and provides for such rule-making authority in proposed law, to be effective upon signature of the governor.

(Amends Act No. 264 of the 2017 R.S.; Repeals R.S. 9:311.1(J))