

2019 Regular Session

HOUSE BILL NO. 537

BY REPRESENTATIVE MIKE JOHNSON

1 AN ACT

2 To enact R.S. 46:51.1.1, relative to the assignment of rights to the Department of Children
3 and Family Services; to provide for obligations owed to the department by parents
4 or other individuals responsible for providing support to their children in foster care;
5 to provide for the appointment of the child support enforcement administrator as
6 attorney for parents or other individuals whose children are in foster care when
7 subject to support proceeding; to provide for the involuntary consent of parents or
8 other individuals to such proceedings; to prohibit parents and other individuals from
9 entering a contract for the collection of support when their children are in foster care;
10 to provide for application; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 46:51.1.1 is hereby enacted to read as follows:

13 §51.1.1. Child support programs; foster care; rights; responsibilities

14 A.(1) If a child is removed from a parent's or another individual's custody or
15 voluntarily placed into foster care by the parent or the individual, the parent or
16 individual shall be deemed to have made an assignment to the department of his
17 entire right, title, and interest to any support obligation the parent or individual may
18 have in his own behalf or on behalf of any family member receiving foster care
19 services which has accrued at the time of the placement of the child in foster care and
20 which accrues during the time the child is in foster care without necessity of signing
21 any documents.

1 (2) Voluntary child support payments made to the parent or individual at the
 2 time of placement of the child in foster care or during the time the child is in foster
 3 care shall be deemed to have been assigned to the department, unless the assignment
 4 is contrary to a valid court order. The department may thereafter collect the support
 5 payments by appropriate process.

6 B.(1) The parent or individual shall also be deemed to have consented to all
 7 of the following:

8 (a) The designation of the department as payee in an initial or amended order
 9 of support.

10 (b) The appointment of the child support enforcement administrator as the
 11 parent's or individual's true and lawful attorney-in-fact to act in the parent's or
 12 individual's name, place, and stead to perform the specific act of endorsing any and
 13 all drafts, checks, money orders, or other negotiable instruments representing support
 14 payments which are received on behalf of the parent or individual.

15 (2) The department shall be an indispensable party to any proceeding
 16 involving a support obligation or arrearage owed pursuant to this Subpart.

17 C. No parent or individual who has had a child removed from the parents'
 18 custody or voluntarily placed in foster care shall be permitted to enter into a contract
 19 for the collection of support pursuant to R.S. 51:1441 et seq. Any such contract shall
 20 be considered a violation of public policy and shall be void.

21 D. Nothing in this Section shall be construed to require the child support
 22 enforcement program to violate 45 CFR §302.51 or 45 CFR §302.52.

23 E. The provisions of this Section shall apply retroactively to all support
 24 rights assigned, whether by written assignment or by operation of law, prior and
 25 subsequent to the effective date of this Section.

26 Section 2. This Act shall become effective upon signature by the governor or, if not
 27 signed by the governor, upon expiration of the time for bills to become law without signature
 28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____