
DIGEST

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HB 438 Engrossed

2020 Regular Session

Turner

Abstract: Provides for the information provided to a defendant, the grounds for a finding of contempt, and the ability of the court or the Department of Children and Family Services (DCFS) to collect overdue support or arrearage owed under a terminated support order in cases where a defendant is under court order to pay child support to DCFS.

Present law provides that if a defendant violates the terms of a court order requiring him to pay child support to DCFS, the child support collection agency may issue a rule to show cause or a summons ordering the defendant to appear and show cause why he should not be held in contempt of court.

Proposed law requires that any rule served on the defendant contain certain information and establishes grounds for which the court may find a defendant in contempt.

Upon a finding that the accused is guilty of contempt, present law allows the court to impose upon the defendant a prison sentence not to exceed 90 days or a \$500 fine. However, the sentence may be suspended upon payment of unpaid support included in the order, additional accrued unpaid support, and court costs, or a lesser amount if recommended by the state attorney or the child support collection agency.

Proposed law requires that the court shall consider the defendant's present ability to comply before imposing any sentence under present law.

Proposed law provides that termination of a court order requiring a defendant to pay child support to DCFS does not abate the power of the court or DCFS to collect any overdue and unpaid support or arrearage owed under the terminated support order or the power of the court to punish a person for a failure to comply with a terminated court order.

(Amends R.S. 46:236.6(A), (E), and (F) and 236.7(B) and (F); Adds R.S. 46:236.6(B)(4) and (G) and 236.7(C)(4) and (G))