

## RÉSUMÉ DIGEST

ACT 149 (HB 438)

2020 Regular Session

Turner

Existing law provides that if a defendant violates the terms of a court order requiring him to pay child support to the Department of Children and Family Services (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.

New 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, existing 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.

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

New 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.

Effective Aug. 1, 2020.

(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))