

2021 Regular Session

HOUSE BILL NO. 125

BY REPRESENTATIVE MIKE JOHNSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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.

- 1 (d) Enforce support or arrears due or owing.
- 2 (3)(a)(i) When taking an action described in Paragraph (2) of this
3 Subsection, a party shall certify in the initial pleading whether support enforcement
4 services are being provided under this Subpart on behalf of a child who is a subject
5 of the action, pleading, or stipulation.
- 6 (ii) If support enforcement services are being provided, the party shall have
7 a copy of the pleading or stipulation served on the department.
- 8 (b) If, during the pendency of the action, a child becomes the recipient of
9 support enforcement services, both parties shall notify the court, and the court shall
10 provide the department with a copy of any hearing notice pertaining to a pending
11 proceeding.
- 12 (c) If notice is not given in accordance with this Subsection, the department
13 shall not be bound by any decision, judgment, or stipulation rendered in the action.
- 14 Section 2. This Act shall become effective on January 1, 2022.

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 125 Original

2021 Regular Session

Mike Johnson

Abstract: Requires the Department of Children and Family Services (DCFS) to be named as an indispensable party in actions involving paternity and requires certification of the receipt of support enforcement services in certain actions.

Present law requires DCFS to be named as an indispensable party to any proceeding involving a support obligation or arrearages owed as part of the family or child support program.

Proposed law requires that when providing support enforcement services, DCFS is to be named as an indispensable party to any paternity proceedings or proceedings involving a support obligation or arrearages owed under any circumstance.

Proposed law requires that in any action, pleading, or written stipulation in certain proceedings relative to paternity or a support obligation, a party shall certify in the initial pleading whether support enforcement services are being provided by DCFS on behalf of the child involved.

Proposed law provides that if support enforcement services are being provided, the party shall serve a copy of the pleading or stipulation on DCFS.

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 be bound by any decision, judgment, or stipulation rendered in the action.

Effective Jan. 1, 2022.

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