

ACT No. 11

2021 Regular Session

HOUSE BILL NO. 125

BY REPRESENTATIVE MIKE JOHNSON

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 department shall be an indispensable party to any proceeding
13 involving In any proceeding concerning paternity, a support obligation, or arrearages
14 owed under this Subpart the department shall be an indispensable party when
15 providing support enforcement services on behalf of a child involved in the
16 proceeding.

17 (2) A party shall not commence an action, file a pleading, or submit a written
18 stipulation to the court without complying with Paragraph (3) of this Subsection, if
19 the purpose or effect of the action, pleading, or stipulation is to accomplish any of
20 the following:

21 (a) Establish, disavow, or contest paternity.

22 (b) Establish, modify, or terminate a support obligation.

23 (c) Change the court-ordered manner of payment of support.

24 (d) Enforce support or arrears due or owing.

1 (3)(a)(i) When taking an action described in Paragraph (2) of this
2 Subsection, a party shall certify in the initial pleading whether support enforcement
3 services are being provided on behalf of a child who is a subject of the action,
4 pleading, or stipulation.

5 (ii) If support enforcement services are being provided, the party shall have
6 a copy of the pleading or stipulation served on the department.

7 (b) Any party who knows, or with the exercise of due diligence should know,
8 that a child is receiving support enforcement services during the pendency of an
9 action pursuant to Paragraph (2) of this Subsection shall notify the court and the
10 plaintiff shall provide the department with a copy of any hearing notice pertaining
11 to a pending 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 an action
14 described in Paragraph (2) of this Subsection.

15 (4) "Support enforcement services" shall have the same meaning as provided
16 in R.S. 46:236.1.1.

17 Section 2. This Act shall become effective on January 1, 2022.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____