

2022 Regular Session

SENATE BILL NO. 489

BY SENATOR JACKSON

FAMILY LAW. Provides for suspension of certain licenses for failure to comply with subpoenas, or warrants, or court orders in paternity or child support cases. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 9:315.30 and to enact R.S. 9:315.30(A) and (B), relative to child
3 support; to provide for penalties; to provide for failure to comply with a subpoena,
4 warrant, or court order in child support or paternity proceedings; to provide for the
5 suspension of certain licenses; to provide for an effective date; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:315.30 is hereby amended and reenacted and R.S. 9:315.30(A) and
9 (B) are enacted to read as follows:

10 §315.30. Family financial responsibility; purpose

11 A. The legislature finds and declares that child support is a basic legal right
12 of the state's parents and children, that mothers and fathers have a legal obligation
13 to provide financial support for their children, and that child support payments can
14 have a substantial impact on child poverty and state welfare expenditures. It is
15 therefore the legislature's intent to facilitate the establishment of paternity and child
16 support orders and encourage payment of child support to decrease overall costs to
17 the state's taxpayers while increasing the amount of financial support collected for

1 the state's children. To this end, the courts of this state are authorized to suspend
 2 certain licenses of individuals who are found to be in contempt of court for failure
 3 to comply with a subpoena or warrant in a child support or paternity proceeding or
 4 who are not in compliance with a court order of child support.

5 **B. In or ancillary to any child support or paternity proceeding, the court**
 6 **on its own motion or upon motion of any party or the department, may issue an**
 7 **order of suspension of a license of any person who is guilty of contempt of court**
 8 **for failure to comply with a subpoena, or warrant, or order of child support.**
 9 **Provided that before the issuance of an order for a suspension of a license of any**
 10 **person in, or ancillary to, any child support or paternity proceeding, the court**
 11 **finds any of the following:**

12 **(1) Failure to comply with a subpoena, or warrant, or an order of**
 13 **support.**

14 **(2) Criminal neglect of a family proceeding.**

15 **(3) An immediate income assignment order for the garnishment of wages**
 16 **has been unsuccessful.**

17 **(4) An order suspending the obligor's right to exercise visitation under**
 18 **an order or judgment of child custody and the obligor has failed to make a child**
 19 **support payment within thirty days after the issuance of the court order.**

20 Section 2. This Act shall become effective upon signature by the governor
 21 or, if not signed by the governor, upon expiration of the time for bills to become law without
 22 signature by the governor, as provided by Article III, Section 18 of the Constitution of
 23 Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act
 24 shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Lebra R. Bias.

Present law provides that La. courts are authorized to suspend certain licenses of individuals who are found to be in contempt of court for failure to comply with a subpoena or warrant in a child support or paternity proceeding or who are not in compliance with a court order

of child support.

Proposed law provides that in or ancillary to any child support or paternity proceeding, the court on its own motion or upon motion of any party or the department, may issue an order of suspension of a license of any person who is guilty of contempt of court for failure to comply with a subpoena, or warrant, or order of child support.

Proposed law provides that before the issuance of an order for a suspension of a license of any person in, or ancillary to, any child support or paternity proceeding, the court finds any of the following:

- (1) Failure to comply with a subpoena, or warrant, or an order of support.
- (2) Criminal neglect of a family proceeding.
- (3) An immediate income assignment order for the garnishment of wages has been unsuccessful.
- (4) An order suspending the obligor's right to exercise visitation under an order or judgment of child custody and the obligor has failed to make a child support payment within thirty days after the issuance of the court order.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 9:315.30; adds R.S. 9:315.30(A) and (B))