

Regular Session, 2013

HOUSE BILL NO. 459

BY REPRESENTATIVE HUNTER

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

CHILDREN/DCFS: Prohibits DCFS from proceeding in a child support matter absent a paternity test

1 AN ACT

2 To amend and reenact R.S. 46:236.1.2(D)(2), relative to child support programs; to provide
3 relative to the implementation of certain family and child support programs by the
4 Department of Children and Family Services; to prohibit the Department of Children
5 and Family Services from pursuing a court order of support without first having the
6 results of a paternity test; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:236.1.2(D)(2) is hereby amended and reenacted to read as
9 follows:

10 §236.1.2. Family and child support programs; responsibilities

11 * * *

12 D.

13 * * *

14 (2) In cases where the department is providing support enforcement services,
15 ~~if the name of the father appears on the birth certificate of the child,~~ the department
16 may proceed to establish a court order for child support and medical support against
17 the alleged father ~~whose name does appear on the birth certificate without the need~~
18 ~~to establish~~ only after a paternity in accordance with Civil Code Article 197 test has
19 been performed as authorized by R.S. 9:396. If the department proceeds to establish
20 a court order for child support and medical support against the alleged father without

1 first having received the results of a paternity test performed pursuant to R.S. 9:396,
2 the department shall be assessed all court costs and attorney fees.

3 * * *

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)]

Hunter HB No. 459

Abstract: Prohibits DCFS from proceeding in a child support matter absent a paternity test.

Present law authorizes DCFS to implement programs to assist enforcing, collecting, and distributing a support obligation owed to a child, to locate absent parents, to establish paternity, and to obtain and modify family, child, and medical support orders.

Present law allows DCFS to proceed in establishing a support order against a father whose name appears on the birth certificate without first establishing paternity.

Proposed law changes present law by requiring DCFS to have received the results of a paternity test before pursuing a court order of support against an alleged father.

(Amends R.S. 46:236.1.2(D)(2))