

Regular Session, 2013

SENATE BILL NO. 249

BY SENATORS MORRELL AND PETERSON AND REPRESENTATIVE BROSSETT

CHILDREN. Authorizes a district attorney to assess and collect a fee on past due child support obligations. (8/1/13)

1 AN ACT

2 To enact R.S. 16:18, relative to child support; to authorize a district attorney to assess and
3 collect a fee from an obligor delinquent on child support; to provide for deposit and
4 expenditure of the fee; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 16:18 is hereby enacted to read as follows:

7 **§18. Fee for past due child support**

8 **A.(1) A district attorney may assess and collect a fifty dollar fee from an**
9 **obligor in arrears on child support obligations when pursuing collection of such**
10 **arreages on behalf of an obligee or the department.**

11 **(2) Any fees collected by a district attorney pursuant to this Section shall**
12 **be deposited in a special fund with his office and shall be expended on programs**
13 **in the judicial district directed at eliminating domestic violence and addressing**
14 **the needs of the individuals affected by domestic violence.**

15 **B. For purposes of this Section, the following terms shall have the**
16 **following meanings:**

17 **(1) "Arrears" means amounts of past due and unpaid monthly support**

1 obligations established by a court order issued by any court of this state or
2 another state, including any judgment or order issued in accordance with an
3 administrative procedure established by state law that affords substantial due
4 process and is subject to judicial review, or any other judgment created by
5 operation of any state law.

6 (2) "Child support" means any amount required to be paid for support
7 of a dependent child pursuant to a court order issued by any court of this state
8 or another state, including any judgment or order issued in accordance with an
9 administrative procedure established by state law that affords substantial due
10 process and is subject to judicial review.

11 (3) "Department" means the Department of Children and Family
12 Services, office of children and family services, child support enforcement
13 section.

14 (4) "Obligee" means an individual who is owed child support under a
15 child support order.

16 (5) "Obligor" means a resident of this state required to pay child
17 support in accordance with an order of support issued by a court or other
18 tribunal.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST

Proposed law authorizes a district attorney to assess and collect a \$50 fee from an obligor in arrears on child support obligations when pursuing collection of such arrearages on behalf of an obligee or the department.

Proposed law provides that any such fees collected by a district attorney shall be deposited in a special fund with his office and shall be expended on programs in the judicial district directed at eliminating domestic violence and addressing the needs of the individuals affected by domestic violence.

Proposed law provides the following definitions:

- (1) "Arrears" means amounts of past due and unpaid monthly support obligations established by a court order issued by any court of this state or another state, including any judgment or order issued in accordance with an administrative procedure established by state law that affords substantial due process and is subject to judicial review, or any other judgment created by operation of any state law.

- (2) "Child support" means any amount required to be paid for the support of a dependent child pursuant to a court order issued by any court of this state or another state, including any judgment or order issued in accordance with an administrative procedure established by state law that affords substantial due process and is subject to judicial review.
- (3) "Department" means the Department of Children and Family Services, office of children and family services, child support enforcement section.
- (4) "Obligee" means an individual who is owed child support under a child support order.
- (5) "Obligor" means a resident of this state required to pay child support in accordance with an order of support issued by a court or other tribunal.

Effective Aug. 1, 2013.

(Adds R.S. 16:18)