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## DIGEST

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HB 593 Original

2020 Regular Session

Seabaugh

**Abstract:** Provides a prescriptive period on judicial mortgages securing past-due child support payments and requires the child's birth date to appear on judgments of past-due child support.

Present law provides that each payment of child support that is past due shall be deemed a judgment by operation of law and shall be executory in all respects. For cases where the Department of Children and Family Services (DCFS) is enforcing child support services, DCFS shall certify the actual amount past due in an affidavit. For cases where DCFS is not enforcing child support services, the court shall by summary proceeding determine the amount actually owed. Proposed law retains present law and requires that the judgment or affidavit shall contain the birth date of the child who is the subject of the support obligation.

Present law provides that the resulting judgment or affidavit shall have the effect of a legal mortgage once recorded as provided by law. Proposed law provides that the judgment or affidavit shall not have the effect of a judicial mortgage unless it contains the child's birth date.

Present law provides that prescription shall not begin to run against any such judgment until the child reaches the age of majority or the obligation to provide child support ceases.

Proposed law repeals present law and provides that unless revived and reinscribed, the legal mortgage shall prescribe four years after the minor reaches majority.

Effective Jan. 1, 2021.

(Amends R.S. 13:4291)