HLS 12RS-1050 ENGROSSED

Regular Session, 2012

HOUSE BILL NO. 481

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## BY REPRESENTATIVE PATRICK WILLIAMS

CHILDREN/SUPPORT: Clarifies state law regarding unemployment insurance collections relative to child support overpayments to align with federal law

AN ACT

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payment made to a custodial parent, and after notice of such arrearage or payment has been made by certified or regular mail, personal service, or
payment has been made by certified or regular mail, personal service, or
ciliary service, the agency shall have the administrative authority to:
(a) Intercept, encumber, freeze, or seize periodic or lump sum payments
a state or local agency or any entity licensed or permitted by any state agency
ard under Chapters 1, 4, 5, or 7 of Title 27 of the Louisiana Revised Statutes of

Page 1 of 2

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1950, including but not limited to unemployment compensation benefits <u>for the limited purpose of child support arrearages only</u>, workers' compensation, and other benefits, judgments, settlements, lottery winnings, progressive slot machine annuities beginning with the second annuity payment, cash gaming winnings, assets held in financial institutions, and public and private retirement funds. The provisions of R.S. 13:3881 providing general exemptions from seizure are applicable to the provisions of this Subparagraph. After the agency encumbers, intercepts, or freezes any assets set out in this Subsection, it shall notify the payor that he has thirty days to advise the agency that he wishes to appeal the seizing of said assets. Upon receipt of such notice, the agency shall either release the property or schedule a hearing with the appropriate court. If the payor fails to file an appeal within thirty days, the agency may institute proceedings through administrative process to seize or sell the property in accordance with state law.

## **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)]

Patrick Williams HB No. 481

**Abstract:** Clarifies state law relative to the recovery of child support overpayments from unemployment insurance to comport with federal law.

<u>Present law</u> in pertinent part, authorizes the Dept. of Children and Family Services to intercept, encumber, freeze, or seize unemployment compensation benefits in cases where there is a child support arrearage or child support overpayment made to a custodial parent.

<u>Proposed law</u> clarifies that only child support arrearages can be recovered or deducted from an individual's unemployment insurance benefits. Specifically, precludes the recovery of child support overpayments from unemployment insurance benefits.

(Amends R.S. 46:236.15(D)(1)(a))