

ACT No. 87

Regular Session, 2012

HOUSE BILL NO. 481

BY REPRESENTATIVE PATRICK WILLIAMS

1 AN ACT

2 To amend and reenact R.S. 46:236.15(D)(1)(a), relative to the Department of Children and
3 Family Services' limited administrative authority for certain paternity and child
4 support actions; to clarify state law regarding unemployment insurance collections
5 with respect to child support overpayments to comply with federal law; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:236.15(D)(1)(a) is hereby amended and reenacted to read as
9 follows:

10 §236.15. Limited administrative authority for certain paternity and child support
11 actions

12 * * *

13 D. Authority to seize and intercept.

14 (1) In cases in which there is a child support arrearage or child support
15 overpayment made to a custodial parent, and after notice of such arrearage or
16 overpayment has been made by certified or regular mail, personal service, or
17 domiciliary service, the agency shall have the administrative authority to:

18 (a) Intercept, encumber, freeze, or seize periodic or lump sum payments
19 from a state or local agency or any entity licensed or permitted by any state agency
20 or board under Chapters 1, 4, 5, or 7 of Title 27 of the Louisiana Revised Statutes of
21 1950, including but not limited to unemployment compensation benefits, workers'
22 compensation, and other benefits, judgments, settlements, lottery winnings,
23 progressive slot machine annuities beginning with the second annuity payment, cash
24 gaming winnings, assets held in financial institutions, and public and private

1 retirement funds. However, child support overpayments are excluded from recovery
 2 from unemployment compensation benefits. The provisions of R.S. 13:3881
 3 providing general exemptions from seizure are applicable to the provisions of this
 4 Subparagraph. After the agency encumbers, intercepts, or freezes any assets set out
 5 in this Subsection, it shall notify the payor that he has thirty days to advise the
 6 agency that he wishes to appeal the seizing of said assets. Upon receipt of such
 7 notice, the agency shall either release the property or schedule a hearing with the
 8 appropriate court. If the payor fails to file an appeal within thirty days, the agency
 9 may institute proceedings through administrative process to seize or sell the property
 10 in accordance with state law.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____