

Regular Session, 2010

ACT No. 605

HOUSE BILL NO. 871

BY REPRESENTATIVE HAZEL

1 AN ACT

2 To amend and reenact R.S. 46:236.6(A) and 236.7(B), relative to summonses for contempt
3 for nonpayment of child support orders or medical support orders; to provide for
4 authority to issue summonses for contempt; to provide for changes to a statutory
5 reference regarding child support collection agencies; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:236.6(A) and 236.7(B) are hereby amended and reenacted to read
9 as follows:

10 §236.6. Failure to pay support; procedure, penalties and publication

11 A. If a defendant violates the terms of a court order, issued pursuant to the
12 provisions of R.S. 46:236.1.1 et seq., ~~R.S. 46:236.2~~ and 236.2, Ch.C. Articles 1301
13 et seq., or R.S. 13:4241, requiring him to pay child support to the Department of
14 Social Services, a representative of the child support collection agency as set forth
15 in R.S. 46:236.1.8 may issue and serve on the defendant a summons ordering him to
16 appear and show cause before the proper court of competent jurisdiction, on a date
17 which shall be specified by the court, why he should not be held in contempt of
18 court. Prior to or at the hearing, the Department of Social Services or the district
19 attorney shall file with the court ~~and serve in open~~ any summons served and a rule
20 for contempt which shall be served in open court on the defendant ~~a rule for~~
21 ~~contempt~~, setting forth the terms of the original court order for child support and all
22 modifications thereof, along with the allegations purporting to place the defendant
23 in contempt. If the defendant denies the allegations or offers a defense to the rule,
24 the court may, upon motion of either party or on its own motion, continue the

1 hearing. In the alternative, a representative of the child support collection agency as
 2 set forth above may serve on the defendant a rule to show cause why he should not
 3 be held in contempt for failing to abide by the previous orders of the court, with the
 4 rule setting forth the same terms as in a rule for contempt, if the representative does
 5 not serve a summons on the offender. The rule shall contain a specific time, place,
 6 and date where the offender is to appear and show cause in answer to the rule.
 7 Hearings tried on rules for contempt or rules to show cause shall be tried in a
 8 summary manner.

9 * * *

10 §236.7. Order of support; stipulation by district attorney and party

11 * * *

12 B. If a defendant violates the terms of a court order issued pursuant to the
 13 provisions of R.S. 46:236.7 requiring him to pay child support to the Department of
 14 Social Services, a representative of the child support collection agency as set forth
 15 in R.S. ~~46:236.1(K)~~ 46:236.1.8 may issue and serve on the defendant a summons
 16 ordering him to appear and show cause before the proper court of competent
 17 jurisdiction, on a date which shall be specified by the court, why he should not be
 18 held in constructive contempt of court. Prior to or at the hearing, the Department of
 19 Social Services or the district attorney shall file with the court any summons served
 20 and a rule for contempt which shall be ~~and serve~~ served in open court on the
 21 defendant ~~a rule for contempt~~, setting forth the terms of the original court order for
 22 child support and all modifications thereof, along with the grounds for contempt. If
 23 the defendant denies the allegations or offers a defense to the rule, the court may,
 24 upon motion of either party or on its own motion, continue the hearing. In the
 25 alternative, a representative of the department may serve on the defendant a rule to
 26 show cause why he should not be held in constructive contempt for violating the
 27 previous order of the court, with the rule setting forth the same terms as in a rule for
 28 contempt, if the representative does not serve a summons on the offender. The rule
 29 shall set forth a specific time, place, and date where the offender is to show cause in

1 answer to the rule. Hearings held on rules for contempt or rules to show cause shall
2 be tried in a summary manner.

3 * * *

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____