

Regular Session, 2010

HOUSE BILL NO. 208

BY REPRESENTATIVE GREENE

CHILDREN/SUPPORT: Provides for income assignment orders

1 AN ACT

2 To amend and reenact R.S. 46:236.3(K)(2), relative to income assignment orders; to provide
3 for an increase in the fine for failure to comply; to provide relative to the total
4 amount withheld; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:236.3(K)(2) is hereby amended and reenacted to read as follows:

7 §236.3. Enforcement of support by income assignment

8 * * *

9 K. When a payor willfully fails to withhold or pay over income pursuant to
10 a valid income assignment order or willfully discharges, disciplines, or otherwise
11 penalizes a person ordered to pay support, or otherwise fails to comply with any
12 duties imposed by this Section, the court, upon due notice and hearing:

13 * * *

14 (2) May impose a fine against the payor, up to ~~twenty-five~~ fifty dollars per
15 day, for the failure to withhold or pay over the support in accordance with the
16 provisions of the income assignment notice. ~~The fine shall not exceed the support~~
17 ~~amount that should have been withheld or paid over to the obligee.~~

18 * * *

19 Section 2. This Act shall become effective upon signature by the governor or, if not
20 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

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)]

Greene

HB No. 208

Abstract: Provides for the fine which may be imposed on the payor for violating an income assignment order.

Present law provides procedures for the withholding of income through an income assignment order for the payment of child support and provides penalties for willfully failing to comply with an assignment order or willfully discharging or penalizing a person ordered to pay support.

Present law provides that the court may impose a \$25 fine per day for the failure to withhold or pay the support, but limits the fine to no more than the support amount that should have been withheld or paid.

Proposed law increase the amount of the fine from \$25 per day to \$50 per day and deletes the limitation on the total amount to be withheld or paid.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 46:236.3(K)(2))