Regular Session, 2010

HOUSE BILL NO. 75

BY REPRESENTATIVE HARRISON

CHILDREN/SUPPORT: Provides for the rendering of an accounting

1	AN ACT
2	To amend and reenact R.S. 9:312(A), relative to child support; to provide requirements to
3	seek an accounting; to provide for the failure to comply; to provide for contempt of
4	court; to prohibit the court from ordering an arrest warrant; to provide for monetary
5	penalties; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 9:312(A) is hereby amended and reenacted to read as follows:
8	§312. Child support; accounting; requirements
9	A.(1) On motion of the party ordered to make child support payments
10	pursuant to court decree, by consent or otherwise, and who is current on all support
11	payments for at least the past six months, after a contradictory hearing and a showing
12	of good cause based upon the expenditure of child support for the six months
13	immediately prior to the filing of the motion, the court shall order the recipient of the
14	support payments to render an accounting.
15	(2) Failure to comply with the requirements of this Section shall be grounds
16	for the party ordered to make payments to file a rule for contempt of court requiring
17	full compliance by the recipient of the payments.
18	(3) The court shall not issue a warrant for the arrest of a party for failure to
19	comply with this Section. The court shall order financial penalties for the first six
20	months of the contempt. The cumulative financial penalty shall not exceed five

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

1	percen	t o	f the disposal	ble incom	ie in any	given r	nonth	of the p	<u>party.</u> Ea	ach c	ourt s	<u>hall</u>
2	define	a	progressive	financial	penalty	schem	ne to	ensure	complia	ance	with	the

3 provisions of this Section.

4 * * *

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)]

Harrison

HB No. 75

Abstract: Provides for the failure to comply with a court-ordered accounting of child support payments.

<u>Present law</u> provides that the party required to pay child support may file a motion seeking an accounting of child support payments by the recipient of support.

<u>Proposed law</u> retains <u>present law</u> but additionally requires the movant to be current on child support payments for at least six months prior to filing a motion.

<u>Proposed law</u> provides that the failure to comply with an order for accounting shall constitute grounds for contempt of court.

<u>Proposed law</u> prohibits the court from issuing a warrant for either party for failure to comply with an order of accounting and requires the court to order financial penalties not to exceed 5% of the monthly income of the party.

<u>Proposed law</u> requires each court to define a progressive financial penalty scheme.

(Amends R.S. 9:312(A))