

Pursuant to RS 49:983 the Office of the State Register may make technical changes to proposed rule submissions in preparing the Louisiana Register and Louisiana Administrative Code.

NOTICE OF INTENT

Department of Children and Family Services

Division of Family Support

Child Support Enforcement Section

**Collection and Distribution of Support Payments
(LAC 67:III.2514)**

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Children and Family Services (DCFS), Division of Family Support, proposes to amend the LAC 67:III, Subpart 4, Child Support Enforcement, Chapter 25, Subchapter D, Section 2514, Distribution of Child Support Collections, which provides for distribution of support payments.

In accordance with R.S. 46:236.1.2, this rule allows DCFS to broaden the remedies available to distribute child support. This rule provides for the disbursement of child support collections to satisfy another LASES/member debt that the noncustodial parent (NCP) owes, when a refund is due and the funds cannot be distributed to the NCP. In addition, this rule offers deserving children, including those children who reside outside of the state, the opportunity to receive support payments that they would not otherwise be entitled to receive without DCFS taking action to recover the payments. This rule will also increase child support collections for families and raise the level of self-sufficiency ensuring the children receive more financial support.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 4. Child Support Enforcement

Chapter 25. Support Enforcement

Subchapter D. Collection and Distribution of Support Payments

§2514. Distribution of Child Support Collections

A. - B. ...

C. ~~Effective April 25, 2005, when child support is collected in the form of a foreign currency, the state shall send the child support payment to the custodial parent within two business days of receipt of the converted U.S. dollar payment.~~ For any refund payment issued to a noncustodial parent, DCFS, CSE will make at least one attempt to issue the money to the NCP. If the attempt is unsuccessful, CSE will take action to ensure the amount of the payment will be distributed to any other child support debt or recovery debt owed by the noncustodial parent in accordance with distribution rules in subsection A of this section or forward the payment to the Unclaimed Property division of the Louisiana Department of the Treasury.

D. A check distributed by DCFS, CSE will be considered stale dated when the check has not been cashed or negotiated after 180 days of issuance. An electronic funds transfer transaction that is rejected within 3-5 days by the receiving financial institution will be considered eligible to be applied to other LASES/member debts owed, once diligent efforts to distribute the payment to the noncustodial parent fails and the payment has been held in suspense for more than 180 days from issuance. Stale dated checks issued to the noncustodial parent will be placed in suspense and distributed to other LASES/member debts owed by the NCP in accordance with the distribution rules in this section or held in suspense for one year from the date the payment was received by DCFS, CSE. The refund payments

issued to the NCP which were not applied to other LASES/member debts will be forwarded to the Unclaimed Property Division of the Louisiana Department of the Treasury after 457 days has expired.

E. (text being moved) Effective April 25, 2005, when child support is collected in the form of a foreign currency, the state shall send the child support payment to the custodial parent within two business days of receipt of the converted U.S. dollar payment.

F. CSE may exercise authority granted by the law to distribute child support payments to other cases as deemed necessary to fulfill other IV-D functions as outlined in R.S. 46:236.1.2.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, P.L. 105-33, OCSE-AT-98-24, 42USC,664(a)(3)(B), 42USC,654b(c).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:304 (March 1997, amended LR 24:703 (April 1998), LR 25:320 (February 1999), LR 31:2266 (September 2005), amended by the Department of Children and Family Services, Child Support Enforcement Section, LR 43:

Family Impact Statement

1. What effect will these rules have on the stability of the family? The proposed rule will have a positive effect on the stability of the family by allowing payments from the noncustodial parent to be distributed to the NCP's other cases for the children who would not have previously received those payments.
2. What effect will these rules have on the authority and rights of persons regarding the education and supervision of their children? The proposed rule will have no effect on

the authority and rights of persons regarding the education and supervision of their children.

3. What effect will these rules have on the functioning of the family? The proposed rule will provide revenue which may be used to support children.
4. What effect will these rules have on family earnings and family budget? The proposed rule will provide additional revenue to families who are owed child support.
5. What effect will these rules have on the behavior and personal responsibility of children? The proposed rule will have no effect on the behavior and personal responsibility of children.
6. Is the family or local government able to perform the function as contained in these proposed rules? The proposed rule does not create a function which requires performance by the family or local government.

Poverty Impact Statement

1. What effect will these rules have on household income, assets and financial security? The proposed rule will further the department's potential to increase the household income, assets and financial security of child(ren) living separate and apart from one or both parents.
2. What effect will these rules have on early childhood development and preschool through postsecondary education development? The proposed rule will have no effect on early childhood development and preschool through postsecondary development.
3. What effect will these rules have on employment and workforce development? The proposed rule will have no effect on employment and workforce development.

4. What effect will these rules have on child and dependent care, housing, health care, nutrition, transportation and utilities assistance? The proposed rule will have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Impact Statement

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

1. What effect will these rules have on the staffing level requirements or qualifications to provide the same level of service? The proposed rules will have no effect on staffing level requirements or qualifications to provide the same level of service.
2. What effect will these rules have on the total direct and indirect effort on the cost to the provider to provide the same level of service? The proposed rules will decrease both the direct and indirect effort required to provide the same level of service through redistribution of stale dated funds to the family.
3. What overall effect will these rules have on the ability of the provider to provide the same level of service? The proposed rules will increase the ability to provide service by redistributing stale dated funds to the family.

Public Comments

All interested persons may submit written comments through October 24, 2017, to Sammy Guillory, Deputy Assistant Secretary of Family Support, Department of Children and Family Services, Post Office Box 94065, Baton Rouge, Louisiana, 70804.

Public Hearing

A public hearing on the proposed rule will be held on October 24, 2017 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-129, Baton Rouge, Louisiana beginning at 9:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For Assistance, call (225) 342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary