 <b>Department of Children &amp; Family Services</b> <i>Building a Stronger Louisiana</i>	<b>Division/Section</b>	Family Support
	<b>Chapter No./Name</b>	9 – Child Support Enforcement (CSE)
	<b>Part No./Name</b>	L – Legal
	<b>Section No./Name</b>	L-600 Adverse Court Rulings
	<b>Document No./Name</b>	L-610 Notification of Adverse Court Rulings
	<b>Effective Date</b>	November 15, 2023

## I. STATEMENT OF POLICY

The Department can be adversely affected financially or programmatically when adverse rulings are continuously left unchallenged. The purpose of this policy is to provide the requirements for handling adverse court rulings.

An action is against the state's interest when it prevents CSE from carrying out the responsibilities of the department to:

- Enforce, collect, and distribute the support obligation owed by any person to his child or children and to his spouse or former spouse with whom the child is living if a support obligation has been established with respect to such spouse or former spouse;
- Locate absent parents;
- Establish paternity;
- Obtain and modify child support orders; or
- Obtain and modify medical support orders.


### **\*\* Department's Role in Child Support Proceedings:**

When the department is providing IV-D services, the department **is** an indispensable party to any proceeding involving a support obligation or arrearages. **In private filings, a party must** certify in the initial pleading **if the department is providing child** support services on behalf of a child who is a subject of the action, pleading, or stipulation. If **child** support services are being provided, the party shall have a copy of the pleading or stipulation served on the department.

Any party who knows, or with the exercise of due diligence should know, that a child is receiving **child** support services **(IV-D)** during the pendency of an action shall notify the court and the plaintiff shall provide the department with a copy of any hearing notice pertaining to a pending proceeding.

If notice is not given in accordance with LA R.S. 46:236.1.9 (2), the department shall not be bound by any decision, judgment, or stipulation rendered in an action.

When the attorney determines that the ruling is adverse **(against federal regulations, state law and IV-D policies)**, the attorney handling **the case** should **object to the ruling during the court proceeding** when there is opportunity to do so (See [CCP 1635](#)). \*\*

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### \* Handling Adverse Rulings:

An adverse ruling has occurred when there is a final judgment that is contrary to federal laws and regulations, state laws, and IV-D policies.

The attorney that determines the ruling is adverse should also take immediate action to prevent the judgment from becoming final by:

- **Filing** a written objection to a hearing officer's recommendation under [LA R.S. 46.236.5](#).
- **Filing** motion for a new trial under [Louisiana Code of Civil Procedure Articles 1971 through 1979](#).

Upon expiration of the delays for written objection or motion for new trial, the manager may submit the order as an adverse ruling.

If the attorney handling the case fails to object to the court's ruling and there was opportunity to do so, the Department loses the right to challenge the order. The manager should not refer the matter as an adverse ruling as there is no further legal action which can be taken. If the attorney did not have the opportunity to object to the court's ruling, then CCP 1635 allows for remedying the action.

## II. PROCEDURES


The attorney handling the case must take all action to ensure that judgments rendered by the court align with federal laws and regulations, state laws, and IV-D policies. Additionally, staff may request attorney action and legal reasons using the [CSE 102A](#). This form may be escalated to the CSE Policy Unit and Legal to resolve disagreements between contracted DA and the District Office or to determine whether further action should be taken.

If an action was requested using the CSE 102A and the attorney will not file the requested action, forward the CSE 102A along with the facts of the case to [DCFS-SES-Policy@la.gov](mailto:DCFS-SES-Policy@la.gov) and [DCFS-SES-Legal@la.gov](mailto:DCFS-SES-Legal@la.gov). If appropriate, these units will assist the District Office in resolving the disagreement, so the appropriate action can be taken on the case. \*\*

### L-611 State Office Approval for Appellate Court Actions

In any case that the Department is made a party to the proceedings, State Office must be promptly informed of any adverse court rulings or appellate court actions that have been taken on behalf of the Department, whether the Bureau of General Counsel (BGC) staff attorney takes these actions or contracted District Attorney Personnel.

The CSE Manager must immediately inform CSE Legal ([DCFS-SES-Legal@la.gov](mailto:DCFS-SES-Legal@la.gov)) in State Office of the following situations:

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- An adverse court ruling or decision that has the potential to substantially impact the financial or program performance of the department;
- An attorney recommends that an appeal, a supervisory writ, or any other writ application be filed by the Department; or
- An appellate court action is commenced by any individual in the case.


Both assistant district attorneys and Bureau of General Counsel attorneys have a duty to report any ruling that fits one of the above scenarios to the CSE Manager. Assistant district attorneys are also required to report adverse rulings to the LDAA IV-D Coordinator. Contracted DA personnel shall notify the LDAA IV-D Coordinator of any **intent to appeal** or **\* file a supervisory writs** received in any case handled **by their office**. Note: This section does not apply to hearing officer recommendations.

When, the CSE Manager intends to report an adverse ruling, they must immediately provide, by email to CSE Legal ([DCFS-SES-Legal@la.gov](mailto:DCFS-SES-Legal@la.gov)) in State Office the following:

- A brief statement of the facts of the case;
- A copy of the court order/adverse ruling or decision of the court;
- A copy of the notice of judgement;
- An explanation how it impacts the Department or program;
- A detailed description of the issue(s). If possible, include the issues to be raised and the argument(s) to be asserted on appeal or writ application;
- The pros and cons of the recommendation that the Department proceed with further legal action.

**Note: The CSE Manager may consult the BGC supervisor in their area to provide assistance with preparing the information to report the adverse ruling. \*\***

State Office will then approve or disapprove further legal action. If further legal action is approved, the District Office is required to send a copy of all pleadings and briefs filed and all decisions rendered to the attention of CSE Legal in State Office at [DCFS-SES-Legal@la.gov](mailto:DCFS-SES-Legal@la.gov). When appellate court action is approved and commenced, the process cannot be terminated without written permission from State Office.

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### III. FORMS AND INSTRUCTIONS

[CSE 102A Form](#) / [Instructions](#) Referral for Attorney Action

### IV. REFERENCES

[LA R.S. 46:236.5](#)

[Louisiana Code of Civil Procedure Articles 1971 through 1979](#)

[LA R.S. 46:236.1.9](#)

[LA R.S. 46:236.1.2](#)

[Louisiana Code of Civil Procedure Article 1635](#)