

Locate and Long-Arm Service

Louisiana Support Enforcement Association
2022 Annual Meeting and Training Conference
March 9-11, 2022

Locate



“For the purpose of enforcing the support obligations owed by noncustodial parents to their children and the spouse (or former spouse) with whom such children are living, **locating noncustodial parents**, establishing paternity, obtaining child and spousal support, and assuring that assistance in obtaining support will be available under this part to all children (whether or not eligible for assistance under a State program funded under part A) for whom such assistance is requested, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this part.”

42 U.S.C.A. § 651 (emphasis added).

"A. The department is hereby authorized to develop and implement a program of family support in FITAP cases, Title IV-E Foster Care cases, Medicaid only cases, and any other category of cases to which the state is required by federal law or regulation to provide services, designed to do the following:

(1) 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.

(2) **Locate absent parents.**

(3) Establish paternity.

(4) Obtain and modify family and child support orders.

(5) Obtain and modify medical support orders."

LA. REV. STAT. § 46:236.1.2(A) (emphasis added).

What is "locate"?

"[L]ocation means obtaining information concerning the physical whereabouts of the noncustodial parent, or the noncustodial parent's employer(s), other sources of income or assets, as appropriate, which is sufficient and necessary to take the next appropriate action in a IV-D case."

45 C.F.R. § 303.3(a).

Appropriate sources must be used

42 USCA § 666(c)(1)(D)

45 C.F.R. § 303.3(b)(1)

- Federal PLS
- Interstate location networks
- Local officials and employees administering:
 - Public assistance, general assistance or medical assistance
 - Supplemental Nutrition Assistance Program (SNAP)
 - Social services (whether such individuals are employed by the State or a political subdivision)
- Relatives and friends of the noncustodial parent

- Current or past employers
- Electronic communications and internet service providers
- Utility companies
- U.S. Postal Service
- Financial institutions
- Unions
- Corrections institutions
- Fraternal organizations
- Police, parole, and probation records

- State agencies and departments, as authorized by State law:
 - Records of:
 - Public assistance
 - Wages and employment
 - Unemployment insurance
 - Income taxation
 - Driver's licenses
 - Vehicle registration
 - Criminal records
 - Other sources

- Records of other State and local government agencies, including:
 - Vital statistics (including records of marriage, birth, and divorce)
 - State and local tax and revenue records (including information on residence address, employer, income and assets)
 - Records concerning real and titled personal property.
 - Records of occupational and professional licenses
 - Records concerning the ownership and control of corporations, partnerships, and other business entities
 - Employment security records
 - Records of agencies administering public assistance programs
 - Corrections records

"The secretary of the department may secure information from criminal records, including those of the Louisiana Bureau of Criminal Identification and Information, records of the Department of Public Safety and Corrections, records of the Department of Revenue, and records under the Louisiana Employment Security Law, which may be necessary to carry out the provisions of R.S. 46:236.1.2(A), and shall have access to any system used by the state for purposes relating to motor vehicles or law enforcement, to carry out the provisions of R.S. 46:236.1.2(A)."

LA. REV. STAT. § 46:236.1.3(B).

"In addition, the secretary shall utilize other records, not otherwise confidential, and may secure information from other records or sources which may be specifically required to be utilized by the provisions of Title IV-D and Title IV-A of the Social Security Act, as amended, and the regulations promulgated thereunder."

LA. REV. STAT. § 46:236.1.3(C).

"Upon request of the secretary of the department or his designee, all departments, boards, bureaus, and agencies of the state shall provide to the department any information which may be necessary to carry out the provisions of R.S. 46:236.1.2(A), including but not limited to the address and social security number of the person designated by the department as an absent parent. In addition, upon the request of the secretary of the department or his designee, any private employer or payor of any income to a person designated by the department as an absent parent shall provide to the department verification of employment or payment and the address and social security number of the person so designated. All such records and information secured shall be confidential and shall not be used for any purposes other than those specified by this Subpart."

LA. REV. STAT. § 46:236.1.3(D).

"A financial institution shall provide the name, record address, social security number or other taxpayer identification number, other identifying information and an average daily account balance for the most recent thirty-day period for each calendar quarter for each noncustodial parent who maintains an account at such institution and who owes past due support. A financial institution may provide the information described in this Subsection pertaining to any co-owner listed on the applicable account."

LA. REV. STAT. § 46:236.1.4(A).

"Notwithstanding any other provision of law, subject to the safeguards on privacy and information security, and subject to the nonliability of entities that afford such access according to this Subsection, the agency shall have the right to access information contained in the following records, including information maintained in automated databases, to assist in actions relating to the establishment of paternity or to the establishment, modification, or enforcement of support orders, without obtaining an order from any other judicial or administrative tribunal:

- (1) Vital records, including marriage, birth, and divorce records.
 - (2) State and local tax and revenue records, including information on residence address, employer, income, and assets.
 - (3) Records concerning real and titled property.
 - (4) Employment security records.
 - (5) Corrections records.
 - (6) Records of occupational and professional licenses and records concerning the ownership and control of corporations, partnerships, and other business entities.
 - (7) Records of agencies administering public assistance programs.
 - (8) Records of the office of motor vehicles.
 - (9) The names and addresses of individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, and the names and addresses of employers of such individuals, as appearing in customer records of electronic communications and Internet service providers, public utilities, cable television companies, and cellular telephone companies, pursuant to an administrative subpoena in accordance with Subsection B of this Section."
- LA. Rev. Stat. § 46:236.15(C).

True or False?

- "Police: Man kidnaps boss, demands money for child support"
- "South Kingstown man charged with dealing drugs, failing to pay child support"
- "Unconscious man wanted in Michigan for child support"
- "Man dressed as Pennywise the clown arrested for not paying child support, says report"
- "Father of 27 owes child support"
- "FBI searching for 'Inconvenient Crook' who allegedly said during Boston robbery that he had 'child support to pay'"
- "After allegedly trying to run over a cop, he told police he had a child support warrant"
- "Man who abandoned his family 25 years ago and used a dead fisherman's identity to remarry is ordered to pay \$2 million in back child support"

CPs and NCPs

"(1) Each party in a child support proceeding shall advise the state case registry of his current address and telephone number, social security number, driver's license number, and the name, address, and telephone number of his current employer and of any change in this information during the pendency of the proceeding and thereafter. If any of this information is unavailable, the party shall submit a statement to this effect with the state case registry. Information submitted pursuant to this Subsection shall be available for inspection by the parties in the proceeding but shall otherwise be confidential except as provided in this Subsection.

(2) Any order entered or judgment rendered shall require the parties to provide the state case registry with any change in the information required by this Section which occurs after the date of the entry or rendering."

LA. REV. STAT. § 9:313(B).

"A. Each party in a paternity proceeding shall advise the state case registry of his current address and telephone number, social security number, driver's license number, and the name, address, and telephone number of his current employer and of any change in this information during the pendency of the proceeding and thereafter. If any of this information is unavailable, the party shall submit a statement to this effect with the state case registry. Information submitted pursuant to this Section shall be available for inspection by the parties in the proceeding but shall otherwise be confidential except as provided in this Section.

B. Any order entered or judgment rendered shall require the parties to provide the state case registry with any change in the information required by this Section which occurs after the date of the entry or rendering."

LA. REV. STAT. § 9:395.

Don't forget about social media



A ton of licenses to search through

"In a nation rife with wacky occupational licensing laws — different states around the country license everything from fortunetellers to frog farmers — Louisiana has stood alone as the only state that mandates a license for putting together a bouquet."

Shoshana Weissmann & C. Jarrett Dieterle, Op-Ed, *Louisiana is the only state that requires occupational licenses for florists. It's absurd.* USA TODAY, Mar. 28, 2013, <https://www.usatoday.com/story/opinion/2018/03/28/louisiana-only-state-requires-occupational-licenses-florists-its-absurd-column/459619002/> (last visited Feb. 22, 2022).

"Occupational licensing has grown substantially in recent decades. The percentage of workers who need a license has increased from five percent in the 1950s to over 20 percent today.

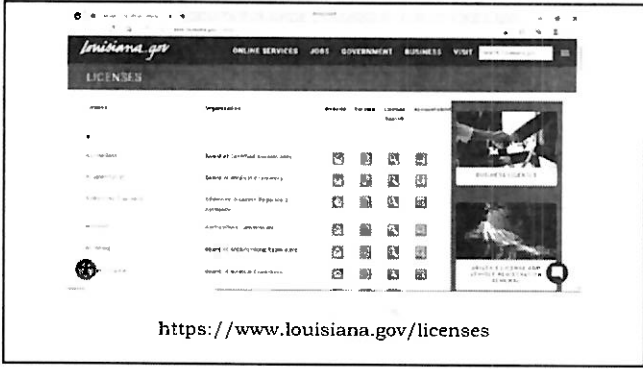
But Louisiana stands out as one of the most heavily licensed states. The percentage of workers who need a license is the seventh highest in the country and the highest in the region. And Louisiana licenses the most low- and moderate-income professions."

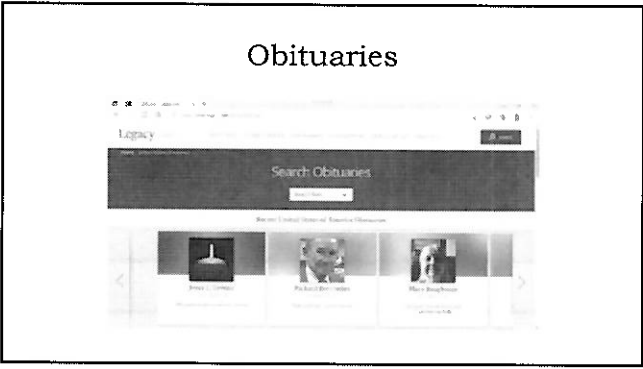
Conor Norris & Edward Timmons, Op-Ed, *How to fix Louisiana's occupational licensing*, THE DAILY STAR, Dec. 9, 2021, https://www.hammondstar.com/opinion/how-to-fix-louisianas-occupational-licensing/article_1155783e-90e5-5f6a-8dcc-48f36fd213bc.html (last visited Feb. 22, 2022).

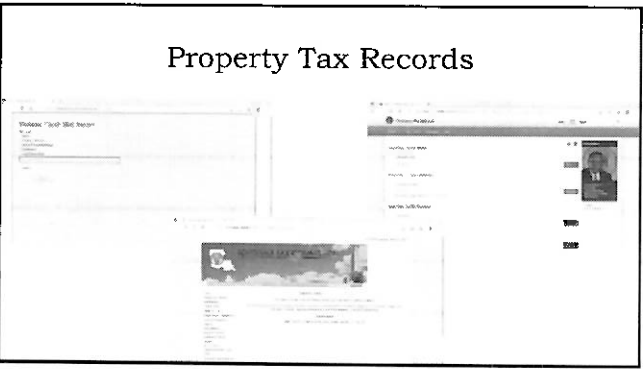
"License' means any license, certification, registration, permit, approval, or other similar document evidencing admission to or granting authority for any of the following:

- (a) To engage in a profession, occupation, business, or industry.
- (b) To operate a motor vehicle. For purposes of this Subpart, a license to operate a motor vehicle shall also include the license plate for any vehicle registered in the name of any obligor, as well as the registration for such vehicle.
- (c) To participate in any sporting activity, including fishing and hunting.
- (d) To operate a motorboat, a sailboat, or a trailer."

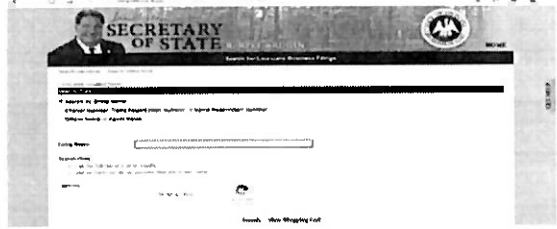
LA. REV. STAT. § 9:315.40(4).



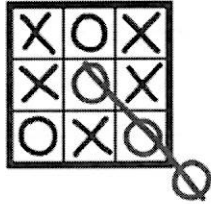




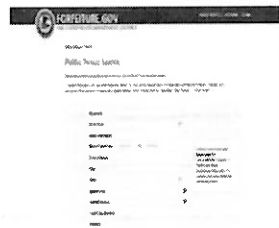
Secretary of State



**THINK
OUTSIDE
THE BOX**



Asset Forfeiture



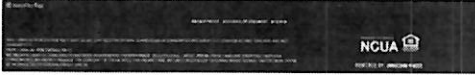
- Assets
- Addresses
- Incarceration

Credit Union Membership



Membership

As a member, you have the right to elect directors, to vote, and to elect a delegate to the annual meeting. You also have the right to sue the credit union for breach of contract. You also have the right to sue the credit union for breach of contract. You also have the right to sue the credit union for breach of contract.



Courts

We all use discovery tools

"Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations, including additional medical opinions under Article 1464; request for release of medical records, and requests for admission. Unless the court orders otherwise under Article 1426, the frequency of use of these methods is not limited."

LA. CODE OF CIV. PROC. art. 1421.

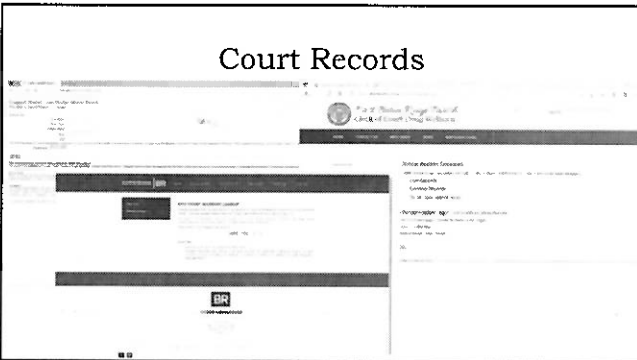
But what about ...?

"A. In aid of execution of the judgment creditor may examine the judgment debtor, his books, papers, or documents, upon any matter relating to his property, either as provided in Articles 1421 through 1515 or as provided in Articles 2452 through 2456."

B. In aid of execution of the judgment, the judgment creditor may also examine any person upon any matter relating to the judgment debtor's property, as provided in Articles 1421 through 1474."

LA. CODE OF CIV. PROC. art. 2451

Court Records



Office of Motor Vehicles

From vehicle registration to lender to loan application.

- Sources of income.
- Impeachment. See 18 USCA § 1014.

A screenshot of a Louisiana Department of Public Safety, Office of Motor Vehicles form. The form is titled 'LA. MOTOR VEHICLE REGISTRATION APPLICATION' and includes various sections for applicant information, vehicle details, and a section for 'Sources of Income'. The 'Sources of Income' section has several rows for listing different types of income.

Marriage Ceremonies



"And by clicking on 'I Agree,' you agree to the terms and conditions..."

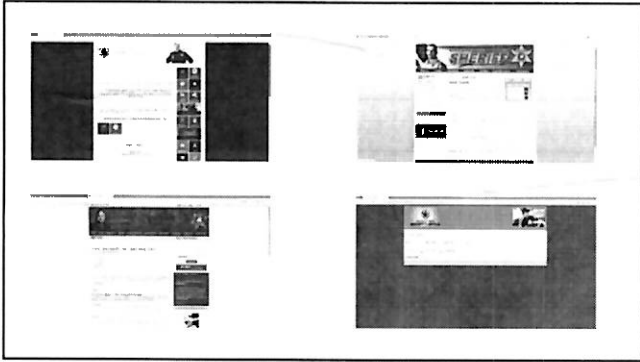
"An officiant, other than a judge or justice of the peace, may perform marriage ceremonies only after he registers to do so by depositing with the clerk of court of the parish in which he will principally perform marriage ceremonies, or, in the case of Orleans Parish, with the office of the state registrar of vital records, an affidavit stating his lawful name, denomination, and address."

LA. REV. STAT. § 9:204.

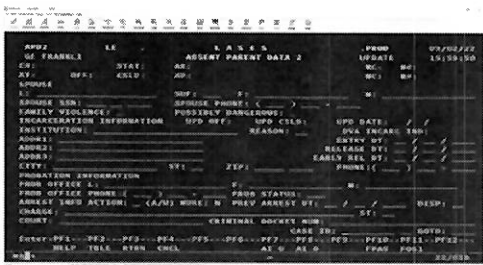
Federal Bureau of Prisons

Vinelink

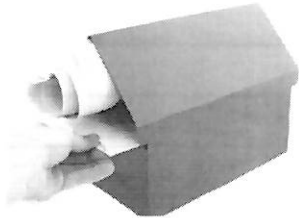
A screenshot of the Vinelink website interface. The page shows a search bar, a 'Log In' button, and various navigation links. The interface is clean and professional, typical of a government or institutional website.



Don't forget to check the APD2 screen



Long-Arm Service



*A court which is otherwise competent under the laws of this state has jurisdiction of the following actions or proceedings only under the following conditions:

- (1) An adoption proceeding in accordance with Title XII of the Children's Code, if the surrendering parent of the child, a prospective adoptive parent, the adoptive parent or parents, or any parent of the child has been domiciled in this state for at least eight months, or if the child is in the custody of the Department of Children and Family Services, and an adoption proceeding in accordance with Civil Code Article 212, if either party to the adoption of an adult is domiciled in this state.
- (2) An emancipation proceeding if the minor is domiciled in this state.
- (3) An interdiction proceeding brought pursuant to the provisions of the Louisiana Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.
- (4) A tutorship or curatorship proceeding if the minor or absentee, as the case may be, is domiciled in this state or has property herein.
- (5) A proceeding to obtain the legal custody of a minor if he is domiciled in, or is in, this state.
- (6) An action to annul a marriage if one or both of the parties are domiciled in this state.
- (7) An action of divorce, if, at the time of filing, one or both of the spouses are domiciled in this state.
- (8) Unless otherwise provided by law, an action to establish parentage and support or to disavow parentage if the child is domiciled in or is in this state, and was either born in this state, born out of state while its mother was domiciled in this state, or acknowledged in this state. However, regardless of the location of the child or its place of birth, an action to disavow may be brought if the person seeking to disavow was domiciled in this state at the time of conception and birth and is presumed to be its parent under the laws of this state.
- (9) A proceeding for support of an adult child with a disability, as provided in R.S. 9:315.22(E), if he is domiciled in, or is in, this state."

LA CODE CIV PROC art 10(A)

"There is a distinction between jurisdiction over status and jurisdiction over the person. A judgment for alimony or child support is a personal judgment and the court has legal authority and power to render such a judgment only if it has jurisdiction over the person of the party against whom the judgment is sought. A court may have jurisdiction to render a divorce or custody decree but nevertheless lack personal jurisdiction over a party to impose a money judgment for alimony or child support."

Atkins v. Atkins, 588 So.2d 407, 409 (La. App. 2 Cir. 1991) (internal citations omitted).

"[D]ue process requires only that in order to subject a defendant to a judgment in personam, if he be not present within the territory of the forum, he have certain minimum contacts with it such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice."

Int'l Shoe Co. v. State of Wash., Office of Unemployment Comp. & Placement, 326 U.S. 310, 316; 66 S.Ct. 154, 158; 90 L.Ed. 95 (1945) (internal citations and quotation marks omitted).

"The central concern of the inquiry into personal jurisdiction is the relationship among the defendants, the forum and the litigation. An individual is not subject to the jurisdiction of a forum with which he has no contacts, ties or relations."

Prine v. Prine, 28,935, p. 3 (La. App. 2 Cir. 1/22/97); 687 So.2d 637, 639 (internal citations omitted).

"A In a suit under R S 13:3201, a certified copy of the citation or the notice in a divorce under Civil Code Article 102 and of the petition or a certified copy of a contradictory motion, rule to show cause, or other pleading filed by the plaintiff in a summary proceeding under Code of Civil Procedure Article 2592 shall be sent by counsel for the plaintiff, or by the plaintiff if not represented by counsel, to the defendant by registered or certified mail, or actually delivered to the defendant by commercial courier, when the person to be served is located outside of this state or by an individual designated by the court in which the suit is filed, or by one authorized by the law of the place where the service is made to serve the process of any of its courts of general, limited, or small claims jurisdiction.

B If service of process cannot be made on the nonresident by registered or certified mail or by actual delivery, the court shall order that service of process be made on an attorney at law appointed to represent the defendant pursuant to Code of Civil Procedure Article 5091.

C Service of process so made has the same legal force and validity as personal service on the defendant in this state.

D For purposes of this Section, a "commercial courier" is any foreign or domestic business entity having as its primary purpose the delivery of letters and parcels of any type, and which:

- (1) Acquires a signed receipt from the addressee, or the addressee's agent, of the letter or parcel upon completion of delivery
- (2) Has no direct or indirect interest in the outcome of the matter to which the letter or parcel concerns."

LA. REV. STAT. § 13:3204 (emphasis added)

"No default judgment may be rendered against the defendant and no hearing may be held on a contradictory motion, rule to show cause, or other summary proceeding, except for actions pursuant to R.S. 46:2131 et seq., until thirty days after the filing in the record of the affidavit of the individual who has done any of the following:

- (1) Mailed the process to the defendant, showing that it was enclosed in an envelope properly addressed to the defendant, with sufficient postage affixed, and the date it was deposited in the United States mail, to which shall be attached the return receipt of the defendant.
- (2) Utilized the services of a commercial courier to make delivery of the process to the defendant, showing the name of the commercial courier, the date, and address at which the process was delivered to the defendant, to which shall be attached the commercial courier's confirmation of delivery.
- (3) Actually delivered the process to the defendant, showing the date, place, and manner of delivery."

LA. REV. STAT. § 13:3205 (emphasis added).

"Personal jurisdiction over non-residents is fully dependent upon strict compliance with the long-arm statute's procedural requirements."

Folse v. St. Rose Farms, Inc., 14-436, p. 6 (La. App. 5 Cir. 11/25/14); 165 So.3d 104, 108 (internal citations omitted).

“Case law is clear that a defendant cannot evade service by refusing to accept properly addressed mail.”
Barric v. City of New Orleans, 2017-1001, p. 6 (La. App. 4 Cir. 5/23/18); 248 So.3d 483, 487, writ denied, 2018-1041 (La. 10/15/18); 253 So.3d 1306. *See also* Dean v. Waters, 95-2365, p. 7 (La. App. 4 Cir. 12/14/95); 667 So.2d 1137, 1141.

“Logically, a necessary requirement for proper long-arm service is that the petitioner sends the certified citation and petition to the actual, correct address of the defendant. When completed properly, the petitioner ... need not prove that the defendant actually claims the certified mail.”
Wood v. Hackler, 52,791, p. 6 (La. App. 2 Cir. 8/14/19); 276 So.3d 1136, 1140, writ denied, 2019-01469 (La. 12/10/19); 285 So.3d 490 (internal citations omitted).

Central Registry

“The State plan shall provide that the State will establish a central registry for intergovernmental IV-D cases ...”
 45 C.F.R. § 302.36(b).

“(a) General responsibilities. A State IV-D agency must:
 * * *

(8) Cooperate with requests for the following limited services: **Quick locate, service of process, assistance with discovery**, assistance with genetic testing, teleconferenced hearings, administrative reviews, high-volume automated administrative enforcement in interstate cases under section 466(a)(14) of the Act, and copies of court orders and payment records. Requests for other limited services may be honored at the State’s option.”
 45 C.F.R. § 303.7 (emphasis added).

Policy

- I-110 Overview
- I-210 District Office Procedure
- I-230 Interviewing Location Sources
- I-240 Automated Locate Sources
- I-250 Other Locate Resources
- I-410 Federal Parent Locator Service (FPLS) Policy and Procedure
- M-210 Locate Resources
- CSE 110 Frm Custodial Parent Priority Notification Form
- CSE 125 Frm NCP Income-Asset Questionnaire
- CSE 156 Frm Request for Information Regarding the NCP
- OMB-LOC Frm Locate Request
- OMB-SUBP Frm Administrative Subpoena
- OMB-TR #3 Frm CSE Transmittal #3 - Request for Assistance/Discovery

The End
