

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 21

BY REPRESENTATIVE GAROFALO

CHILDREN/SUPPORT: Requests the Department of Children and Family Services to study the expedited process fee paid by child support obligors

1                                   A CONCURRENT RESOLUTION

2    To urge and request the Department of Children and Family Services to study the  
3           assessment, collection, and use of the expedited process fee provided for in R.S.  
4           46:236.5 and to submit a report of its findings and recommendations to the  
5           legislature no later than February 1, 2019.

6           WHEREAS, the Department of Children and Family Services is responsible for  
7    providing support enforcement services in accordance with R.S. 46:236.1.1 et seq.; and

8           WHEREAS, R.S. 46:236.5 requires the courts of this state to provide an expedited  
9    process for establishment of paternity and establishment or enforcement of child support;  
10   and

11          WHEREAS, courts that provide an expedited process also handle other domestic and  
12   family related matters; and

13          WHEREAS, R.S. 46:236.5(B)(1) allows courts to assess a fee of not more than five  
14   percent of all existing and future support obligations to fund the administrative costs of a  
15   system for expedited process and provides that the fee may be assessed and collected by the  
16   court against existing and future arrearages as well as ongoing support payments, whether  
17   or not an arrearage exists; and

18          WHEREAS, the fee is only assessed against child support obligors and does not  
19   reduce the amount of child support owed the obligee.

20          THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
21   urge and request the Department of Children and Family Services to study the use,

1 assessment, and collection of the fee assessed by the courts of this state in accordance with  
2 R.S. 46:236.5(B)(1) and to submit a report of its findings and recommendations to the  
3 legislature no later than February 1, 2019.

4 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge  
5 and request the Department of Children and Family Services to convene a task force  
6 comprised of the following members in order to conduct the study:

7 (1) The secretary of the Department of Children and Family Services or his  
8 designee.

9 (2) The program executive director of the child support enforcement program,  
10 division of family support, office of children and family services, Department of Children  
11 and Family Services.

12 (3) An attorney employed by the Department of Children and Family Services.

13 (4) Two representatives of the Louisiana Supreme Court as designated by the chief  
14 justice.

15 (5) The president of the Louisiana District Judges Association or his designee.

16 (6) The president of the Louisiana Hearing Officers' Association or his designee.

17 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge  
18 and request the Department of Children and Family Services to conduct meetings of the task  
19 force at their headquarters in Baton Rouge and provide any necessary staff support needed  
20 to ensure timely compliance with the reporting requirement in this Resolution.

21 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
22 Department of Children and Family Services, the Louisiana Supreme Court, the Louisiana  
23 District Judges Association, and the Louisiana Hearing Officers' Association.

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#### 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)]

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HCR 21 Original

2018 Regular Session

Garofalo

Requests the Dept. of Children and Family Services (DCFS) to study the assessment, collection, and use of the expedited process fee provided for by present law. Requests that DCFS convene a task force comprised of the following individuals to conduct the requested study:

- (1) The secretary of DCFS.
- (2) The program executive director of the child support enforcement program, division of family support, office of children and family services, DCFS.
- (3) An attorney employed by DCFS.
- (4) Two representatives of the La. Supreme Court as designated by the chief justice.
- (5) The president of the La. District Judges Assoc.
- (6) The president of the La. Hearing Officers' Assoc.