

2017 Regular Session

SENATE CONCURRENT RESOLUTION NO. 4

BY SENATOR MILLS

COURTS. Commends the family court for the parish of East Baton Rouge for successfully utilizing litter abatement in lieu of imprisonment in certain circumstances of unpaid child support and requests courts across the state to exercise this option when appropriate.

A CONCURRENT RESOLUTION

To commend the family court for the parish of East Baton Rouge for successfully utilizing litter abatement in lieu of imprisonment in certain circumstances of unpaid child support and to urge and request courts across the state to exercise this option when appropriate.

WHEREAS, according to a January 2017 report issued by the Louisiana Department of Children and Family Services, hereinafter referred to as "DCFS", there were 283,165 active child support enforcement cases involving 286,573 children in Louisiana; and

WHEREAS, in the same report, DCFS identified \$567,814,635 in current child support due for federal fiscal year 2016, with a total of \$1,754,488,752 in arrears due as of January 2017; and

WHEREAS, fulfilling the financial obligation to provide for your child is a fundamental responsibility of every person that brings a child into this world; and

WHEREAS, parents who fail to pay what they have been held to be accountable for by a court of law in this state should bear consequences for failure to pay; and

WHEREAS, it is evident that perpetual fines and fees compounded with jail time throw people into a spiral of debt with little or no way of paying, thereby helping no one, including the child; and

1 WHEREAS, it is also evident that having gainful employment is a key component
2 to an individual's ability to pay; and

3 WHEREAS, as a judge is considering consequences for failure to pay, he should
4 avail himself of every option that ultimately yields payment of the funds due; and

5 WHEREAS, one such option is R.S. 13:4611, which allows a judge in a contempt
6 case for failure to pay child support to impose, in addition to or in lieu of monetary penalties
7 and imprisonment, litter abatement work or community service in a court-approved program
8 for each day he was to be imprisoned; and

9 WHEREAS, the provisions of R.S. 13:4611(1)(d)(i) and (ii), regarding litter
10 abatement and community service, were passed as Act No. 330 of the 2014 Regular Session
11 of the legislature, authored by the late Representative Alfred Williams at the request of and
12 in partnership with Judge Lisa Woodruff-White of the family court for the parish of East
13 Baton Rouge; and

14 WHEREAS, Judge Woodruff-White's past years of experience with the agency
15 formerly known as the Department of Social Services, now DCFS, has given her unique
16 insight and perspective on the matter of child support enforcement and the realities of
17 securing funds from delinquent parents; and

18 WHEREAS, she is a pioneer in the state for utilization of litter abatement and
19 community service in lieu of jail time as penalties for parents who fail to pay child support
20 and is keenly aware of the negative impact that spiraling debt and impediments to
21 employment have on both the responsible parent and child; and

22 WHEREAS, nationally, there is a growing realization that practices such as
23 compounding fines and fees, imprisonment, and loss of driving privileges continue to hinder
24 a person's ability to pay the amount originally due, and that alternative methods to allow
25 people to meet their obligations in a manner that holds them accountable but gives them a
26 way to move forward is far more effective in securing the desired outcome; and

27 WHEREAS, it is the desire of the legislature to ensure that parents pay the child
28 support they are required to pay with the realization that a parent incarcerated for failure to
29 pay may lose wages and possibly his job, thereby ensuring an inability to pay anything in
30 the future, much less any arrears already owed; and

1 WHEREAS, it is also the desire of the legislature to have the many family courts and
 2 judicial district courts of the state utilize this option, when appropriate, to ensure that parents
 3 stay employed and earn income that can be used to pay the support duly owed to their
 4 children.

5 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
 6 commend the family court for the parish of East Baton Rouge for successfully utilizing litter
 7 abatement in lieu of imprisonment in certain circumstances of unpaid child support and
 8 requests courts across the state exercise this option when appropriate.

9 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Judge
 10 Lisa Woodruff-White and the family court for the parish of East Baton Rouge and to the
 11 Louisiana Supreme Court for dissemination to the judicial district courts and family courts
 12 in Louisiana.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Christine Arbo Peck.

	DIGEST	
SCR 4 Original	2017 Regular Session	Mills

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