

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 21

BY REPRESENTATIVE GAROFALO

A CONCURRENT RESOLUTION

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Department of Children and Family Services to study the use, assessment, and collection of the fee assessed by the courts of this state in accordance with R.S. 46:236.5(B)(1) and to submit a report of its findings and recommendations to the legislature no later than February 1, 2019.

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

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

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

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

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

(5) Two designees of the Louisiana District Judges Association, one of whom shall be a judge who currently presides over domestic and family matters as defined by R.S. 46:236.5(C)(1).

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

(7) The executive director of the Louisiana Partnership for Children and Families or his designee.

(8) One representative designated by the Family Law Section of the Louisiana State Bar Association.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE