

SENATE RESOLUTION NO. 81

BY SENATOR FIELDS AND REPRESENTATIVE EDMONSTON

A RESOLUTION

To urge and request the Louisiana Supreme Court to study the family court for the parish of East Baton Rouge.

WHEREAS, the basic element of any court system is jurisdiction, and a family court must be considered in terms of both jurisdiction and function; and

WHEREAS, the family court for the parish of East Baton Rouge (family court) is a court of record with jurisdiction over actions including divorce, annulment of marriages, establishment or disavowal of the paternity of children, spousal and child support, custody and visitation of children, and matters incidental to any of these proceedings; and

WHEREAS, the family court consists of three election sections and four presiding judges; and

WHEREAS, in East Baton Rouge Parish all judicial proceedings relating to family life are initiated and resolved in the family court system; and

WHEREAS, the family court is arguably the most powerful branch of the judiciary whose power comes from many sources, including constitutional mandates, federal and state statutes, court rules and case precedents, and these equitable powers are recognized by the legislature in enabling statutes; and

WHEREAS, the substantial increase in court calendars and the steady rise in problems within dysfunctional families mandate the necessity for consistency in rulings, equal treatment amongst the parties regardless of wealth or attorney selection, and a set of principles upon which all judicial actions, projects, or efforts can be based; and

WHEREAS, the functions of a comprehensive family court should consider the following basic elements which need identification and consideration from the outset: (1) legal and equitable principles that guide a solid legal basis for judgments; (2) a unified case processing and management system that provides substantial screening, assignment, and monitoring of cases; and (3) the need for the organization and administration of the family court to provide the leadership necessary to ensure that it functions in accordance with established principles and standards; and

WHEREAS, the family court for the parish of East Baton Rouge has established local rules of court and harassment and complaint procedures, but is silent about child welfare topics such as allegations of abuse procedures or other investigatory practices; and

WHEREAS, the concept of a unified and comprehensive family court system is worthy of full consideration and implementation, and the parties to court proceedings deserve fair and equal treatment from the presiding judges.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request the Louisiana Supreme Court to study and submit recommendations for the family court for the parish of East Baton Rouge.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the chief justice of the Louisiana Supreme Court.

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PRESIDENT OF THE SENATE