

Regular Session, 2013

HOUSE CONCURRENT RESOLUTION NO. 32

BY REPRESENTATIVES GREENE AND FOIL

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to review the child support guidelines, the laws governing the application of the guidelines to children with developmental disabilities, and the laws regarding custody and visitation for developmentally disabled adult children, and to report its findings and recommendations in the form of specific proposed legislation to the Louisiana Legislature no later than February 1, 2014.

WHEREAS, Louisiana recognizes that child support is a continuous obligation of both parents, that children are entitled to share in the current income of both parents, and that children should not be the economic victims of divorce or out-of-wedlock birth; and

WHEREAS, Louisiana utilizes child support guidelines to determine the amount of the child support award, but the court is authorized to deviate from the guidelines if their application would not be in the best interest of the child or would be inequitable to the parties; and

WHEREAS, R.S. 9:315.22 provides for an automatic termination of a child support award when the child attains the age of majority; and

WHEREAS, R.S. 9:315.22(D) provides for an extension of child support until the age of twenty-two when the child has a developmental disability and is a full-time student in a secondary school; and

WHEREAS, there are an increasing number of children with developmental disabilities, such as the spectrum of autistic children, and their need for therapy programs, intervention, treatment, and support continues beyond the age of twenty-two; and

WHEREAS, the law currently makes no provision for custody or visitation between parents and their adult children, even those with disabilities, beyond the age of eighteen; and

WHEREAS, other states, including Texas, make provisions for the extension of child support and visitation for developmentally disabled children beyond the age of majority.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to review the child support guidelines, the law as applied to children with developmental disabilities, and the laws regarding custody and visitation for developmentally disabled adult children, and consider extending child support beyond age twenty-two and providing for custody and visitation between those children and their parents in the event of a divorce.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the Louisiana State Law Institute and that it report its findings and recommendations in the form of specific proposed legislation to the Louisiana Legislature no later than February 1, 2014.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE