

SENATE CONCURRENT RESOLUTION NO. 4

BY SENATOR MILLS AND REPRESENTATIVE HUVAL

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

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

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

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

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 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 requests courts across the state exercise this option when appropriate.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES