

2016 Regular Session

SENATE RESOLUTION NO. 165

BY SENATOR MILLS

CHILDREN/FAMILY SERVICES DEPT. Requests the Department of Children and Family Services to study penalties for failure to pay child support.

1 A RESOLUTION

2 To urge and request the Department of Children and Family Services to study whether it  
3 would be appropriate for defendants found in contempt of court for failure to pay  
4 child support to perform court-approved community service in the form of litter  
5 abatement and collection in lieu of jail time and to submit a report of its findings and  
6 recommendations to the legislature no later than February 1, 2017.

7 WHEREAS, R.S. 46:236.6(B) provides that a defendant found in contempt of court  
8 for failure to pay child support shall have a sentence of imprisonment for not more than  
9 ninety days or a fine of not more than five hundred dollars, or both, imposed by the court;  
10 and

11 WHEREAS, R.S. 46:236.6(B) also provides that at the discretion of the court, the  
12 sentence may be suspended upon payment of the amount of the order for unpaid support, the  
13 total amount of unpaid support accruing since the date of the order, and the amount of all  
14 attendant court costs; and

15 WHEREAS, R.S. 46:236.6(B) also provides that in any instance where the court  
16 imposes a period of incarceration, the defendant may purge himself of contempt and be  
17 released from jail upon paying the full amount of arrearages owed; and

18 WHEREAS, failure to pay child support deserves penalties imposed by the court in

1 the manner and fashion most appropriate to ensure that the funding owed for the benefit of  
2 the child is paid and ideally to deter future delinquency; and

3 WHEREAS, first offense driving while intoxicated, as set forth in  
4 R.S. 14:98.1(A)(1)(a), provides that a defendant may be allowed to substitute jail time with  
5 the performance of no less than thirty-two hours of court-approved community service  
6 activities, at least half of which shall consist of participation in a litter abatement or  
7 collection program; and

8 WHEREAS, as cities across our state struggle to maintain clean roadways, it is worth  
9 considering whether defendants who are delinquent in child support payments would also  
10 be appropriate candidates for court-approved community service in the form of litter  
11 abatement and collection in lieu of jail time.

12 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana  
13 does hereby urge and request the Department of Children and Family Services to study  
14 whether it would be appropriate for defendants found in contempt of court for failure to pay  
15 child support to perform court-approved community service in the form of litter abatement  
16 and collection in lieu of jail time and to submit a report of its findings and recommendations  
17 to the legislature no later than February 1, 2017.

18 BE IT FURTHER RESOLVED that in conducting this study, the Department of  
19 Children and Family Services shall convene a task force comprised of the following  
20 members:

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

22 (2) The president of the Louisiana District Judges Association or his designee.

23 (3) The executive director of the Louisiana Sheriff's Association or his designee.

24 (4) The executive director of the Police Jury Association of Louisiana or his  
25 designee.

26 (5) The president of the Louisiana Municipal Association or his designee.

27 (6) The executive director of the Louisiana District Attorneys Association or his  
28 designee.

29 BE IT FURTHER RESOLVED that the Department of Children and Family Services  
30 shall host the meeting of the task force at their headquarter building in Baton Rouge and

