

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 156

BY REPRESENTATIVE HUNTER AND SENATOR THOMPSON

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study certain procedures for implementing visitation orders in conjunction with support orders and to report its findings and recommendations in the form of specific proposed legislation to the legislature on or before January 1, 2013.

WHEREAS, R.S. 9:315.25 provides for consideration of custody or visitation matters in any proceeding for child support without having to be specifically pleaded. The court may hear and determine the issue if raised by one of the parties and all parties consent; and

WHEREAS, due to the fact that many child support proceedings are contentious, all parties are not likely to consent to the court considering custody or visitation if raised by a party in a child support proceeding; and

WHEREAS, an unrepresented party in a child support proceeding may not know he is entitled to visitation of a child for whom he is paying child support; and

WHEREAS, visitation of a child by a parent is a fundamental right that should not be prohibited because of a parent's inability to pay costs associated with a court determination of custody or visitation; and

WHEREAS, in order to promote the public policy of fostering relationships between parents and children and in an effort to provide for efficiency, the court should consider custody and visitation without consent of all parties but with proper notice given to all parties of a future court hearing on the matter of custody or visitation without any additional costs to the party who raises the issue of custody or visitation in a child support proceeding.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study certain procedures for implementing visitation orders in conjunction with support orders and to report its findings

and recommendations in the form of specific proposed legislation to the Legislature of Louisiana on or before January 1, 2013.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE