

2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 7

BY REPRESENTATIVE COX

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to authorize the garnishment of veterans' disability benefits to fulfill child support obligations.

WHEREAS, Civil Code Article 224 provides that parents are obligated to support, maintain, and educate their child, and the obligation to educate a child continues after minority as provided by law; and

WHEREAS, 5 CFR Part 581, Subpart A provides which moneys received by a civilian employee for services rendered to a governmental entity are subject to garnishment for the purpose of enforcing the legal obligations of obligors to provide child support; and

WHEREAS, pursuant to 42 U.S.C. 659, the United States consents to the withholding and garnishing of income of an individual for the enforcement of the individual's child support and alimony obligations; and

WHEREAS, 42 U.S.C. 659 further provides that the federal government will allow under certain circumstances the garnishment of service-connected disability compensation paid by the Secretary of Veterans Affairs to former members of the armed forces for the purpose of enforcing child support and alimony obligations; and

WHEREAS, in *Rose v. Rose*, 481 US 619 (1987), the Supreme Court held that not only could a state consider the amount of disability benefits received by a veteran in setting the amount of child support, but also, once a child support obligation had been created, the veteran's disability benefits could be used to satisfy that obligation; and

WHEREAS, in the same case, Justice Marshall, quoting the legislative record, describes the purpose of veterans' disability benefits as compensation for impaired earning capacity and "to provide reasonable and adequate compensation for disabled veterans and their families"; and

WHEREAS, as of February 2019, the current total for child support arrears in Louisiana is \$1,923,958,949.00 and less than one percent of that amount has been collected; and

WHEREAS, adequate child support is vital to the well-being of children and families in our state.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to authorize the garnishment of veterans' disability benefits to fulfill child support obligations.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE