HLS 19RS-470 ORIGINAL

2019 Regular Session

1

HOUSE CONCURRENT RESOLUTION NO. 7

BY REPRESENTATIVE COX

VETERANS: Memorializes congress to authorize the garnishment of veterans' disability benefits to fulfill child support obligations

A CONCURRENT RESOLUTION

2	To memorialize the United States Congress to take such actions as are necessary to authorize
3	the garnishment of veterans' disability benefits to fulfill child support obligations.
4	WHEREAS, Civil Code Article 224 provides that parents are obligated to support,
5	maintain, and educate their child, and the obligation to educate a child continues after
6	minority as provided by law; and
7	WHEREAS, 5 CFR Part 581, Subpart A provides which moneys received by a
8	civilian employee for services rendered to a governmental entity are subject to garnishment
9	for the purpose of enforcing the legal obligations of obligors to provide child support; and
10	WHEREAS, pursuant to 42 U.S.C. 659, the United States consents to the withholding
11	and garnishing of income of an individual for the enforcement of the individual's child
12	support and alimony obligations; and
13	WHEREAS, 42 U.S.C. 659 further provides that the federal government will allow
14	under certain circumstances the garnishment of service-connected disability compensation
15	paid by the Secretary of Veterans Affairs to former members of the armed forces for the
16	purpose of enforcing child support and alimony obligations; and
17	WHEREAS, in Rose v. Rose, 481 US 619 (1987), the Supreme Court held that not
18	only could a state consider the amount of disability benefits received by a veteran in setting
19	the amount of child support, but also, once a child support obligation had been created, the
20	veteran's disability benefits could be used to satisfy that obligation; and

0	RI	<u>G</u>	IN	A	<u>L</u>
Ŧ	HC	R	N()	7

1	WHEREAS, in the same case, Justice Marshall, quoting the legislative record,
2	describes the purpose of veterans' disability benefits as compensation for impaired earning
3	capacity and "to provide reasonable and adequate compensation for disabled veterans and
4	their families"; and
5	WHEREAS, as of February 2019, the current total for child support arrears in
6	Louisiana is \$1,923,958,949.00 and less than one percent of that amount has been collected;
7	and
8	WHEREAS, adequate child support is vital to the well-being of children and families
9	in our state.
10	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
11	memorialize the United States Congress to take such actions as are necessary to authorize
12	the garnishment of veterans' disability benefits to fulfill child support obligations.
13	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
14	presiding officers of the Senate and the House of Representatives of the Congress of the
15	United States of America and to each member of the Louisiana congressional delegation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 7 Original

2019 Regular Session

Cox

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