



LOUISIANA STATE LAW INSTITUTE

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December 16, 2013

Representative Charles "Chuck" Kleckley
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804-9062

Senator John A. Alario, Jr.
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

RE: HCR NO. 32 of 2013

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits herewith its interim report to the legislature in response to 2013 House Concurrent Resolution No. 32, relative to disabled adult children.

Sincerely,

A handwritten signature in blue ink that reads "William E. Crawford".

William E. Crawford
Director

WEC/puc

cc: Representatives Hunter V. Greene, Franklin Foil

e-mail cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.us
Secretary of State, Mr. Tom Schedler
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
DISABLED ADULT CHILDREN COMMITTEE**

**INTERIM REPORT TO THE LOUISIANA LEGISLATURE
IN REPOSE TO HCR NO. 32 OF THE 2013 REGULAR SESSION
RELATIVE TO DISABLED ADULT CHILDREN**

December 16, 2013
Baton Rouge, Louisiana

**Andrea Beauchamp Carroll, Reporter
Claire Popovich, Staff Attorney**

**LOUISIANA STATE LAW INSTITUTE
DISABLED ADULT CHILDREN COMMITTEE**

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**Andrea Beauchamp Carroll, Reporter
Claire Popovich, Staff Attorney**

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**INTERIM REPORT TO THE LOUISIANA LEGISLATURE IN RESPONSE TO HCR
NO. 32 OF THE 2013 REGULAR SESSION, DISABLED ADULT CHILDREN**

During the 2013 Regular Legislative, the Louisiana Legislature passed House Concurrent Resolution No. 32. In this resolution, the legislature requests that the Louisiana State Law Institute "review the child support guidelines, the laws governing the application of the guidelines to children with developmental disabilities, and the laws regarding custody and visitation for developmentally disabled adult children, and to report its findings and recommendations in the form of specific proposed legislation to the Louisiana Legislature."

House Concurrent Resolution No. 32 was initially assigned to the Child Support Committee. After examining the resolution at their September 6, 2013 committee meeting, the Child Support Committee informed the Law Institute that it felt itself to be inadequate to meet the extensive mandates of the resolution. Therefore, it expressed the opinion that the Law Institute should create a new committee to study the resolution. The Law Institute agreed with this assessment and thereafter set about creating the Disabled Adult Children Committee.

The new Committee is headed by the Reporter, LSU Law Center Professor Andrea Beauchamp Carroll, C. E. Laborde, Jr. Professor of Law and Donna W. Lee Professor of Family Law. The Committee currently has twelve members from the bench and bar who have decades of legal experience ranging from child support law to elder law.

The Committee has scheduled its inaugural meeting for February 10, 2014. At this meeting the Committee will study the child support guidelines in addition to the multitudinous other fields of law that touch on the legal issues that pertain to disabled adult children. The Committee will study the resolution, and when appropriate, the Law Institute will submit its findings and recommendations in the form of specific proposed legislation to the Louisiana Legislature as requested.

Respectfully submitted,

Andrea Beauchamp Carroll, Reporter
Disabled Adult Children Committee
Louisiana State Law Institute

Regular Session, 2013

HOUSE CONCURRENT RESOLUTION NO. 32

BY REPRESENTATIVES GREENE AND FOIL

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to review the child support guidelines, the laws governing the application of the guidelines to children with developmental disabilities, and the laws regarding custody and visitation for developmentally disabled adult children, and to report its findings and recommendations in the form of specific proposed legislation to the Louisiana Legislature no later than February 1, 2014.

WHEREAS, Louisiana recognizes that child support is a continuous obligation of both parents, that children are entitled to share in the current income of both parents, and that children should not be the economic victims of divorce or out-of-wedlock birth; and

WHEREAS, Louisiana utilizes child support guidelines to determine the amount of the child support award, but the court is authorized to deviate from the guidelines if their application would not be in the best interest of the child or would be inequitable to the parties; and

WHEREAS, R.S. 9:315.22 provides for an automatic termination of a child support award when the child attains the age of majority; and

WHEREAS, R.S. 9:315.22(D) provides for an extension of child support until the age of twenty-two when the child has a developmental disability and is a full-time student in a secondary school; and

WHEREAS, there are an increasing number of children with developmental disabilities, such as the spectrum of autistic children, and their need for therapy programs, intervention, treatment, and support continues beyond the age of twenty-two; and

WHEREAS, the law currently makes no provision for custody or visitation between parents and their adult children, even those with disabilities, beyond the age of eighteen; and

WHEREAS, other states, including Texas, make provisions for the extension of child support and visitation for developmentally disabled children beyond the age of majority.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to review the child support guidelines, the law as applied to children with developmental disabilities, and the laws regarding custody and visitation for developmentally disabled adult children, and consider extending child support beyond age twenty-two and providing for custody and visitation between those children and their parents in the event of a divorce.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the Louisiana State Law Institute and that it report its findings and recommendations in the form of specific proposed legislation to the Louisiana Legislature no later than February 1, 2014.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE