

House Committee on Civil Law and Procedure

Minutes of Meeting
2018 Regular Session
March 26, 2018

I. CALL TO ORDER

Representative Raymond E. Garofalo, Jr., chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 1:06 p.m. in Room 4, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Raymond E. Garofalo, Jr., chairman
Representative Robby Carter
Representative Raymond J. Crews
Representative Julie Emerson
Representative Randal L. Gaines, vice chairman
Representative Sam L. Jenkins, Jr.
Representative Tanner D. Magee
Representative Gregory A. Miller

MEMBERS ABSENT:

Representative Gregory Cromer

STAFF MEMBERS PRESENT:

Robert A. Singletary, attorney
Annie Smith, attorney
Stephanie Weinman, secretary

ADDITIONAL ATTENDEES PRESENT:

Angela McKnight, sergeant at arms
Janet Anthony, sergeant at arms
Jordan Zeringue, clerk
Desiree Cotton, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 576 by Representative Marino

Representative Marino presented House Bill No. 576, which provides relative to the suspension of child support when a parent is incarcerated.

Representative Magee offered a motion to report House Bill No. 576 favorably. Without objection, House Bill No. 576 was reported favorably by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 559 by Representative James

At the request of Representative James, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 559, which provides with regard to voiding acknowledgment of paternity.

Without objection, action on House Bill No. 559 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

House Bill No. 320 by Representative Davis

On behalf of Representative Davis, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 320, which provides relative to the enforcement of support by income assignment. Without objection, action on House Bill No. 320 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

House Bill No. 610 by Representative Hilferty

On behalf of Representative Hilferty, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 610, which removes the registration requirement of officiants performing marriage ceremonies. Without objection, action on House Bill No. 610 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

House Bill No. 100 by Representative White

Representative White presented House Bill No. 100, which provides with respect to attorney fees and costs in domestic abuse cases.

Professor Andrea Carroll, Louisiana State Law Institute, no address provided, (225) 205-3901, spoke for information only on House Bill No. 100.

Representative Garofalo offered amendments to: (1) specify that the obligation for attorney fees and costs is a separate obligation of the perpetrator of domestic abuse; (2) provide comments from the Louisiana State Law Institute; and (3) specify that all court costs, attorney fees, and other costs and fees are assessed against the perpetrator of domestic abuse. Representative Garofalo offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea.

Representative Jenkins offered a motion to report House Bill No. 100 with amendments. Without objection, House Bill No. 100 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

House Bill No. 125 by Representative Jefferson

Representative Jefferson presented House Bill No. 125, which provides relative to divorce and spousal support.

Professor Andrea Carroll, Louisiana State Law Institute, no address provided, (225) 205-3901, spoke for information only on House Bill No. 125.

Representative Crews offered an amendment to restore the present law provision that to serve as grounds for divorce under Article 103(4), sexual or physical abuse shall occur during the marriage. Representative Crews offered a motion to adopt the proposed amendment, to which Representative Gregory Miller objected. The secretary called the roll, and the amendment was adopted by a vote of 4 yeas and 3 nays. Representatives Robby Carter, Crews, Emerson, and Jenkins voted yea. Representatives Gaines, Magee, and Gregory Miller voted nay.

Representative Jenkins offered a motion to report House Bill No. 125 with amendments. Without objection, House Bill No. 125 was reported with amendments by a vote of 8 yeas and 0 nays.

Representatives Garofalo, Robby Carter, Crews, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support. Witness cards are included in the committee records.

House Bill No. 147 by Representative Dwight

On behalf of the Representative Dwight, Professor Andrea Carroll, Louisiana State Law Institute, no address provided, (225) 205-3901, presented House Bill No. 147, which provides for the filiation of a child.

Representative Gregory Miller offered a motion to report House Bill No. 147 favorably. Without objection, House Bill No. 147 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Emerson, Gaines, Jenkins, and Gregory Miller voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

House Bill No. 395 by Representative Foil

Representative Foil presented House Bill No. 395, which provides relative to tutorship.

Professor Andrea Carroll, Louisiana State Law Institute, no address provided, (225) 205-3901, spoke for information only on House Bill No. 395.

Susan Meyers, Advocacy Center, 8325 Oak St., New Orleans, LA 70118, (504) 208-4681, spoke in opposition to House Bill No. 395.

Representative Robby Carter offered a motion to report House Bill No. 395 favorably. Without objection, House Bill No. 395 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Emerson, Gaines, Jenkins, and Gregory Miller voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 1 in opposition. Witness cards are included in the committee records.

House Bill No. 643 by Representative Edmonds

Representative Edmonds presented House Bill No. 643, which provides for the regulation of the adoption of children.

Karen Hallstrom, Children's Code Committee of Louisiana State Law Institute, 10120 Ft. Knox Ct., River Ridge, LA 70123, (504) 452-5240, spoke for information only on House Bill No. 643.

Representative Garofalo offered amendments to: (1) delete "adjustment" from reference to "adjustment counseling and training services" as they relate to agency adoptions; (2) remove reference to "the office of children and family services" and "the office of adoption services" as they relate to the Dept. of Children and Family Services; (3) add gifts to list of exemptions to calculation of actual living expenses as they relate to private adoptions; and (4) make technical changes. Representative Garofalo offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Gaines, Jenkins, Magee, and Gregory Miller voted yea.

David Aguiard, Catholic Charities of the Diocese of Baton Rouge, 1900 S. Acadian Thwy., Baton Rouge, LA 70808, (225) 336-8700, spoke in support of House Bill No. 643.

Paula Davis, Catholic Charities of the Diocese of Baton Rouge, 1900 S. Acadian Thwy., Baton Rouge, LA 70808, (225) 336-8708, spoke in support of House Bill No. 643.

Kent Gonsoulin, 3436 Tezcucco Ave., Baton Rouge, LA 70820, (225) 610-9011, spoke in support of House Bill No. 643.

Dylan David, 13959 Spanish Oak Dr., Baton Rouge, LA 70818 (225) 610-0321, spoke in support of House Bill No. 643.

Craig Mills, 18444 Shadow Creek, Baton Rouge, LA 70816, (225) 326-9027, spoke in support of House Bill No. 643 and provided a handout, Exhibit A, which is included in the committee records.

Teri Casso, St. Elizabeth Foundation, 8054 Summa Ave., Baton Rouge, LA 70809, (225) 769-8888, spoke in opposition to House Bill No. 643.

Greg Upton, 4828 Tulane Dr., Baton Rouge, LA 70808, (318) 715-4731, spoke in opposition to House Bill No. 643.

Representative Magee offered a motion to report House Bill No. 643 with amendments. Without objection, House Bill No. 643 was reported with amendments by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 2 in opposition. Witness cards are included in the committee records.

House Bill No. 390 by Representative Emerson

On behalf of Representative Emerson, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 390, which repeals the seventy-two hour waiting period before performing a marriage ceremony. Without objection, action on House Bill No. 390 was voluntarily deferred by a vote of 6 yeas and 0 nays. Representatives Garofalo, Crews, Emerson, Jenkins, Magee, and Gregory Miller voted yea.

House Bill No. 304 by Representative Jackson

Representative Jackson presented House Bill No. 304, which provides relative to the recovery of child support payments in certain circumstances.

Representative Garofalo offered amendments to: (1) identify the intent of the legislature as that to encourage the full disclosure of the correct identification of the biological father rather than the truth about biological parents; (2) clarify that the motion filed is a motion for reimbursement; (3) indicate that an order for reimbursement shall award reimbursement to the mover, rather than simply entitle the mover to recover payments; and (4) make technical changes. Representative Garofalo offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Emerson, Gaines, Jenkins, and Gregory Miller voted yea.

Representative Jenkins offered a motion to report House Bill No. 304 with amendments. Without objection, House Bill No. 304 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Emerson, Gaines, Jenkins, and Gregory Miller voted yea.

House Bill No. 466 by Representative Gisclair

On behalf of Representative Gisclair, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 466, which provides relative to authority granted to CASA volunteers. Without objection, action on House Bill No. 466 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Emerson, Gaines, Jenkins, and Gregory Miller voted yea.

House Bill No. 490 by Representative Gregory Miller

On behalf of Representative Gregory Miller, Representative Garofalo offered a motion to voluntarily defer action on House Bill No. 490, which provides for healthcare coverage relative to child support. Without objection, action on House Bill No. 490 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Garofalo, Robby Carter, Crews, Emerson, Gaines, Jenkins, and Gregory Miller voted yea.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 4:10 p.m.

Respectfully submitted,

Chairman Raymond E. Garofalo, Jr.
House Committee on Civil Law and Procedure

Date adopted: