

Regular Session, 2009  
HOUSE BILL NO. 600  
BY REPRESENTATIVE JOHNSON

# ACT No. 378

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 9:315.2(A) and to enact R.S. 9:315.1.1 and 326, relative to  
3 support; to provide for the determination of income for the payment of child and  
4 spousal support obligations; to provide for redirected income; to provide for deferred  
5 income; to provide for the admissibility of evidence of income; to provide for  
6 required documentation; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:315.2(A) is hereby amended and reenacted and R.S. 9:315.1.1 and  
9 326 are hereby enacted to read as follows:

10 §315.1.1. Determination of income; evidence

11 A. When a party alleges that income is being concealed or underreported, the  
12 court shall admit evidence relevant to establishing the actual income of the party,  
13 including but not limited to the following:

14 (1) Redirected income. (a) Loans to the obligor by a business in which the  
15 obligor has an ownership interest and whether the loans will be repaid. There shall  
16 be a presumption that such loans are income of the obligor which may be rebutted  
17 if the obligor demonstrates there is a history of similar past loans being made and  
18 repaid in a timely manner with market interest rates, or the current loan is at market  
19 interest rates and is fully paid in accordance with a commercially reasonable time.  
20 The amount by which a commercially reasonable repayment amount exceeds the  
21 amount actually repaid shall be treated as income.

22 (b) Payment made by the obligor or by a business in which the obligor has  
23 an ownership interest to a person related by blood or affinity in the form of wages  
24 or salary. There shall be a presumption that such payments are income of the

1 obligor, which may be rebutted if the obligor demonstrates there is a history of  
 2 payments preceding the separation of the parties or the filing of an action to establish  
 3 or modify child support, or that the payments are fair market value for services  
 4 actually performed.

5 (2) Deferred income. Recent reductions in distributions of income, such as  
 6 salary, bonuses, dividends, or management fees as a percentage of gross income of  
 7 the business of the obligor. There shall be a presumption that past distributions of  
 8 income will continue, which may be rebutted if the obligor demonstrates business  
 9 conditions justify a reduction in distributions.

10 (3) Standard of living and assets. The standard of living and assets of the  
 11 obligor both prior and subsequent to the establishment of a child support order, to  
 12 establish the actual income if the amount claimed is inconsistent with his lifestyle.

13 B. When the income of an obligor cannot be sufficiently established,  
 14 evidence of wage and earnings surveys distributed by government agencies for the  
 15 purpose of attributing income to the obligor is admissible.

16 §315.2. Calculation of basic child support obligation

17 A. Each party shall provide to the court a verified income statement showing  
 18 gross income and adjusted gross income, together with documentation of current and  
 19 past earnings. Spouses of the parties shall also provide any relevant information with  
 20 regard to the source of payments of household expenses upon request of the court or  
 21 the opposing party, provided such request is filed in a reasonable time prior to the  
 22 hearing. Failure to timely file the request shall not be grounds for a continuance.  
 23 Suitable documentation of current earnings shall include but not be limited to pay  
 24 ~~stubs, stubs or employer statements, or receipts and expenses if self-employed.~~ The  
 25 documentation shall include a copy of the party's most recent federal tax return. A  
 26 copy of the statement and documentation shall be provided to the other party. When  
 27 an obligor has an ownership interest in a business, suitable documentation shall  
 28 include but is not limited to the last three personal and business state and federal  
 29 income tax returns, including all attachments and all schedules, specifically Schedule  
 30 K-1 and W-2 forms, 1099 forms, and amendments, the most recent profit and loss



1           **(b) Payment made by the obligor or by a business in which the obligor has**  
 2           **an ownership interest to a person related by blood or affinity in the form of wages**  
 3           **or salary. There shall be a presumption that the payments are income of the obligor,**  
 4           **which may be rebutted if the obligor demonstrates there is a history of payments**  
 5           **preceding the separation of the parties or the filing of an action to establish or modify**  
 6           **spousal support, or that the payments are fair market value for services actually**  
 7           **performed.**

8           **(2) Deferred income. Recent reductions in distributions of income, such as**  
 9           **salary, bonuses, dividends, or management fees as a percentage of gross income of**  
 10           **the business of the obligor. There shall be a presumption that past distributions of**  
 11           **income will continue, which may be rebutted if the obligor demonstrates business**  
 12           **conditions justify a reduction in distributions.**

13           **(3) Standard of living and assets. The current standard of living and assets**  
 14           **of the obligor both prior and subsequent to the establishment of a spousal support**  
 15           **order, to establish the actual income if the amount claimed is inconsistent with his**  
 16           **lifestyle.**

17           **C. When the income of an obligor cannot be sufficiently established,**  
 18           **evidence of wage and earnings surveys distributed by government agencies for the**  
 19           **purpose of attributing income to the obligor is admissible.**

20           Section 2. The Louisiana State Law Institute is hereby directed to prepare comments  
 21           to the provisions of this Act.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_