

2026 Regular Session

HOUSE BILL NO. 473

BY REPRESENTATIVE GREEN

CHILDREN/CUSTODY: Provides relative to custody and child support

1 AN ACT

2 To amend and reenact Civil Code Articles 131, 132, and 136(A) and R.S. 9:315.11(A)(1),
3 335(A)(1), (2)(b), and (3), relative to custody and child support; to establish a
4 presumption of shared custody; to provide relative to shared custody; to provide
5 relative to earning potential for purposes of child support; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Civil Code Articles 131, 132, and 136(A) are hereby amended and
9 reenacted to read as follows:

10 Art. 131. Court to determine custody

11 In a proceeding for divorce or thereafter, the court shall award custody of a
12 child in accordance with the best interest of the child. There shall be a rebuttable
13 presumption that shared legal and physical custody is in the best interest of the child,
14 unless the court determines by clear and convincing evidence it is not feasible or in
15 the best interest of the child.

16 Art. 132. Award of custody to parents

17 If the parents agree who is to have custody, the court shall award custody in
18 accordance with their agreement unless the provisions of R.S. 9:364 apply or the best
19 interest of the child requires a different award. Subject to the provisions of R.S.
20 9:364, in the absence of agreement, or if the agreement is not in the best interest of

1 the child, the court shall award shared legal and physical custody to the parents
2 ~~jointly~~; however, if custody in one parent is shown by clear and convincing evidence
3 to serve the best interest of the child, the court shall award custody to that parent.

4 * * *

5 Art. 136. Award of visitation rights

6 A. Subject to R.S. 9:341 and 364, a parent not granted sole custody, shared
7 custody, or joint custody of a child is entitled to reasonable visitation rights unless
8 the court finds, after a hearing, that visitation would not be in the best interest of the
9 child.

10 * * *

11 Section 2. R.S. 9:315.11(A)(1), 335(A)(1), (2)(b), and (3) are hereby amended and
12 reenacted to read as follows:

13 §315.11. Voluntarily unemployed or underemployed party

14 A.(1) If a party is voluntarily unemployed or underemployed, child support
15 shall be calculated based on a determination of income earning potential, unless the
16 party is physically or mentally incapacitated, ~~or is caring for a child of the parties~~
17 ~~under the age of five years~~. In determining the party's income earning potential, the
18 court may consider the most recently published Louisiana Occupational Employment
19 Wage Survey. In determining whether to impute income to a party, the court's
20 considerations shall include, to the extent known, all of the following:

21 * * *

22 §335. Joint custody decree and implementation order; custody during an emergency
23 or disaster

24 A.(1) In a proceeding in which shared or joint custody is decreed, the court
25 shall render a shared or joint custody implementation order except for good cause
26 shown.

27 (2)

28 * * *

1 (b) Unless the court determines ~~To the extent~~ it is not feasible ~~and or~~ in the
2 best interest of the child, legal and physical custody of the children ~~should~~ shall be
3 shared equally.

4 * * *

5 (3) Unless the court determines it is not feasible or in the best interest of the
6 child, ~~The~~ the implementation order shall provide for the equal allocation of ~~allocate~~
7 ~~the~~ legal authority and decision-making responsibility ~~of~~ between the parents.

8 * * *

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)]

HB 473 Original

2026 Regular Session

Green

Abstract: Provides relative to child support and custody.

Present law (C.C. Art. 131) provides that in a proceeding for divorce or thereafter, the court shall award custody of a child in accordance with the best interest of the child.

Proposed law retains present law and provides that there shall be a rebuttable presumption that shared legal and physical custody is in the best interest of the child unless the court determines by clear and convincing evidence it is not feasible or in the best interest of the child.

Present law (C.C. Art. 132) provides that in the absence of an agreement, or if the agreement is not in the best interest of the child, the court shall award custody to the parents jointly.

Proposed law changes present law and provides that the court shall award shared legal and physical custody to the parents.

Present law (C.C. Art. 136(A)) provides that subject to the provisions of present law (R.S. 9:341 and 364), a parent not granted custody or joint custody is entitled to reasonable visitation rights unless it would not be in the best interest of the child.

Proposed law changes present law and provides that a parent not granted sole custody, shared custody, or joint custody is entitled to reasonable visitation rights unless it would not be in the best interest of the child.

Present law (R.S. 9:315.11(A)(1)) provides that if a party is voluntarily unemployed or underemployed, child support is calculated based on their earning potential unless the party is physically or mentally incapacitated or is caring for a child of the parties under the age of five years.

Proposed law removes the exception in present law of a party caring for a child of the parties under the age of five years.

Present law (R.S. 9:335(A)(1)) provides that in a proceeding in which joint custody is decreed, the court shall render a joint custody implementation order.

Proposed law changes present law and adds shared custody.

Present law (R.S. 9:335(A)(2)(b)) provides that to the extent it is feasible and in the best interest of the child, physical custody of the children should be shared equally.

Proposed law changes present law and provides that unless the court determines it is not feasible or in the best interest of the child, legal and physical custody of the children shall be shared equally.

Present law (R.S. 9:335(A)(3)) provides that the implementation order shall allocate the legal authority and responsibility between the parents.

Proposed law changes present law and provides that unless the court determines it is not feasible or in the best interest of the child, the implementation order shall provide for the equal allocation of the legal authority and decision-making responsibility between the parents.

(Amends C.C. Art. 131, 132, and 136(A); R.S. 9:315.11(A)(1), 335(A)(1), (2)(b), and (3))