
DIGEST

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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))