SLS 14RS-495 ORIGINAL

Regular Session, 2014

SENATE BILL NO. 85

17

BY SENATOR MURRAY (On Recommendation of the Louisiana State Law Institute)

FAMILY LAW. Provides for consideration of certain child care expenses for purposes of child support when the expenses are incurred by a parent receiving job training or education. (8/1/14)

1	AN ACT
2	To amend and reenact R.S. 9:315.3 and 315.20, relative to the obligation of child support;
3	to provide for child care costs; to provide terms and conditions; and to provide for
4	related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 9:315.3 and 315.20 are hereby amended and reenacted to read as
7	follows:
8	§315.3. Net child Child care costs; addition to basic obligation
9	<b>A.</b> Net child care costs shall be added to the basic child support obligation.
10	The net child care costs are determined by applying the Federal Credit for Child and
11	Dependent Care Expenses provided in Internal Revenue Form 2441 to the total or
12	actual child care costs.
13	B. Child care expenses incurred by either parent while receiving job
14	training or education necessary to obtain employment or enhance earning
15	potential may be added to the basic, child support obligation unless such
16	expenses unreasonably burden the parent paying child support.

§315.20.	Worksheets					
Obligation Worksheet A						
(The worksheet for calculation of the total support obligation						
	under R.S	. 9:315.	8 and 315:10)			
Court Pa			ı	Lou	ıisiana	
Case Number		Div/C	tRm			
Petitioner		Respondent				
Children	Date of Birth	Childr		Date o		
			A.	В.	C.	
			Petitioner	Respondent	Combined	
1. MONTHLY GR	OSS INCOME (R.S. 9:315.	2(A))	\$	\$		
a. Preexisting	g child support paymen	nt.				
b. Preexisting	g spousal support payr	nent.				
2. MONTHLY	ADJUSTED GROSS					
INCOME	(Line 1 minus 1a and	1b).	\$	\$		
3. COMBINED	MONTHLY ADJUST	ΓED				
GROSS INCO	OME (Line 2 Column	A plus				
Line 2 Colum	nn B). (R.S. 9:315.2(C)	))			\$	
4. PERCENTAG	GE SHARE OF INCO	ME				
(Line 2 divide	ed by line 3). (R.S.					
9:315.2(C))			%	%		

		A.	B.	C.
1		Petitioner	Respondent	Combined
1	5. BASIC CHILD SUPPORT			
2	OBLIGATION (Compare line 3 to Child			
3	Support Schedule). (R.S. 9:315.2(D))			\$
4	a. Net Child Care Costs (Cost minus)			
5	Federal Tax Credit). (R.S. 9:315.3)			+
6	b. Child's Health Insurance Premium			
7	Cost. (R.S. 9:315.4)			+
8	c. Extraordinary Medical Expenses			
9	(Uninsured Only). (Agreed to by			
10	parties or by order of the court). (R.S.			
11	9:315.5)			+
12	d. Extraordinary Expenses (Agreed to by			
13	parties or by order of the court). (R.S.			
14	9:315.6)			+
15	e. Optional. Minus extraordinary			
16	adjustments (Child's income if			
17	applicable). (R.S. 9:315.7)			
18	6. TOTAL CHILD SUPPORT			
19	OBLIGATION (Add lines 5, 5a, 5b, 5c,			
20	and 5d; Subtract line 5e).(R.S. 9:315.8)			\$
21	7. EACH PARTY'S CHILD SUPPORT			
22	OBLIGATION (Multiply line 4 times line			
23	6 for each parent).	\$	\$	

SLS 14RS-495		A.	B.	<u>ORIGINAL</u>
		Petitioner	Respondent	SB NO. 85 Combined
8. DIRECT PAYMENTS made by the	ne			
noncustodial parent on behalf of the	he child			
for work-related net child care cos	sts,			
health insurance premiums, extrac	ordinary			
medical expenses, or extraordinar	y			
expenses.			-	
9. RECOMMENDED CHILD SUP	PORT			
ORDER (Subtract line 8 from line 7	).		\$	
Comments, calculations, or rebuttals t	o schedu	le or adjustme	nts if made und	ler 8 above or
if ordering a credit for a joint custodia				
Prepared by				
•		orksheet B		
(The worksheet for c			hild support	
		R.S. 9:315.9)	and support	
			T	
Court				
Case Number				
Petitioner				
Children Date of Birth	Respondent of Birth Children Date of Birth		f Rirth	
		A.	B.	C.
		Petitioner	Respondent	Combined
1. MONTHLY GROSS INCOME (R.S. 9:3		\$	\$	-
a. Preexisting child support payn	nent.			-
b. Preexisting spousal support pa	yment.	ļ		-

		A.	В.	C.
i		Petitioner	Respondent	Combined
1	2. MONTHLY ADJUSTED GROSS			
2	INCOME (Line 1 minus 1a and 1b).	\$	\$	
3	3. COMBINED MONTHLY ADJUSTED			
4	GROSS INCOME (Line 2 Column A			
5	plus Line 2 Column B) (R.S.			
6	9:315.2(C))			\$
7	4. PERCENTAGE SHARE OF INCOME			
8	(Line 2 divided by line 3) (R.S.			
9	9:315.2(C))	%	%	
10	5. BASIC CHILD SUPPORT			
11	OBLIGATION (Compare line 3 to Child			
12	Support Schedule) (R.S. 9:315.2(D))			\$
13	6. SHARED CUSTODY BASIC			
14	OBLIGATION (Line 5 times 1.5) (R.S.			
15	9:315.9(A)(2))			\$
16	7. EACH PARTY'S THEORETICAL			
17	CHILD SUPPORT OBLIGATION			
18	(Multiply line 4 times line 6 for each			
19	party)(R.S. 9:315.9(A)(2))	\$	\$	
20	8. PERCENTAGE with each party (Use			
21	actual percentage of time spent with			
22	each party, if percentage is not 50%)	K	1	
23	(R.S. 9:315.9(A)(3))	%	%	

		A.	B.	C.
		Petitioner	Respondent	Combined
1	9. BASIC CHILD SUPPORT			
2	OBLIGATION FOR TIME WITH			
3	OTHER PARTY (Cross Multiply line 7			
4	for each party times line 8 for the other			
5	party) (R.S. 9:315.9(A) (3)) (For Line 9			
6	Column A, multiply Line 7 Column A			
7	times Line 8 Column B) (For Line 9			
8	Column B, multiply Line 7 Column B			
9	times Line 8 Column A)	\$	\$	
10	a. Net Child Care Costs (Costs minus)			
11	b. Child's Health Insurance Premium			
12	Cost (R.S. 9:315.4)			+
13	c. Extraordinary Medical Expenses			
14	(Uninsured only) (Agreed to by			
15	parties or by order of court (R.S.			
16 17	9:315.5) d. Extraordinary Expenses (Agreed to			+
18	by parties or by order of the court)			
19	(R.S. 9:315.6)			+
20	e. Optional: Minus extraordinary			
21	adjustments (Child's income if			
22	applicable) (R.S. 9:315.7)			
23	10. TOTAL			
24	EXPENSES/EXTRAORDINARY			
25	ADJUSTMENTS (Add lines 9a, 9b, 9c,			
26	and 9d; Subtract line 9e)			\$

	A.	В.	C.
	Petitioner	Respondent	Combined
11. EACH PARTY'S PROPORTIONATE			
SHARE of Expenses/Extraordinary			
Adjustments (Line 4 times line 10) (R.S.			
9:315.9(A)(4))	\$	\$	
12. DIRECT PAYMENTS made by either			
party on behalf of the child for work-			
related net child care costs, health			
insurance premiums, extraordinary			
medical expenses, or extraordinary			
expenses. Deduct each party's			
proportionate share of an expense owed			
directly to a third party. If either parent's			
proportionate share of an expense is			
owed to the other parent, enter zero.			
(R.S. 9:315.9(A)(5))	-	-	
13. EACH PARTY'S CHILD SUPPORT			
OBLIGATION (Line 9 plus line 11 and			
minus line 12) (R.S. 9:315.9(A)(4) and			
(5))	\$	\$	
14. RECOMMENDED CHILD SUPPORT			
ORDER (Subtract lesser amount from			
greater amount in line 13 and place the			
difference in the appropriate column)			
(R.S. 9:315.9(A)(6))	\$	\$	
Comments, calculations, or rebuttals to schedu	le or adjustme	nts:	
Prepared by	Date		
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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

## **DIGEST**

Murray (SB 85)

<u>Present law</u> provides for the calculation of net child care costs as it applies to the basic child support obligation.

<u>Proposed law</u> allows the definition of child care costs to include the reasonable child care expenses incurred by either parent while receiving job training or education necessary to obtain employment or enhance earning potential when calculating the basic child support obligation.

Present <u>law</u> provides worksheets for calculating total child support obligation.

<u>Proposed law</u> provides worksheets for the calculation of total child support obligation including the application of the new definition of child care costs.

Effective August 1, 2014.

(Amends R.S. 9:315.3 and 315.20)