

2016 Regular Session

HOUSE BILL NO. 410

BY REPRESENTATIVE GREGORY MILLER

CHILDREN/CUSTODY: Provides relative to the calculation of child support when the parents have shared or split custody

1 AN ACT

2 To amend and reenact R.S. 9:315.9(A)(1) and (2) and 315.10(A)(1) and (2), relative to child
3 custody; to provide relative to shared custody and split custody relating to child
4 support; to provide definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:315.9(A)(1) and (2) and 315.10(A)(1) and (2) are hereby amended
7 and reenacted to read as follows:

8 §315.9. Effect of shared custodial arrangement

9 A.(1) "Shared custody" means a joint custody order in which each parent has
10 physical custody of the child for an approximately equal amount of time.

11 (2) If there is a the joint custody order or joint plan for implementation
12 providing provides for shared custody, or if the court finds by a preponderance of the
13 evidence that shared custody exists, the basic child support obligation shall first be
14 multiplied by one and one-half and then divided between the parents in proportion
15 to their respective adjusted gross incomes.

16 * * *

17 §315.10. Effect of split custodial arrangement

18 A.(1) "Split custody" means that each party is the sole custodial or
19 domiciliary parent of at least one child to whom support is due. Split custody exists
20 where there is a custody order or joint plan of implementation providing for split

1 custody, or the court finds by a preponderance of the evidence that split custody
2 exists.

3 (2) If split custody exists as set forth in this Section ~~the custody order~~
4 ~~provides for split custody~~, each parent shall compute a total child support obligation
5 for the child or children in the custody of the other parent, based on a calculation
6 pursuant to this Section.

7 * * *

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 410 Original

2016 Regular Session

Gregory Miller

Abstract: Amends the definitions of "shared custody" and "split custody" for purposes of child support.

Present law provides for the calculation of child support when there is a joint custody order for shared custody and defines "shared custody".

Proposed law expands present law to provide for the calculation of child support in the absence of a joint custody order for shared custody if the court finds by a preponderance of the evidence that shared custody exists.

Present law provides a definition of "split custody".

Proposed law expands present law to provide that even in the absence of a custody order or plan providing for split custody, split custody may exist if the court finds that it does by a preponderance of the evidence.

(Amends R.S. 9:315.9(A)(1) and (2) and 315.10(A)(1) and (2))