
DIGEST

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HB 770 Engrossed

2024 Regular Session

Carpenter

Abstract: Provides for child support guidelines.

Present law (C.C.P. Art. 10) provides that a court has jurisdiction over a proceeding for support of an adult child with a disability as provided in R.S. 9:315.22(E).

Proposed law retains present law but provides that the proceedings are in accordance with R.S. 9:315.22.1.

Present law (R.S. 9:315.1(B)(2)) provides that as a direct result of Hurricane Katrina or Rita, the courts may deviate from the child support guidelines if the guidelines would not be in the best interest of the child.

Proposed law removes present law.

Present law (R.S. 9:315.1(C)) provides that in determining whether to deviate from the guidelines, the court's considerations may include:

- (1) That the combined adjusted gross income of the parties is equal to or less than nine hundred fifty dollars.
- (2) That the combined adjusted gross income of the parties is not within the amounts shown on the schedule in R.S. 9:315.19.

Proposed law repeals present law.

Present law (R.S. 9:315.11(A)(2)) provides that absent evidence of a party's actual income or income earning potential, there is a rebuttable presumption that the party can earn a weekly gross amount equal to thirty-two hours at a minimum wage, according to the laws of his state of domicile or federal law, whichever is higher.

Proposed law changes present law to provide that upon an express finding by the court that evidence of a party's actual income or income earning potential is totally absent, there is a rebuttable presumption.

Present law (R.S. 315.11(C)(1)) provides that a party shall not be deemed voluntarily unemployed or underemployed if he has been temporarily unable to find work or has been temporarily forced to

take a lower-paying job as a direct result of Hurricane Katrina or Rita.

Proposed law provides that a party shall not be deemed voluntarily unemployed or underemployed if they are responsible for the care of a disabled child.

Proposed law (R.S. 9:315.13(A)) provides that if the combined adjusted gross income of the parties falls below the lowest level, the court shall determine an award for support based on the following:

- (1) Actual earnings or income.
- (2) The factors listed in R.S. 9:315.1(A)(1).
- (3) Any other evidence of a parent's ability to pay.

Proposed law (R.S. 9:315(D)) provides that under no circumstances shall the court determine an award of child support that is not in the best interest of the child or would be inequitable to the parties.

Proposed law (R.S. 9:315.14) provides the procedure and requirements for continuation of child support for a minor child who has a developmental disability.

Proposed law (R.S. 9:315.22(D)) provides that an award of child support shall be continued by the court with respect to any minor child with a developmental disability. A contradictory motion shall be filed before the minor child attains the age of majority or is emancipated, relieving him of the disabilities attached to minority.

Present law (R.S. 9:315.22(E)) provides that an award for child support continues to a child with a intellectual or physical disability and the action may be filed regardless of the age of the child. Either the major child or his tutor or curator is the proper party to file the action.

Proposed law repeals present law.

Proposed law (R.S. 9:315.22.1(A)) provides that an award for child support continues to any unmarried child who requires substantial care because of an intellectual or physical disability that is manifested before the child attains the age of majority. A disability shall not include substance abuse or addiction.

Proposed law (R.S. 9:315.22.1) provides that an action to establish an initial award for custody may be filed regardless of the age of the child. The domiciliary parent or any other proper party as determine by law may file actions related to the support.

Effective Jan. 1, 2025.

(Amends R.S. 9:315.1(B) and (C), 315.11(A)(2) and (C)(1), 315.13 and 315.22(C) and (D) and C.C.P. Art. 10(A)(9); Adds R.S. 9:315.14 and 315.22.1; Repeals R.S. 9:315.21(F) and 315.22(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make a technical change.
2. Provide that when the amount for child support is not set in the schedule, under no circumstances shall the court determine an award of child support that is not in the best interest of the child or would be inequitable to the parties.