ACT No. 24

HOUSE BILL NO. 337

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## BY REPRESENTATIVE CARPENTER

2	To amend and reenact R.S. 9:315.1(C) and 315.2(D) and to repeal R.S. 9:315.14, relative to
3	a minimum child support award; to repeal the mandatory minimum child support
4	award; to provide for an exception; to provide for an effective date; and to provide
5	for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 9:315.1(C) and 315.2(D) are hereby amended and reenacted to read
8	as follows:
9	§315.1. Rebuttable presumption; deviation from guidelines by court; stipulations by
10	parties
11	* * *
12	C. In determining whether to deviate from the guidelines, the court's
13	considerations may include:
14	(1) That the combined adjusted gross income of the parties is not within the
15	amounts shown on the schedule in R.S. 9:315.19 equal to or less than nine hundred
16	fifty dollars.
17	(a) If the combined adjusted gross income of the parties is less than the
18	lowest sum shown on the schedule In such cases, the court shall determine an
19	amount of child support based on the facts of the case, except that the amount
20	awarded shall not be less than the minimum child support provided in R.S. 9:315.14
21	earnings, income, and other evidence of ability to pay.
22	(b) (2) That the combined adjusted gross income of the parties is not within
23	the amounts shown on the schedule in R.S. 9:315.19. If the combined adjusted gross

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CODING: Words in struck through type are deletions from existing law; words  $\underline{\text{underscored}}$  are additions.

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income of the parties exceeds the highest sum shown on the schedule, the court shall determine an amount of child support as provided in R.S. 9:315.13(B)(1) and may order the placement of a portion of the amount in a trust in accordance with R.S. 9:315.13.

(2) (3) The legal obligation of a party to support dependents who are not the subject of the action before the court and who are in that party's household.

(3) (4) That in a case involving one or more families, consisting of children none of whom live in the household of the noncustodial or nondomiciliary parent but who have existing child support orders (multiple families), the court may use its discretion in setting the amount of the basic child support obligation, provided it is not below the minimum fixed by R.S. 9:315.14, if the existing child support orders reduce the noncustodial or nondomiciliary parent's income below the lowest income level on the schedule contained in R.S. 9:315.19.

- (4) (5) The extraordinary medical expenses of a party, or extraordinary medical expenses for which a party may be responsible, not otherwise taken into consideration under the guidelines.
  - (5) (6) An extraordinary community debt of the parties.
- (6) (7) The need for immediate and temporary support for a child when a full hearing on the issue of support is pending but cannot be timely held. In such cases, the court at the full hearing shall use the provisions of this Part and may redetermine support without the necessity of a change of circumstances being shown.
- (7) (8) The permanent or temporary total disability of a spouse to the extent such disability diminishes his present and future earning capacity, his need to save adequately for uninsurable future medical costs, and other additional costs associated with such disability, such as transportation and mobility costs, medical expenses, and higher insurance premiums.
- (8) (9) That support awarded for an adult child with a disability, as defined in R.S. 9:315.22(E), may be a long-term and financially burdensome obligation that warrants the court's special consideration of the circumstances surrounding the manifestation of the disability and the financial burden imposed on the obligor.

1 (9) (10) Any other consideration which would make application of the 2 guidelines not in the best interest of the child or children or inequitable to the parties. 3 4 §315.2. Calculation of basic child support obligation 5 6 D. The court shall determine the basic child support obligation amount from 7 the schedule in R.S. 9:315.19 by using the combined adjusted gross income of the 8 parties and the number of children involved in the proceeding, but in no event shall 9 the lowest basic amount of child support be less than the amount provided in R.S. 10 9:315.14 in the schedule be construed as a limitation on the court's authority to 11 deviate under R.S. 9:315.1(C). 12 13 Section 2. R.S. 9:315.14 is hereby repealed in its entirety. 14 Section 3. The provisions of this Act shall become effective January 1, 2024. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

**ENROLLED** 

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APPROVED: \_\_\_\_