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 chil		
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 that each parent		
10	has 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		
12	implementationproviding provides for shared custody, or if the court finds by a		
13	preponderance of the evidence that shared custody exists, the basic child support		
14	obligation shall first be multiplied by one and one-half and then divided between the		
15	parents in proportion 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		

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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 Reengrossed	2016 Regular Session	Gregory Miller
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Abstract: Amends the definitions of "shared custody" and "split custody" for purposes of child support.

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

<u>Proposed law</u> expands <u>present law</u> 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".

<u>Proposed law</u> expands <u>present law</u> 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))