

Regular Session, 2010

HOUSE BILL NO. 74

BY REPRESENTATIVE HARRISON

CHILDREN/CUSTODY: Provides for shared custody implementation orders

1 AN ACT

2 To amend and reenact the heading of Subpart B of Part III of Chapter 1 of Title 9 of the  
3 Louisiana Revised Statutes of 1950 and to enact R.S. 9:337, relative to child custody;  
4 to provide for implementation orders; to provide for a presumption of shared  
5 custody; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The heading of Subpart B of Part III of Chapter 1 of Title 9 of the  
8 Louisiana Revised Statutes of 1950 is hereby amended and reenacted and R.S. 9:337 is  
9 hereby enacted to read as follows:

10 SUBPART B. JOINT AND SHARED CUSTODY

11 §337. Shared custody decree and implementation order

12 A. There shall be a rebuttable presumption of shared physical custody in all  
13 cases. The presumption may be rebutted by clear and convincing evidence of abuse,  
14 neglect, or criminal activity.

15 B. In a proceeding in which shared physical custody is decreed, the court  
16 shall order the parties to submit a parenting plan, including all of the following  
17 information:

18 (1) Current address and pictures of the home.

19 (2) Distance between the addresses of the parties.

20 (3) School district in which each party lives.

1           C. The court shall allocate exact days and time periods based upon the  
2           parenting plan and shall make every effort to keep time periods as close to equal as  
3           possible. The court shall give specific oral and written reasons for the order.

4           D. When the court orders equal physical custody or more than forty percent  
5           of physical custody to the nondomiciliary parent, the child support worksheet for  
6           shared custody shall be used to determine child support.

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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)]

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Harrison

HB No. 74

**Abstract:** Provides for shared custody decrees.

Proposed law provides a rebuttable presumption of shared physical custody in all custody cases.

Proposed law provides that the presumption may be rebutted by clear and convincing evidence of abuse, neglect, or criminal activity.

Proposed law requires each party to submit a parenting plan and requires the court to order physical custody to each party as close to equal as possible.

Proposed law requires the court to give written reasons for its order.

Proposed law provides for the use of child support worksheet B in certain circumstances.

(Amends the heading of Subpart B of Part III of Chapter 1 of Title 9 of the LRS of 1950; Adds R.S. 9:337)