2018 Regular Session SENATE BILL NO. 330 BY SENATOR COLOMB **ACT No. 379** 

1	AN ACT
2	To amend and reenact R.S. 9:311 (A)(1), (C), and (F), relative to the modification of support
3	orders; to provide relative to a material change in circumstances; to provide relative
4	to support orders when the Department of Children and Family Services provides
5	support enforcement services; to provide for a rebuttable presumption; to provide for
6	judicial discretion in modifying a support obligation; to provide for judicial review
7	in some circumstances; and provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 9:311 (A)(1), (C), and (F) are hereby amended and reenacted to read
10	as follows:
11	§311. Modification or suspension of support; material change in circumstances;
12	periodic review by Department of Children and Family Services;
13	medical support
14	A.(1) An award for support shall not be modified unless the party seeking the
15	modification shows a material change in circumstances of one of the parties between
16	the time of the previous award and the time of the rule for modification of the award.
17	The material change in circumstances must be substantial and continuing since
18	the last award for support.
19	* * *
20	C. For purposes of this Section, in cases where the Department of Children
21	and Family Services is providing support enforcement services:
22	(1) A There shall be a rebuttable presumption that a material change in
23	circumstance circumstances exists when a strict application of the child support
24	guidelines, Part I-A of this Chapter, would result in at least a twenty-five percent
25	change in the existing child support award. A material change in circumstance
26	circumstances does not exist under this Paragraph if the amount of the award was
27	the result of the court's deviating from the guidelines pursuant to R.S. 9:315.1 and

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there has not been a material change in the circumstances which warranted the
deviation.

3 (2) Upon request of either party or on its own initiative and if the best interest 4 of the child so requires, the department shall provide for judicial review and, if appropriate, the court may adjust the amount of the existing child support award 5 every three years if the existing award differs from the amount which would 6 7 otherwise be awarded under the application of the child support guidelines. The 8 review provided hereby does not require a showing of a material change in 9 circumstance nor preclude a party from seeking a reduction or increase under the 10 other provisions of this Section. A court has discretion and authority to modify 11 a child support obligation even when there is not a twenty-five percent variation 12 between the current obligation and the guidelines when a party has proven a 13 material change in circumstances that is substantial and continuing. Likewise, 14 a trial court has discretion to deny a modification even when the twenty-five 15 percent variation is present, based on a finding that applying the guidelines 16 would not be in the best interest of the child or would be inequitable to the 17 parties.

18(3) If the best interest of the child so requires, the department shall19request a judicial review upon request of either party or on its own initiative.20If appropriate, the court may modify the amount of the existing child support21award every three years if the existing award differs from the amount which22would otherwise be awarded under the application of the child support23guidelines. A material change in circumstances shall not be required for the24purpose of this Paragraph.

F. The provisions of Subsection E of this Section shall not apply when the mover recipient of the support payments is a public entity acting on behalf of another party to whom support is due providing support enforcement services as defined by R.S. 46:236.1.1(14).

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#### **SB NO. 330**

### **ENROLLED**

1	Section 2. This Act shall become effective upon signature by the governor or, if not
2	signed by the governor, upon expiration of the time for bills to become law without signature
3	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4	vetoed by the governor and subsequently approved by the legislature, this Act shall become
5	effective on the day following such approval.

## PRESIDENT OF THE SENATE

# SPEAKER OF THE HOUSE OF REPRESENTATIVES

### GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_