

2023 Regular Session

HOUSE BILL NO. 337

BY REPRESENTATIVE CARPENTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHILDREN/SUPPORT: Eliminates the minimum child support award in the child support guidelines

1 AN ACT

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~~

1 ~~awarded shall not be less than the minimum child support provided in R.S. 9:315.14~~
2 earnings, income, and other evidence of ability to pay.

3 (b)(2) That the combined adjusted gross income of the parties is not within
4 the amounts shown on the schedule in R.S. 9:315.19. If the combined adjusted gross
5 income of the parties exceeds the highest sum shown on the schedule, the court shall
6 determine an amount of child support as provided in R.S. 9:315.13(B)(1) and may
7 order the placement of a portion of the amount in a trust in accordance with R.S.
8 9:315.13.

9 ~~(2)(3)~~ The legal obligation of a party to support dependents who are not the
10 subject of the action before the court and who are in that party's household.

11 ~~(3)(4)~~ That in a case involving one or more families, consisting of children
12 none of whom live in the household of the noncustodial or nondomiciliary parent but
13 who have existing child support orders (multiple families), the court may use its
14 discretion in setting the amount of the basic child support obligation, ~~provided it is~~
15 ~~not below the minimum fixed by R.S. 9:315.14, if the existing child support orders~~
16 ~~reduce the noncustodial or nondomiciliary parent's income below the lowest income~~
17 ~~level on the schedule contained in R.S. 9:315.19.~~

18 ~~(4)(5)~~ The extraordinary medical expenses of a party, or extraordinary
19 medical expenses for which a party may be responsible, not otherwise taken into
20 consideration under the guidelines.

21 ~~(5)(6)~~ An extraordinary community debt of the parties.

22 ~~(6)(7)~~ The need for immediate and temporary support for a child when a full
23 hearing on the issue of support is pending but cannot be timely held. In such cases,
24 the court at the full hearing shall use the provisions of this Part and may redetermine
25 support without the necessity of a change of circumstances being shown.

26 ~~(7)(8)~~ The permanent or temporary total disability of a spouse to the extent
27 such disability diminishes his present and future earning capacity, his need to save
28 adequately for uninsurable future medical costs, and other additional costs associated

1 with such disability, such as transportation and mobility costs, medical expenses, and
2 higher insurance premiums.

3 ~~(8)~~(9) That support awarded for an adult child with a disability, as defined
4 in R.S. 9:315.22(E), may be a long-term and financially burdensome obligation that
5 warrants the court's special consideration of the circumstances surrounding the
6 manifestation of the disability and the financial burden imposed on the obligor.

7 ~~(9)~~(10) Any other consideration which would make application of the
8 guidelines not in the best interest of the child or children or inequitable to the parties.

9 * * *

10 §315.2. Calculation of basic child support obligation

11 * * *

12 D. The court shall determine the basic child support obligation amount from
13 the schedule in R.S. 9:315.19 by using the combined adjusted gross income of the
14 parties and the number of children involved in the proceeding, but in no event shall
15 the lowest basic amount of child support ~~be less than the amount provided in R.S.~~
16 ~~9:315.14~~ in the schedule be construed as a limitation on the court's authority to
17 deviate under R.S. 9:315.1(C).

18 * * *

19 Section 2. R.S. 9:315.14 is hereby repealed in its entirety.

20 Section 3. The provisions of this Act shall become effective January 1, 2024.

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 337 Engrossed

2023 Regular Session

Carpenter

Abstract: Eliminates the requirement of a minimum child support award.

Present law (R.S. 9:315.14) prohibits a court from setting a child support award below \$100 per month except in cases involving shared or split custody or a medically documented disability.

Proposed law repeals present law.

Present law (R.S. 9:315.1(C)(1)) provides that in determining whether to deviate from the guidelines for child support, the court's considerations may include 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 changes present law by providing that the court's considerations may include that the combined adjusted gross income of the parties is equal to or less than \$950.

Present law (R.S. 9:315.1(C)(1)(a)) provides that if the combined adjusted gross income of the parties is less than the lowest sum on the schedule, the court shall determine an amount of child support based on the facts of the case, except that the amount awarded shall not be less than the \$100 minimum child support provided in present law (R.S. 9:315.14).

Proposed law changes present law and provides that if the combined adjusted gross income of the parties is less than the lowest sum on the schedule, the court shall determine an amount of child support based on earnings, income, and other evidence of ability to pay.

Present law (R.S. 9:315.2(D)) provides that the court shall determine the basic child support obligation amount from the schedule in present law (R.S. 9:315.19) by using the combined adjusted gross income of the parties and the number of children involved in the proceeding, but in no event shall the amount of child support be less than the \$100 minimum provided in present law.

Proposed law changes present law by providing that in no event shall the lowest basic amount of child support in the schedule be construed as a limitation on the court's authority to deviate under proposed law (R.S. 9:315.1(C)).

Effective Jan. 1, 2024.

(Amends R.S. 9:315.1(C) and 315.2(D); Repeals R.S. 9:315.14)