

2023 Regular Session

HOUSE BILL NO. 337

BY REPRESENTATIVE CARPENTER

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~~  
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

1 income of the parties exceeds the highest sum shown on the schedule, the court shall  
 2 determine an amount of child support as provided in R.S. 9:315.13(B)(1) and may  
 3 order the placement of a portion of the amount in a trust in accordance with R.S.  
 4 9:315.13.

5 ~~(2)~~ (3) The legal obligation of a party to support dependents who are not the  
 6 subject of the action before the court and who are in that party's household.

7 ~~(3)~~ (4) That in a case involving one or more families, consisting of children  
 8 none of whom live in the household of the noncustodial or nondomiciliary parent but  
 9 who have existing child support orders (multiple families), the court may use its  
 10 discretion in setting the amount of the basic child support obligation, ~~provided it is~~  
 11 ~~not below the minimum fixed by R.S. 9:315.14, if the existing child support orders~~  
 12 ~~reduce the noncustodial or nondomiciliary parent's income below the lowest income~~  
 13 ~~level on the schedule contained in R.S. 9:315.19.~~

14 ~~(4)~~ (5) The extraordinary medical expenses of a party, or extraordinary  
 15 medical expenses for which a party may be responsible, not otherwise taken into  
 16 consideration under the guidelines.

17 ~~(5)~~ (6) An extraordinary community debt of the parties.

18 ~~(6)~~ (7) The need for immediate and temporary support for a child when a full  
 19 hearing on the issue of support is pending but cannot be timely held. In such cases,  
 20 the court at the full hearing shall use the provisions of this Part and may redetermine  
 21 support without the necessity of a change of circumstances being shown.

22 ~~(7)~~ (8) The permanent or temporary total disability of a spouse to the extent  
 23 such disability diminishes his present and future earning capacity, his need to save  
 24 adequately for uninsurable future medical costs, and other additional costs associated  
 25 with such disability, such as transportation and mobility costs, medical expenses, and  
 26 higher insurance premiums.

27 ~~(8)~~ (9) That support awarded for an adult child with a disability, as defined  
 28 in R.S. 9:315.22(E), may be a long-term and financially burdensome obligation that  
 29 warrants the court's special consideration of the circumstances surrounding the  
 30 manifestation of the disability and the financial burden imposed on the obligor.

