

Existing law (R.S. 9:315(C)(3)) defines gross income as income from any source.

New law clarifies that gross income includes disaster unemployment assistance received from the U.S. Department of Labor.

New law also provides that gross income does not include disaster assistance received through FEMA or any other nonprofit tax-exempt organization.

Existing law (R.S. 9:315.1(B)) provides that the court may deviate from the guidelines if they are not in the best interest of the child or it would be inequitable to the parties.

New law additionally provides that the court may deviate if the application of the guidelines would be unjust or inequitable to a party who was denied access to the courts as a direct result of Hurricane Katrina or Rita.

Existing law (R.S. 9:315.11) provides that if a party is voluntarily unemployed or underemployed, child support shall be calculated based on his income-earning potential.

New law provides that a party shall not be deemed voluntarily unemployed or underemployed if he has been temporarily unable to find work or has been temporarily forced to take a lower paying job due to Hurricane Katrina or Rita.

Existing law (R.S. 9:315.21) provides that an award of child support shall be retroactive to the date of judicial demand, except for good cause shown.

New law provides that the court may make a child support modification retroactive to the date an emergency was declared for Hurricane Katrina or Rita, if judicial demand is filed before April 15, 2006. However, new law provides that this provision shall not be effective unless 42 USC 666(a)(9)(c), (the Bradley Amendment), is amended to permit retroactive modification of support.

New law provides that this Act shall apply to all pending and future cases.

Effective upon signature of governor (December 6, 2005).

(Amends R.S. 9:315(C)(3)(a) and 315.1(B); Adds R.S. 9:315(C)(3)(d)(v), 315.11(C), and 315.21(F))