

Regular Session, 2014

SENATE BILL NO. 85

BY SENATOR MURRAY (On Recommendation of the Louisiana State Law Institute)

FAMILY LAW. Provides for consideration of certain child care expenses for purposes of child support when the expenses are incurred by a parent receiving job training or education. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 9:315.3 and 315.20, relative to the obligation of child support;
3 to provide for child care costs; to provide terms and conditions; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:315.3 and 315.20 are hereby amended and reenacted to read as
7 follows:

8 §315.3. ~~Net child~~ **Child** care costs; addition to basic obligation

9 A. Net child care costs shall be added to the basic child support obligation.

10 The net child care costs are determined by applying the Federal Credit for Child and
11 Dependent Care Expenses provided in Internal Revenue Form 2441 to the total or
12 actual child care costs.

13 **B. Reasonable child care expenses incurred by either parent while**
14 **receiving job training or education necessary to obtain employment or enhance**
15 **earning potential may be added to the basic child support obligation unless such**
16 **expenses unreasonably burden the parent paying child support.**

17 * * *

1 §315.20. Worksheets

2 **Obligation Worksheet A**

3 (The worksheet for calculation of the total support obligation

4 under R.S. 9:315.8 and 315:10)

6 Court _____ Parish _____ Louisiana

7 Case Number _____ Div/CtRm _____

8 _____

9 Petitioner Respondent

10 Children Date of Birth Children Date of Birth

11 _____

12 _____

13 _____

14

15

	A.	B.	C.
	Petitioner	Respondent	Combined
16 1. MONTHLY GROSS INCOME (R.S. 9:315.2(A))	\$ _____	\$ _____	
17 a. Preexisting child support payment.	- _____	- _____	
18 b. Preexisting spousal support payment.	- _____	- _____	
19 2. MONTHLY ADJUSTED GROSS			
20 INCOME (Line 1 minus 1a and 1b).	\$ _____	\$ _____	
21 3. COMBINED MONTHLY ADJUSTED			
22 GROSS INCOME (Line 2 Column A plus			
23 Line 2 Column B). (R.S. 9:315.2(C))			\$ _____
24 4. PERCENTAGE SHARE OF INCOME			
25 (Line 2 divided by line 3). (R.S.			
26 9:315.2(C))	_____ %	_____ %	

	A. Petitioner	B. Respondent	C. Combined
1			
2			
3			\$
4			
5			+
6			
7			+
8			
9			
10			
11			+
12			
13			
14			+
15			
16			
17			-
18			
19			
20			\$
21			
22			
23	\$	\$	

	A. Petitioner	B. Respondent	C. Combined
1 8. DIRECT PAYMENTS made by the 2 noncustodial parent on behalf of the child 3 for work-related net child care costs, 4 health insurance premiums, extraordinary 5 medical expenses, or extraordinary 6 expenses.		-	
7 9. RECOMMENDED CHILD SUPPORT 8 ORDER (Subtract line 8 from line 7).		\$	

9 _____
10 Comments, calculations, or rebuttals to schedule or adjustments if made under 8 above or
11 if ordering a credit for a joint custodial arrangement:

12 Prepared by _____ Date _____

13 **Obligation Worksheet B**

14 (The worksheet for calculation of the total child support

15 obligation under R.S. 9:315.9)

16 Court _____ Parish _____ Louisiana

17 Case Number _____ Div/CtRm _____

18 _____

19 Petitioner Respondent

20 Children Date of Birth Children Date of Birth

21 _____

22 _____

23 _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

	A. Petitioner	B. Respondent	C. Combined
1. MONTHLY GROSS INCOME (R.S. 9:315.2(A))	\$ _____	\$ _____	
a. Preexisting child support payment.	- _____	- _____	
b. Preexisting spousal support payment.	- _____	- _____	
2. MONTHLY ADJUSTED GROSS INCOME (Line 1 minus 1a and 1b).	\$ _____	\$ _____	
3. COMBINED MONTHLY ADJUSTED GROSS INCOME (Line 2 Column A plus Line 2 Column B) (R.S. 9:315.2(C))			\$ _____
4. PERCENTAGE SHARE OF INCOME (Line 2 divided by line 3) (R.S. 9:315.2(C))	_____ %	_____ %	
5. BASIC CHILD SUPPORT OBLIGATION (Compare line 3 to Child Support Schedule) (R.S. 9:315.2(D))			\$ _____
6. SHARED CUSTODY BASIC OBLIGATION (Line 5 times 1.5) (R.S. 9:315.9(A)(2))			\$ _____
7. EACH PARTY'S THEORETICAL CHILD SUPPORT OBLIGATION (Multiply line 4 times line 6 for each party)(R.S. 9:315.9(A)(2))	\$ _____	\$ _____	
8. PERCENTAGE with each party (Use actual percentage of time spent with each party, if percentage is not 50%) (R.S. 9:315.9(A)(3))	_____ %	_____ %	

	A. Petitioner	B. Respondent	C. Combined
1	9. BASIC CHILD SUPPORT		
2	OBLIGATION FOR TIME WITH		
3	OTHER PARTY (Cross Multiply line 7		
4	for each party times line 8 for the other		
5	party) (R.S. 9:315.9(A) (3)) (For Line 9		
6	Column A, multiply Line 7 Column A		
7	times Line 8 Column B) (For Line 9		
8	Column B, multiply Line 7 Column B		
9	times Line 8 Column A)		
	\$	\$	
10	a. Net Child Care Costs (Costs minus		
11	Federal Tax Credit) (R.S. 9:315.3)		
12	b. Child's Health Insurance Premium		
13	Cost (R.S. 9:315.4)		
14	c. Extraordinary Medical Expenses		
15	(Uninsured only) (Agreed to by		
16	parties or by order of court (R.S.		
17	9:315.5)		
18	d. Extraordinary Expenses (Agreed to		
19	by parties or by order of the court)		
20	(R.S. 9:315.6)		
21	e. Optional: Minus extraordinary		
22	adjustments (Child's income if		
23	applicable) (R.S. 9:315.7)		
24	10. TOTAL		
25	EXPENSES/EXTRAORDINARY		
26	ADJUSTMENTS (Add lines 9a, 9b, 9c,		
27	and 9d; Subtract line 9e)		
			\$

	A. Petitioner	B. Respondent	C. Combined
1 2 3 4	11. EACH PARTY'S PROPORTIONATE SHARE of Expenses/Extraordinary Adjustments (Line 4 times line 10) (R.S. 9:315.9(A)(4))	\$	\$
5 6 7 8 9 10 11 12 13 14 15	12. DIRECT PAYMENTS made by either party on behalf of the child for work- related net child care costs, health insurance premiums, extraordinary medical expenses, or extraordinary expenses. Deduct each party's proportionate share of an expense owed directly to a third party. If either parent's proportionate share of an expense is owed to the other parent, enter zero. (R.S. 9:315.9(A)(5))	-	-
16 17 18 19	13. EACH PARTY'S CHILD SUPPORT OBLIGATION (Line 9 plus line 11 and minus line 12) (R.S. 9:315.9(A)(4) and (5))	\$	\$
20 21 22 23 24	14. RECOMMENDED CHILD SUPPORT ORDER (Subtract lesser amount from greater amount in line 13 and place the difference in the appropriate column) (R.S. 9:315.9(A)(6))	\$	\$

25
26 Comments, calculations, or rebuttals to schedule or adjustments:

27 Prepared by _____ Date _____

The original instrument was prepared by Julie J. Baxter. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

Murray (SB 85)

Present law provides for the calculation of net child care costs as it applies to the basic child support obligation.

Proposed law allows the definition of child care costs to include the reasonable child care expenses incurred by either parent while receiving job training or education necessary to obtain employment or enhance earning potential when calculating the basic child support obligation.

Present law provides worksheets for calculating total child support obligation.

Proposed law provides worksheets for the calculation of total child support obligation including the application of the new definition of child care costs.

Effective August 1, 2014.

(Amends R.S. 9:315.3 and 315.20)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Specifies that the definition of child care costs are to be reasonable.