

2016 Regular Session

HOUSE BILL NO. 330

BY REPRESENTATIVE GREGORY MILLER

CHILDREN/SUPPORT: Provides relative to the imputation of income when a parent is voluntarily unemployed or underemployed

1 AN ACT

2 To amend and reenact R.S. 9:315.11(A), relative to child support; to provide for imputing  
3 income; to provide relative to actual income or income earning potential; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:315.11(A) is hereby amended and reenacted to read as follows:

7 §315.11. Voluntarily unemployed or underemployed party

8 A. If a party is voluntarily unemployed or underemployed, child support  
9 shall be calculated based on a determination of income earning potential, unless the  
10 party is physically or mentally incapacitated, or is caring for a child of the parties  
11 under the age of five years. In determining the party's income earning potential, the  
12 court may consider the most recently published Louisiana Occupational Employment  
13 Wage Survey. Absent evidence of a party's actual income or income earning  
14 potential, there is a rebuttable presumption that the party can earn a weekly gross  
15 amount equal to thirty-two hours at a minimum wage, according to the laws of his  
16 state of domicile or federal law, whichever is higher.

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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)]

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HB 330 Original

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Gregory Miller

**Abstract:** Regarding child support, creates a rebuttable presumption that when there is no evidence of a party's actual income or earning potential, that party can earn a weekly gross amount equal to 32 hours at minimum wage.

Present law provides for the calculation of child support based on income earning potential when a parent is voluntarily unemployed or underemployed.

Proposed law creates a rebuttable presumption that when there is no evidence of a party's actual income or earning potential, that party can earn a weekly gross amount equal to 32 hours at minimum wage.

(Amends R.S. 9:315.11(A))