

2016 Regular Session

SENATE BILL NO. 306

BY SENATOR CARTER

CIVIL PROCEDURE. Provides that physical custody of children shall be shared equally in a joint custody decree. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 9:335(A)(2)(b), relative to joint custody of children; to provide  
3 relative to a joint custody decree and implementation order; to provide that physical  
4 custody of children shall be shared equally in a joint custody decree; to provide with  
5 respect to factors in determining a child's best interest; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:335(A)(2)(b) is hereby amended and reenacted to read as follows:

9 §335. Joint custody decree and implementation order

10 A.(1) \* \* \*

11 (2)(a) \* \* \*

12 (b) ~~To the extent it is feasible and in the best interest of the child, physical~~  
13 **Physical** custody of children ~~should~~ **shall** be shared equally. **The court shall**  
14 **consider all relevant factors in determining the child's best interest as provided**  
15 **in Civil Code Article 134.**

16 \* \* \*

17 Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature  
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
4 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Angela L. De Jean.

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## DIGEST

SB 306 Original

2016 Regular Session

Carter

Present law provides that in a proceeding in which joint custody is decreed, the court shall render a joint custody implementation order except for good cause shown.

Present law provides that the implementation order shall allocate the time periods during which each parent shall have physical custody of the child so that the child is assured of frequent and continuing contact with both parents.

Present law provides that to the extent it is feasible and in the best interest of the child, physical custody of the children should be shared equally.

Proposed law retains present law but provides that physical custody of children shall be shared equally.

Proposed law provides that the court shall consider all relevant factors in determining the child's best interest as provided in present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 9:335(A)(2)(b))