

Louisiana's New Equal Custody Law Takes Effect: Moisant Law Firm Explains What Parents Need to Know

Moisant Law Firm breaks down Louisiana's Act 605 equal custody law and clarifies key legal requirements for parents in Metairie and Greater New Orleans.

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*Samantha Moisant , Family
Law Attorney*

Metairie-based family law practice serving Jefferson Parish, Orleans Parish, and the surrounding Greater New Orleans region, is helping parents across Southeast Louisiana understand a major shift in [child custody](#) law that took effect this month.

On August 1, 2026, Louisiana's Act 605 (formerly House Bill 1239) amended the state's custody statute, La. R.S. 9:335(A)(2)(b), changing a single word with significant legal consequences: where the law previously stated that physical custody time "should" be shared equally between parents when feasible, it now states custody "shall" be

shared equally unless a court determines equal custody is not feasible or is not in the child's best interest.

The change moves Louisiana courts toward starting every joint custody case from a presumption of equal, 50/50 parenting time, placing the burden on a parent who wants a different arrangement to justify that departure. Judges retain discretion to order unequal custody when circumstances call for it, and courts must still weigh the well-established best-interest-of-the-child factors under Louisiana law.

"This is one of the most significant shifts we've seen in Louisiana custody law in years," said Samantha Moisant, founder of Moisant Law Firm. "Whether a family is in Metairie, New Orleans, Covington, or one of the surrounding parishes we serve, parents who are just starting a custody case , or who already have an order and feel it's no longer works for them need to understand what this new presumption means before they walk into court."

What Families in Metairie and Surrounding Parishes Should Know:

Moisant Law Firm notes several key points for parents navigating this change in Jefferson Parish, Orleans Parish, St. Charles Parish, St. Tammany Parish, Plaquemines Parish, and Terrebonne Parish. New cases start from a different baseline: parents filing for [divorce](#) or custody after August 1, 2026 should expect courts to begin with the assumption of equal parenting time. Existing custody orders are not automatically changed, since Act 605 does not retroactively modify current orders; a parent seeking to change an existing arrangement still must show a material change in circumstances to reopen the case, and the new law does not lower that bar by itself, though it may influence how judges view modification requests going forward. The child's best interest still controls, as courts continue to weigh factors such as each parent's ability to provide care, the emotional ties between parent and child, and the stability of the child's environment, and cases involving domestic violence, substance abuse, or a parent's unfitness remain subject to the same protective considerations. Timing also matters, since whether Act 605 applies with full force to a particular case can depend on when the case was filed and where it stands in the process, making early legal guidance especially valuable right now.



Samantha Moisant Louisiana
Family Law Attorney

Moisant Law Firm, founded by Samantha Moisant, focuses exclusively on family law matters including divorce, child custody, child support, community property partition, and relocation cases. The firm's all-women legal team serves clients throughout Jefferson Parish, St. Charles Parish, St. Tammany Parish, Plaquemines Parish, and the greater New Orleans area.

Parents in Metairie, New Orleans, and the surrounding Parishes of Jefferson, St. Charles, St. Tammany and Plaquemines Parish communities with questions about how Louisiana's new custody law may affect a pending case or an existing custody order are encouraged to schedule a consultation with Moisant Law Firm.

[Moisant Law Firm is a Metairie](#), Louisiana law firm dedicated exclusively to family law, helping clients navigate divorce, child custody, and related matters with compassion and clarity. Founded by Samantha Moisant, the firm brings focused knowledge of Jefferson Parish and Greater New Orleans family courts to every case.

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