

2022 Regular Session

SENATE BILL NO. 102

BY SENATOR FOIL

CHILDREN'S CODE. Provides for cotutorship of child in that either parent acting alone can act on behalf of the child. (gov sig)

1 AN ACT

2 To amend and reenact Civil Code Arts. 250 and 256, relative to tutorship by nature; to
3 provide for cotutorship; to provide that cotutors have equal authority to act alone or
4 on behalf of the child; to provide for an effective date; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Arts. 250 and 256 are hereby amended and reenacted to read
8 as follows:

9 Art. 250. Persons entitled to tutorship

10 Upon the death of either parent, the tutorship of minor children belongs of
11 right to the other. Upon divorce or judicial separation from bed and board of parents,
12 the tutorship of each minor child belongs of right to the parent under whose care he
13 or she has been placed or to whose care he or she has been entrusted; however, if the
14 parents are awarded joint custody of a minor child, then the cotutorship of the minor
15 child shall belong to both parents, with equal authority **to act alone, on behalf of the**
16 **child, and with equal** privileges; and responsibilities, unless modified by order of
17 the court or by an agreement of the parents, approved by the court awarding joint

1 custody. In the event of the death of a parent to whom joint custody had been
2 awarded, the tutorship of the minor children of the deceased belongs of right to the
3 surviving parent.

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5 Art. 256. Children born outside of marriage

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7 C. If both parents have acknowledged their child born outside of marriage,
8 the judge shall appoint as tutor the one by whose care the best interests of the child
9 will be served. However, if the parents are awarded joint custody of such
10 acknowledged child born outside of marriage, then the cotutorship of such child shall
11 belong of right to both parents, with equal authority **to act alone, on behalf of the**
12 **child, and with equal** privileges; and responsibilities, unless modified by order of
13 the court or by an agreement of the parents, approved by the court awarding joint
14 custody.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Lebra R. Bias.

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Present law provides that cotutorship of a minor child belongs to both parents with equal authority, privileges, and responsibilities.

Proposed law retains present law and adds that the cotutors have equal authority to act alone or on behalf of the child.

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

(Amends C.C. Arts. 250 and 256)