

2022 Regular Session

HOUSE BILL NO. 272

BY REPRESENTATIVE JEFFERSON

1 AN ACT

2 To amend and reenact R.S. 9:327(B), 331, 355.15, and 365, relative to mental health  
3 evaluations in divorce and child custody proceedings; to provide for the  
4 qualifications of certain mental health professionals; to prohibit ex parte  
5 communication; to provide for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:327(B), 331, 355.15, and 365 are hereby amended and reenacted  
8 to read as follows:

9 §327. Determination of domestic abuse for spousal support

10 \* \* \*

11 B. In the absence of a criminal conviction, the court may order an evaluation  
12 of both parties that may be used to assist the court in determining the existence and  
13 nature of the alleged domestic abuse. The evaluation shall be conducted by an  
14 independent, court-appointed, licensed mental health professional who ~~is an expert~~  
15 has experience in the field of domestic abuse. The licensed mental health  
16 professional shall have no family, financial, or prior medical relationship with either  
17 party or their attorneys of record. The licensed mental health professional shall  
18 provide the court and the parties with a written report of his findings.

19 \* \* \*

20 §331. Custody or visitation proceeding; evaluation by licensed mental health  
21 professional

22 A. The court may order an evaluation of a party or the child in a custody or  
23 visitation proceeding for good cause shown. The evaluation shall be made by a  
24 licensed mental health professional selected by the parties or by the court. The court

1           may render judgment for costs of the evaluation, or any part thereof, against any  
2           party or parties, as it may consider equitable.

3                   B. The court may order a party or the child to submit to and cooperate in the  
4           evaluation, testing, or interview by the licensed mental health professional. The  
5           licensed mental health professional shall provide the court and the parties with a  
6           written report. The licensed mental health professional shall serve as the witness of  
7           the court, subject to cross-examination by a party.

8                   C. "Licensed mental health professional" as used in this Chapter means a  
9           person who possesses at least a master's degree and who is licensed in counseling,  
10          social work, psychology, marriage and family counseling, or exempt from licensing  
11          requirements pursuant to R.S. 37:1113 and R.S. 37:1121.

12                   D. When a licensed mental health professional has been appointed by the  
13          court, there shall be no ex parte communication by the litigants or their attorneys  
14          with the licensed mental health professional unless authorized by law or court order  
15          or agreed to by the parties. All oral communication with the licensed mental health  
16          professional shall be by teleconference or meeting in which each party to the  
17          proceeding participates either through the party's attorney or as a self-represented  
18          litigant. All written communication or correspondence to the licensed mental health  
19          professional, along with any attachments thereto, shall be provided  
20          contemporaneously to all parties to the litigation or their attorneys of record.  
21          Communications initiated by the licensed mental health professional with a litigant  
22          for the purpose of conducting the court-ordered evaluation shall not be considered  
23          ex parte communications prohibited by this Subsection.

24   \*       \*       \*

25           §355.15. Mental health expert; appointment

26                   The court, on motion of either party or on its own motion, may appoint an  
27           independent, licensed mental health professional as an expert to render a report to  
28           assist the court in determining the best interest of the child.

29   \*       \*       \*

1           §365. Qualification of licensed mental health professional  
2                    Any licensed mental health professional appointed by the court to conduct  
3           a custody evaluation in a case where family violence is an issue shall have current  
4           and demonstrable training and experience working with perpetrators and victims of  
5           family violence.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_