

## RÉSUMÉ DIGEST

ACT 110 (HB 350)

2016 Regular Session

Hilferty

Existing law provides that a mandatary may perform all acts which are incidental or necessary to fulfill the obligations as mandatary.

New law specifies that a mandatary may not prevent or limit reasonable communication, visitation, or interaction between a principal who is over the age of 18 years and another person without prior court approval and only upon a showing of good cause by the mandatary, unless express authority to do so has been given to the mandatary by the principal.

New law specifies that the individuals whom the mandatary may not limit or prevent reasonable communication, visitation, or interaction with the principal include relatives by blood, adoption, or affinity within the third degree or other individuals who have a relationship with the principal based on or productive of strong affection.

Existing law allows a curator to care for the person or affairs of an interdict.

New law specifies that a curator shall allow communication, visitation, and interaction between an interdict who is over the age of eighteen years and a relative of the interdict by blood, adoption, or affinity within the third degree, or another individual who has a relationship with the interdict based on or productive of strong affection if it would serve the best interest of the interdict.

New law requires an undercurator to move the court to appoint a successor to a curator if the undercurator learns that the curator has denied an interdicted individual from communicating, visiting, or interacting with a person, unless the court has previously approved such denial.

New law adds that any interested party may petition for the removal of a curator or undercurator specifically if the curator or undercurator is prohibiting visitation of an interdict.

Existing law provides for injunctive relief to a party who can demonstrate that irreparable injury, loss, or damage will result in the absence of injunctive relief.

New law provides that the isolation of an individual over the age of 18 years may qualify as causing irreparable injury, loss, or damage to an individual, and thus allows for injunctive relief to be granted.

New law provides that a rule to show cause may be filed by any relatives by blood, adoption, or affinity within the third degree, or other individuals who have a relationship based on or productive of strong affection who are seeking visitation, communication, or interaction with an interdict. Provides for an expedited hearing on a rule to show cause when the interdict is suffering from an illness or condition which he is not likely to survive beyond six months.

Effective upon signature of governor (May 19, 2016).

(Amends C.C. Art. 2995 and C.C.P. Art. 4568; Adds C.C. Art. 2997(7), C.C.P. Arts. 3601(E), 4565(B)(7), 4566(J), and 4570, and R.S. 9:3851(E))