

2018 Regular Session

SENATE BILL NO. 326

BY SENATOR BARROW

DIVORCE. Provides relative to joint custody decrees and implementation orders during a declared disaster. (gov sig)

1 AN ACT
2 To amend and reenact R.S. 9:335, relative to children; to provide relative to custody and
3 visitation; to provide relative to declared disasters; to provide relative to joint
4 custody decrees and implementation orders; and to provide for related matters.
5 Be it enacted by the Legislature of Louisiana:
6 Section 1. R.S. 9:335 is hereby amended and reenacted to read as follows:
7 §335. Joint custody decree and implementation order
8 A.(1) In a proceeding in which joint custody is decreed, the court shall render
9 a joint custody implementation order except for good cause shown.
10 (2)(a) The implementation order shall allocate the time periods during which
11 each parent shall have physical custody of the child so that the child is assured of
12 frequent and continuing contact with both parents.
13 (b) To the extent it is feasible and in the best interest of the child, physical
14 custody of the children should be shared equally.
15 **(c) The implementation order shall have a provision that determines the**
16 **responsibility of the parties to exercise visitation, in the best interest of the child,**
17 **when either party is required to evacuate this state with a minor child because**

1 **of an emergency or disaster declared under the provisions of R.S. 29:721 et seq.,**
2 **or declared by federal authority.**

3 * * *

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 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 Xavier I. Alexander.

DIGEST

SB 326 Engrossed 2018 Regular Session Barrow

Present law provides relative to joint custody and implementation orders. Further provides that implementation order shall allocate the time periods each parent shall have physical custody of the child.

Present law provides that physical custody should be shared equally, when it is in the best interest of the child.

Proposed law retains present law and provides that an implementation plan shall provide for the responsibility of the parties to exercise visitation in the event of a emergency evacuation due to a disaster.

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

(Amends R.S. 9:335)