

ACT No. 239

2019 Regular Session

HOUSE BILL NO. 505

BY REPRESENTATIVE COUSSAN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

AN ACT

To amend and reenact R.S. 9:306(A), (B)(introductory paragraph), (1) and (3), (C), (D)(introductory paragraph) and (E) and to redesignate R.S. 9:306, relative to parenting education programs; to provide for a motion to require attendance at a parenting education program in divorce and custody proceedings; to provide for the duration, cost, and qualifications of a parenting program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:306(A), (B)(introductory paragraph), (1) and (3), (C), (D)(introductory paragraph) and (E) are hereby amended and reenacted to read as follows:

§306. ~~Seminar for divorcing parents~~ Custody and visitation proceeding; parenting education programs

A. ~~Upon an affirmative showing that the facts and circumstances of the particular case before the court warrant such an order, a court exercising jurisdiction over family matters may~~ Upon the motion of any party, or on its own motion, the court may for good cause shown or upon agreement of the parties require the parties in a custody or visitation proceeding to attend and complete a court-approved seminar program designed to educate and inform the parties of the needs of the children. The court may render judgment for the costs of the program, or any part thereof, against any party or parties as it may consider equitable. The instructor shall not be called as a witness in the custody or visitation proceeding without prior court approval.

1 B. If the court chooses to require participation in such a seminar program,
2 it shall adopt rules to accomplish the goals of Subsection A of this Section, which
3 rules shall include but not be limited to the following:

4 (1) Criteria for evaluating a seminar program provider and its instructors.

5 * * *

6 (3) The amount of time a participant must take part in the program, which
7 shall be a minimum of three hours ~~but not exceed four hours nor shall the costs~~
8 ~~exceed twenty-five dollars per person.~~

9 * * *

10 C. For purposes of this Section, "instructor" means any psychiatrist,
11 psychologist, professional counselor, social worker licensed under state law, or in
12 any parish other than Orleans, means a person working with a court-approved,
13 evidence-based nonprofit program, or a court-approved nonprofit program of an
14 accredited university created for educating ~~divorcing parents with children~~. All
15 instructors must have received advanced training in instructing co-parenting or
16 similar seminars programs.

17 D. The seminar program shall focus on the developmental needs of children,
18 with emphasis on fostering the child's emotional health. The seminar program shall
19 be informative and supportive and shall direct people desiring additional information
20 or help to appropriate resources. The course content shall contain but not be limited
21 to the following subjects:

22 * * *

23 E. Nonviolent acts or communications made during the seminar program,
24 which are otherwise relevant to the subject matter of a divorce, custody, or visitation
25 proceeding, are confidential, not subject to disclosure, and may not be used as
26 evidence in favor of or against a participant in the pending proceeding. This rule
27 does not require the exclusion of any evidence otherwise discoverable merely
28 because it is presented or otherwise made during the seminar program.

29 * * *

1 Section 2. The Louisiana State Law Institute shall redesignate R.S. 9:306 as R.S.
2 9:331.2.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____