

GREEN SHEET REDIGEST

HB 272

2022 Regular Session

Jefferson

FAMILY LAW: Provides for mental health evaluations in divorce and child custody proceedings.

DIGEST

Present law (R.S. 9:327) allows a court to order a mental health evaluation of the parties when determining an award of final spousal support.

Proposed law requires the appointed mental health professional to be licensed.

Present law (R.S. 9:331) authorizes the court to order an evaluation of a party, conducted by a mental health professional, during a child custody or visitation proceeding.

Proposed law requires the mental health professional to be licensed.

Proposed law defines "licensed mental health professional" as person who possesses at least a master's degree and who is licensed in counseling, social work, psychology, marriage and family counseling, or is exempt from licensing requirements pursuant to present law.

Proposed law prohibits ex parte communications with the licensed mental health professional unless authorized by law, approved by the court, agreed to by the parties, or unless initiated by the mental health professional for the purpose of conducting the court-ordered evaluation.

Present law (R.S. 9:355.15) allows the court to appoint a mental health expert to assist the court in determining whether it is in the best interest of a child to allow a parent to relocate the residence of the child.

Proposed law requires the mental health expert to be a licensed professional.

Present law (R.S. 9:365) requires mental health professionals who conduct custody evaluations in family violence case to have experience relative to family violence.

Proposed law requires the mental health professional to be licensed.

(Amends R.S. 9:327(B), 331, 355.15, and 365)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Include persons exempt from licensing requirements pursuant to present law in the definition of "licensed mental health professional".

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

1. Adds that communication initiated by the licensed mental health professional with a litigant when conducting an evaluation in a divorce or a child custody proceeding in not considered ex parte communications.