

## RÉSUMÉ DIGEST

**ACT 552 (HB 236)**

**2024 Regular Session**

**McMakin**

Existing law (R.S. 9:331) authorizes the court to order an evaluation by a mental health professional in a child custody or visitation proceeding and prohibits ex parte communication.

New law clarifies that the evaluation is a mental health evaluation only.

Existing law provides for the awarding of costs.

New law provides for the consideration of the parties' ability to pay and for the reallocation of costs upon conclusion of the matter.

Existing law defines "licensed mental health professional".

New law modernizes the language and removes the exemption.

New law adds a requirement that the professional have experience working with perpetrators and victims of domestic abuse if that is an issue in the case.

New law also provides that mental health evaluations are subject to certain evidentiary restrictions.

New law (R.S. 9:331.3) provides a separate procedure for the appointment of a child custody evaluator to conduct a court-appointed child custody evaluation in a custody or visitation proceeding.

New law requires the child custody evaluator to be a licensed mental health professional and to use the Association of Family and Conciliation Courts' Guidelines for Parenting Plan Evaluations in Family Law Cases.

New law requires a child custody evaluator to have completed at least five co-evaluations prior to being appointed by the court.

New law requires parties and children to cooperate in the evaluation.

New law requires the child custody evaluator to have experience working with perpetrators and victims of domestic abuse if that is an issue in the case.

New law provides for the payment of costs, the consideration of the parties' ability to pay, and the reallocation of costs upon conclusion of the matter.

New law provides for the issuance of a written report to the parties and for the evaluator to serve as a witness and be subject to cross-examination.

New law provides that there shall not be a presumption in favor of the evaluator's findings.

New law prohibits ex parte communication between the litigants or their attorneys and the child custody evaluator.

Effective August 1, 2024.

(Amends R.S. 9:331; Adds R.S. 9:331.3)