SENATE SUMMARY OF HOUSE AMENDMENTS

SB 76 **2026 Regular Session** **Miller**

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CHILDREN. Provides relative to the modification of child custody. (8/1/26)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Changes authority to modify the award from within 5 years of the award to within 5 years of the judgment.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 76 Reengrossed 2026 Regular Session Miller

Proposed law (C.C. Art. 138) codifies the jurisprudential standards for the modification of custody set forth in *Bergeron v. Bergeron*, 492 So. 2d 1193, 1200 (La. 1986).

Proposed law provides for modification in the best interest of the child within five years of the date of the judgement of custody when the award was by considered decree and based on evidence presented at a hearing or trial and when either the present custody award is harmful to the child or the harm likely to be caused by a change in custody is outweighed by the advantages.

Proposed law provides for modification upon a change of circumstances that materially affects the welfare of the child when the award of custody was not rendered by considered decree or five years after a considered decree.

Proposed law provides that a considered decree is a final and appealable judgment rendered by the court based on the court's evaluation of evidence of parental fitness to exercise care, custody, and control of a child.

(Adds C.C. Art. 138)