

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 248 By Senator Morrish

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CHILDREN. Requires factors to be considered when a court orders visitation between a minor child and an incarcerated parent. (8/1/14)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Removes changes to provisions regarding general restrictions on visitation of an abused or exploited child where visitation was initially prohibited but subsequently authorized because the parent proved that visitation would not cause physical, emotional, or psychological harm.
2. Restates the specific areas a court is to consider when authorizing visitation with an incarcerated parent.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Morrish

SB No. 248

Proposed law provides that if a court authorizes visitation with an incarcerated parent, then as part of the visitation order the court is to include restrictions, conditions, and safeguards necessary to protect the mental and physical health of the child and minimize risk of harm to the child.

Proposed law requires the court to consider the best interest of the child, including but not limited to the following factors when ordering visitation with an incarcerated parent:

- (1) The length and quality of the prior relationship between the child and the parent.
- (2) Whether the child is in need of guidance, enlightenment, or tutelage which can best be provided by the parent.
- (3) The preference of the child if he is determined to be of sufficient maturity to express a preference.
- (4) The willingness of the relative to encourage a close relationship between the child and his parent, including the willingness of the child's custodial parent, caretaker, or legal guardian to voluntarily take the child the incarcerated parent's place of incarceration for the supervised visitation.
- (5) The mental and physical health of the child and the parent.
- (6) The length of time that the child lived with the parent prior to the parent's incarceration.
- (7) The desirability of maintaining the continuity of the relationship between the child and the incarcerated parent.
- (8) The cost of travel and other expenses incurred by visitation at the place of incarceration, and who will bear responsibility for such costs.
- (9) The effect upon the child of supervised visitation in the place of incarceration and the feasibility, if any, of alternative or additional use of technology for visitation pursuant to law.
- (10) Other testimony or evidence as the court may consider applicable.

Effective August 1, 2014.

(Adds R.S. 9:364.1)

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