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DIGEST

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Morrish

SB No. 248

Present law provides for certain restrictions when the court considers allowing visitation of a minor child with a parent who has a history of perpetrating family violence or who has sexually abused his or her child or children.

Proposed law adds that, when the court is considering the supervised visitation of a minor child with an incarcerated parent, the court shall consider the best interest of the child, including but not limited to the following factors:

- (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 R.S. 9:357.
- (10) Other testimony or evidence as the court may consider applicable.

Present law provides for certain restrictions on visitation when a parent has subjected his or her child to physical abuse, sexual abuse or exploitation, or has permitted such abuse or exploitation of the child.

Proposed law adds that when the court authorizes visitation with an incarcerated parent, then as part of such visitation, the court shall include such restrictions, conditions and safeguards as are necessary to protect the mental and physical health of the child and minimize risk of harm to the child.

Effective August 1, 2014.

(Amends R.S. 9:341; Adds R.S. 9:364.1)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Adds cost of travel and other expenses incurred by a visit and who will bear responsibility for that cost.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill.

1. Specified that the court shall include restrictions, conditions, and safeguards necessary to protect the child in all instances where the court authorizes visitation with an incarcerated parent and not just in those instances where visitation was initially prohibited and subsequently authorized.
2. Enumerated the list of factors provided for in R.S. 9:136(D) and consolidated them with similar provisions in proposed law.
3. Made technical changes.