

SENATE BILL NO. 248

BY SENATOR MORRISH

1 AN ACT

2 To enact R.S. 9:364.1, relative to visitation; to provide relative to visitation rights of an
3 incarcerated parent; to provide for factors to be considered in such cases; to provide
4 for certain terms and conditions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:364.1 is hereby enacted to read as follows:

7 **§364.1. Visitation with incarcerated parent**

8 **A. If the court authorizes visitation with an incarcerated parent, as part**
9 **of such visitation order the court shall include restrictions, conditions, and**
10 **safeguards as are necessary to protect the mental and physical health of the**
11 **child and minimize the risk of harm to the child.**

12 **B. A court considering the supervised visitation of a minor child with an**
13 **incarcerated parent shall consider the best interest of the child, including but**
14 **not limited to:**

15 **(1) The length and quality of the prior relationship between the child**
16 **and the parent.**

17 **(2) Whether the child is in need of guidance, enlightenment, or tutelage**
18 **which can best be provided by the parent.**

19 **(3) The preference of the child if he is determined to be of sufficient**
20 **maturity to express a preference.**

21 **(4) The willingness of the relative to encourage a close relationship**
22 **between the child and his parent or parents, including the willingness of the**
23 **child's custodial parent, caretaker, or legal guardian to voluntarily take the**
24 **child to the incarcerated parent's place of incarceration for supervised**
25 **visitation.**

26 **(5) The mental and physical health of the child and the parent.**

27 **(6) The length of time that the child lived with the parent prior**

1 to the parent's incarceration.

2 (7) The desirability of maintaining the continuity of the relationship
3 between the child and the incarcerated parent.

4 (8) The costs of travel and other expenses incurred by visitation at the
5 place of incarceration, and who will bear responsibility for such costs.

6 (9) The effect upon the child of supervised visitation in the place of
7 incarceration and the feasibility, if any, of alternative or additional use of
8 technology for visitation pursuant to R.S. 9:357.

9 (10) Other testimony or evidence as the court may consider applicable.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____