
DIGEST

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HB 350 Original

2016 Regular Session

Hilferty

Abstract: Prohibits certain persons from preventing or limiting reasonable communication, visitation, or interaction with certain persons.

Present law provides that a mandatory may perform all acts which are incidental or necessary to fulfill the obligations as mandatory.

Proposed law specifies that a mandatory may not prevent or limit reasonable communication, visitation, or interaction between the principal and another person without prior court approval and only upon a showing of good cause by the mandatory.

Present law allows a curator to care for the person or affairs of an interdict.

Proposed law prohibits a curator from denying communication, visitation, or interaction with an interdicted individual without court approval and upon a showing of good cause.

Proposed law requires an undercurator to move the court to appoint a successor to a curator if the undercurator learns that the curator has denied an interdicted individual from communicating, visiting, or interacting with a person, unless the court has previously approved such denial.

Proposed law adds that any interested party may petition for the removal of a curator or undercurator specifically if the curator or undercurator is prohibiting visitation of an interdict.

Present law provides for injunctive relief to a party who can demonstrate that irreparable injury, loss, or damage will result in the absence of injunctive relief.

Proposed law provides that the isolation of an individual may qualify as causing irreparable injury, loss, or damage to an individual, and thus allows for injunctive relief to be granted.

(Amends C.C. Art. 2995 and C.C.P. Art. 4568; Adds C.C.P. Arts. 3601(E), 4565(B)(7), and 4566(J) and R.S. 9:3851(E))