
DIGEST

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HB 350 Reengrossed

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 a principal who is over the age of 18 years and another person without prior court approval and only upon a showing of good cause by the mandatory, unless express authority to do so has been given to the mandatory by the principal.

Proposed law specifies that the individuals whom the mandatory may not limit or prevent reasonable communication, visitation, or interaction with the principal include relatives by blood, adoption, or affinity within the third degree or other individuals who have a relationship with the principal based on or productive of strong affection.

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

Proposed law specifies that a curator shall allow communication, visitation, and interaction between an interdict who is over the age of eighteen years and a relative of the interdict by blood, adoption, or affinity within the third degree, or another individual who has a relationship with the interdict based on or productive of strong affection if it would serve the best interest of the interdict.

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 over the age of 18 years may qualify as causing irreparable injury, loss, or damage to an individual, and thus allows for injunctive relief to be granted.

Proposed law provides that a rule to show cause may be filed by any relatives by blood, adoption, or affinity within the third degree, or other individuals who have a relationship based on or productive of strong affection who are seeking visitation, communication, or interaction with an interdict. Provides for an expedited hearing on a rule to show cause when the interdict is suffering from an illness or condition which he is not likely to survive beyond six months.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.C. Art. 2995 and C.C.P. Art. 4568; Adds C.C. Art. 2997(7), C.C.P. Arts. 3601(E), 4565(B)(7), 4566(J), and 4570, and R.S. 9:3851(E))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Adds emergency effective date.
2. Adds that a mandatory may limit communication, visitation, or interaction with certain people if express authority has been granted by the principal for the mandatory to do so.
3. Specifies that the individuals with whom the mandatory may not limit communication, visitation, or interaction include relatives by blood, adoption, or affinity within the third degree, or other individuals who have a relationship based on or productive of strong affection.
4. Specifies that a curator shall allow communication, visitation, and interaction between an interdict who is over the age of eighteen years and a relative of the interdict by blood, adoption, or affinity within the third degree, or another individual who has a relationship with the interdict based on or productive of strong affection if it would serve the best interest of the interdict.
5. Provides that the principals, interdicts, and individuals with whom visitation is sought must be 18 years or older.
6. Provides that a rule to show cause may be filed by any relatives by blood, adoption, or affinity within the third degree, or other individuals who have a relationship based on or productive of strong affection who are seeking visitation, communication, or interaction with an interdict.
7. Provides for an expedited hearing on a rule to show cause when the interdict is suffering from an illness or condition which he is not likely to survive beyond six months.