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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

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DIGEST

SB 291 Original

2018 Regular Session

Barrow

Present law provides that if parents agree to custody, a court shall award in accordance with the parties agreement or in the best interest of the child.

Proposed law retains present law and provides that R.S. 9:364 may apply in awarding custody.

Present law provides for factors in determining the best interest of a child.

Proposed law retains present law and adds the following factors in determining the best interest of a child:

- (1) The physical safety of a child which shall be the primary consideration;
- (2) The history of substance abuse, violence, and criminal activity of the parties;
- (3) The history of family violence, sexual abuse, or domestic violence of the parties; and
- (4) The mental and physical health of each party.

Present law provides relative to restriction visitations for a parent who has subjected a child to physical abuse or sexual abuse.

Proposed law retains present law and provides relative to restriction on visitations for a parent who has subjected a child, stepchild or household member to family violence or domestic abuse. Further provides that the court may allow supervised visitations by an abusive parent upon their completion of a court monitored domestic abuse intervention program, by the abusive parent.

Proposed law also provides that the court shall prohibit visitations and contact between a sexually abusive parent and a child, until parent has completed a treatment program designed for sexual abusers.

Present law provides that a presumption that no parent with a history of family violence shall be awarded sole custody or joint custody.

Proposed law retains present law and adds that no parent who has subjected a child, stepchild, or household member to sexual abuse shall have sole custody or joint custody.

Present law further provides that the presumption against custody shall be overcome by:

- (1) successfully completing a court monitored domestic abuse intervention program;
- (2) a parent not using alcohol; and
- (3) a parent's participation as custodial parent because of other parent's absence, mental illness, or substance abuse.

Proposed law retains present law and adds that the presumption shall be overcome by successfully completing a treatment program designed for sexual abusers.

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

(Amends C.C. Arts. 132, 134, 136(A) and R.S. 9:341 and 364)