
DIGEST

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HB 395 Original

2018 Regular Session

Foil

Abstract: Provides for restrictions on legal capacity for persons with intellectual disabilities.

Present law (C.C. Art. 355) requires the concurrence of the coroner for the filing of a petition for continuing tutorship.

Proposed law retains present law but requires the coroner's concurrence to be written.

Present law (C.C. Art. 359) provides for restrictions on legal capacity and exceptions to those restrictions.

Proposed law retains present law but eliminates the exception stating that a person with intellectual disabilities over the age of eighteen has the legal capacity of minor operating under emancipation conferring the power of administration.

Present law (C.C. Art. 361) provides that a decree restricting legal capacity may be contested in court and provides for the standard of proof.

Proposed law retains present law but replaces the standard of proof with good cause.

(Amends C.C. Arts. 355, 359 and 361)