

SENATE BILL NO. 537

BY SENATOR LUNEAU

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 4272 and 4521, relative to
3 placements of a minor's funds from settlements or judgments; to provide for court
4 order and approval concerning payment into the court registry, structured
5 agreements, investments, trusts and other actions for funds from such judgments or
6 settlements; to provide certain terms, conditions, procedures, requirements and
7 effects; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Civil Procedure Articles 4272 and 4521 are hereby amended and
10 reenacted to read as follows:

11 Art. 4272. Court approval of payments to minor

12 ~~A. In approving any proposal by which money will be paid to the minor as~~
13 ~~the result of a judgment or settlement, the court may order that the money be paid~~
14 ~~directly into the registry of the court for the minor's account, to be withdrawn only~~
15 ~~upon approval of the court and to be invested directly in an investment approved by~~
16 ~~the court.~~

17 ~~B. In approving any proposal by which money will be paid to an~~
18 ~~unemancipated minor who is in the legal custody of the Department of Children and~~
19 ~~Family Services, the court shall order that the money be placed in trust in accordance~~
20 ~~with the Louisiana Trust Code and the provisions of Article 4269.1.~~

21 ~~C.(1) In approving any proposal by which money will be paid to the minor~~
22 ~~as the result of a judgment or settlement, the court may order that the money be paid~~
23 ~~under a structured settlement agreement which provides for periodic payments and~~
24 ~~is underwritten by a financially responsible entity that assumes responsibility for~~
25 ~~future payments.~~

26 ~~(2) In determining whether a proposed payment schedule is in the best~~
27 ~~interest of the minor, the court shall consider the following factors:~~

1 court.

2 C. In determining whether a proposed periodic payment schedule is in the
3 best interest of the minor, the court shall consider the following factors:

4 (1) Age and life expectancy of the minor.

5 (2) Current and anticipated financial needs of the minor.

6 (3) Income and estate tax implications.

7 (4) Impact on eligibility for government benefits.

8 (5) Present value of the proposed payment arrangement and the method by
9 which the value is calculated.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____