
DIGEST

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HB 192 Original

2019 Regular Session

Armes

Abstract: Provides grandparents with visitation rights if the court finds by clear and convincing evidence that the health or welfare of the child would be harmed unless such visitation is granted and if the best interest of the child would be served by such visitation.

Present law provides for visitation rights of grandparents and siblings under certain limited circumstances.

Proposed law retains present law with respect to the visitation rights of siblings.

Present law provides that if the parents are married or are living in concubinage and one of the parents dies, is interdicted, or incarcerated, and there is a minor child or children of such marriage or relationship, the parents of the deceased, interdicted, or incarcerated party without custody of such minor child may have reasonable visitation rights to the child of the marriage during their minority, if the court in its discretion finds that such visitation rights would be in the best interest of the child.

Proposed law deletes present law and provides that a grandparent is entitled to reasonable visitation rights if the court finds by clear and convincing evidence that the health or welfare of the child would be harmed unless such visitation is granted and if the best interest of the child would be served by such visitation.

Proposed law provides the following factors in determining the effect on the health or welfare of the child:

- (1) Whether the minor child resided with the grandparent for six months or more prior to the request for visitation.
- (2) Whether there was an established pattern of regular visitation or child care provided by the grandparent.
- (3) Any other circumstances that indicate emotional or physical harm would be reasonably likely if visitation is denied.

(Amends C.C. Art. 136 and R.S. 9:344)