
DIGEST

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HB 248 Engrossed

2019 Regular Session

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Abstract: Provides for parenting coordinators in child custody proceedings.

Present law (R.S. 9:358.1) authorizes the court to appoint parenting coordinators in certain child custody cases for one-year terms and apportion the cost between the parties.

Proposed law authorizes the appointment of parenting coordinators prior to entering a judgment establishing custody and extends the initial term of appointment to up to two years.

Proposed law further authorizes the court to reassess costs upon the recommendation of the parenting coordinator and to appoint a volunteer or court-employed parenting coordinator to pauper litigants.

Present law (R.S. 9:358.2) prohibits the appointment of a parenting coordinator in family violence cases unless there is good cause shown.

Proposed law instead allows the court to name a parenting coordinator when there has been domestic abuse or a history of perpetrating family violence if the parties consent after consultation with an attorney or domestic violence advocate.

Proposed law further requires the court to hold a hearing to determine that there is good cause to appoint a parenting coordinator and to determine that the parties freely consented.

Present law (R.S. 9:358.3) provides the qualifications for parenting coordinators and requires three years post-degree experience and 20 hours of continuing education every two years.

Proposed law changes present law to five years post-licensure experience and 10 hours of continuing education and further extends the qualifications to include Louisiana attorneys.

Proposed law also requires parenting coordinators to immediately notify the court if they no longer meet the qualifications.

Present law (R.S. 9:358.4) provides an illustrative list of the type of issues with which a parenting coordinator may assist the parties.

Proposed law retains present law but rearranges the list to emphasize the issues and explicitly adds issues related to vehicles, the internet and social media, tattoos, and discipline of the children. Proposed law further removes substance abuse testing from the list and removes the requirement that

the parent coordinator refrain from facilitating an agreement by the parties that would change the legal custody between parties or would change the physical custody or visitation schedule in a way that would result in a change in child support.

Proposed law requires the parenting coordinator to consider the domiciliary parent's right to make all decisions affecting the child in accordance with the implementation order and to presume that all major decisions the domiciliary parent makes are in the best interest of the child.

Present law (R.S. 9:358.5) prohibits the parenting coordinator from being called as a witness without prior court approval and requires all reports of the parenting coordinator to be distributed to the court, the parties, and their attorneys.

Proposed law retains present law and clarifies that while a party may not call the parenting coordinator as a witness without prior court approval, the court may call the parenting coordinator as long as it gives prior written notice to the parties.

Proposed law also adds that the notes, records, and recollections of the parenting coordinator are confidential and may only be disclosed in certain limited circumstances.

Present law (R.S. 9:358.6) prohibits the parenting coordinator from communicating ex parte with the court except in emergency situations.

Proposed law allows the parenting coordinator to inform the court of an emergency without notice to the parties.

Present law (R.S. 9:358.7) requires the parties to share certain information with the parenting coordinator.

Proposed law retains present law and deletes unnecessary language.

(Amends R.S. 9:358.1, 358.2, 358.3(A)(1) and (C), 358.4, 358.5, 358.6, and 358.7; Adds R.S. 9:358.3(F))