

SENATE BILL NO. 102

BY SENATOR FOIL

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AN ACT

To amend and reenact Civil Code Arts. 250 and 256(C), relative to tutorship by nature; to provide for cotutorship; to provide that cotutors have equal authority to act alone or on behalf of the child; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Arts. 250 and 256(C) are hereby amended and reenacted to read as follows:

Art. 250. Persons entitled to tutorship

Upon the death of either parent, the tutorship of minor children belongs of right to the other. Upon divorce or judicial separation from bed and board of parents, the tutorship of each minor child belongs of right to the parent under whose care he or she has been placed or to whose care he or she has been entrusted; however, if the parents are awarded joint custody of a minor child, then the cotutorship of the minor child shall belong to both parents, with equal authority **to act alone, on behalf of the child, and with equal** privileges; and responsibilities, unless modified by order of the court or by an agreement of the parents, approved by the court awarding joint custody. In the event of the death of a parent to whom joint custody had been awarded, the tutorship of the minor children of the deceased belongs of right to the surviving parent.

All those cases are called tutorship by nature.

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Art. 256. Children born outside of marriage

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C. If both parents have acknowledged their child born outside of marriage, the judge shall appoint as tutor the one by whose care the best interests of the child

1 will be served. However, if the parents are awarded joint custody of such  
 2 acknowledged child born outside of marriage, then the cotutorship of such child shall  
 3 belong of right to both parents, with equal authority **to act alone, on behalf of the**  
 4 **child, and with equal** privileges; and responsibilities, unless modified by order of  
 5 the court or by an agreement of the parents, approved by the court awarding joint  
 6 custody.

7 Section 2. This Act shall become effective upon signature by the governor or, if not  
 8 signed by the governor, upon expiration of the time for bills to become law without signature  
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 11 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_