

ACT No. 614

2022 Regular Session

HOUSE BILL NO. 272

BY REPRESENTATIVE JEFFERSON

1 AN ACT

2 To amend and reenact R.S. 9:327(B), 331, 355.15, and 365, relative to mental health
3 evaluations in divorce and child custody proceedings; to provide for the
4 qualifications of certain mental health professionals; to prohibit ex parte
5 communication; to provide for definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:327(B), 331, 355.15, and 365 are hereby amended and reenacted
8 to read as follows:

9 §327. Determination of domestic abuse for spousal support

10 * * *

11 B. In the absence of a criminal conviction, the court may order an evaluation
12 of both parties that may be used to assist the court in determining the existence and
13 nature of the alleged domestic abuse. The evaluation shall be conducted by an
14 independent, court-appointed, licensed mental health professional who ~~is an expert~~
15 has experience in the field of domestic abuse. The licensed mental health
16 professional shall have no family, financial, or prior medical relationship with either
17 party or their attorneys of record. The licensed mental health professional shall
18 provide the court and the parties with a written report of his findings.

19 * * *

20 §331. Custody or visitation proceeding; evaluation by licensed mental health
21 professional

22 A. The court may order an evaluation of a party or the child in a custody or
23 visitation proceeding for good cause shown. The evaluation shall be made by a
24 licensed mental health professional selected by the parties or by the court. The court

1 may render judgment for costs of the evaluation, or any part thereof, against any
2 party or parties, as it may consider equitable.

3 B. The court may order a party or the child to submit to and cooperate in the
4 evaluation, testing, or interview by the licensed mental health professional. The
5 licensed mental health professional shall provide the court and the parties with a
6 written report. The licensed mental health professional shall serve as the witness of
7 the court, subject to cross-examination by a party.

8 C. "Licensed mental health professional" as used in this Chapter means a
9 person who possesses at least a master's degree and who is licensed in counseling,
10 social work, psychology, marriage and family counseling, or exempt from licensing
11 requirements pursuant to R.S. 37:1113 and R.S. 37:1121.

12 D. When a licensed mental health professional has been appointed by the
13 court, there shall be no ex parte communication by the litigants or their attorneys
14 with the licensed mental health professional unless authorized by law or court order
15 or agreed to by the parties. All oral communication with the licensed mental health
16 professional shall be by teleconference or meeting in which each party to the
17 proceeding participates either through the party's attorney or as a self-represented
18 litigant. All written communication or correspondence to the licensed mental health
19 professional, along with any attachments thereto, shall be provided
20 contemporaneously to all parties to the litigation or their attorneys of record.
21 Communications initiated by the licensed mental health professional with a litigant
22 for the purpose of conducting the court-ordered evaluation shall not be considered
23 ex parte communications prohibited by this Subsection.

24 * * *

25 §355.15. Mental health expert; appointment

26 The court, on motion of either party or on its own motion, may appoint an
27 independent, licensed mental health professional as an expert to render a report to
28 assist the court in determining the best interest of the child.

29 * * *

1 §365. Qualification of licensed mental health professional
2 Any licensed mental health professional appointed by the court to conduct
3 a custody evaluation in a case where family violence is an issue shall have current
4 and demonstrable training and experience working with perpetrators and victims of
5 family violence.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____