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## DIGEST

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HB 787 Reengrossed

2024 Regular Session

Egan

**Abstract:** Provides for the applicability of evidence in child custody cases.

Proposed law (R.S. 9:330(A)) provides that present law (C.E. Art. 1101(A)) governs the admissibility of all evidence in child custody cases when the court is adjudicating allegations of a parent not acting in the best interest of the child.

Proposed law provides guidelines for how a child's testimony shall proceed in a custody case.

Proposed law (R.S. 9:330(C)) establishes evidentiary standards for mental health evaluations in child custody cases.

Proposed law provides that the absence of an arrest or criminal prosecution or any child protection agency determinations made under present law (Ch.C. Art. 615) shall not be admissible as evidence that any alleged parental misconduct occurred.

Proposed law provides that in courts not exercising juvenile jurisdiction, a DCFS employee shall not be subpoenaed or compelled to testify in any child custody case concerning the involvement of the employee in any investigation.

Proposed law provides that if the provisions of present law (Ch.C. Art. 327) are satisfied, a video recording made pursuant to present law (Ch.C. Art. 326) shall be admissible in any child custody proceeding.

Proposed law provides that a statement for the purpose of medical treatment shall not be excluded by the court because the health care professional failed to investigate the accuracy of the child's statements.

Present law (R.S. 9:331) references the evaluation of a party or the child in a custody or visitation proceeding.

Proposed law specifies that the evaluations are mental health evaluations.

Proposed law provides that the court may render judgment for costs taking into consideration the parties ability to pay.

Proposed law provides that the court may order a party to cooperate in the mental health evaluation,

and the mental health professional shall provide the parties with a written report and may be called as a witness, subject to cross-examination.

Proposed law provides that, with the parties consent, the court may order that a licensed mental health professional evaluate the family and the cost of the evaluation shall be equally shared by the parties. The mental health professional may be called as a witness, subject to cross-examination.

Proposed law provides that any licensed mental health professional appointed by the court, or selected by the parties, to conduct a mental health evaluation in a case where domestic abuse is an issue shall have current and demonstrable training and experience working with perpetrators and victims of domestic abuse.

(Amends R.S. 9:331; Adds R.S. 9:330)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Modify evidentiary standards for mental health evaluations conducted in child custody cases.
2. Change the guidelines for how a child's testimony shall proceed in a custody case.
3. Make technical changes.
4. Provide that in custody or visitation proceedings, the court may render judgment for costs taking into consideration the parties ability to pay.
5. Provide that in custody or visitation proceedings, the court may order a party to cooperate in the mental health evaluation, and the mental health professional shall provide the parties with a written report and may be called as a witness, subject to cross-examination.
6. Provide that in custody or visitation proceedings and with the parties consent, the court may order that a licensed mental health professional evaluate the family and the cost of the evaluation shall be equally shared by the parties. The mental health professional may be called as a witness, subject to cross-examination.
7. Provide that in custody or visitation proceedings, a licensed mental health professional conducting a mental health evaluation in a case where domestic abuse is an issue shall have current and demonstrable training and experience working with perpetrators and victims of domestic abuse.