

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 236

2024 Regular Session

McMakin

CHILDREN/CUSTODY: Provides for evaluations in child custody proceedings

Synopsis of Senate Amendments

1. Removes evidentiary restrictions that would prevent a licensed mental health professional or child custody evaluator from testifying or basing opinions on hearsay statements regarding disputed factual issues.

Digest of Bill as Finally Passed by Senate

Present law (R.S. 9:331) authorizes the court to order an evaluation by a mental health professional in a child custody or visitation proceeding and prohibits ex parte communication.

Proposed law retains present law and clarifies that the evaluation is a mental health evaluation only.

Present law provides for the awarding of costs.

Proposed law retains present law and provides for the consideration of the parties' ability to pay and for the reallocation of costs upon conclusion of the matter.

Present law defines "licensed mental health professional".

Proposed law modernizes the language and removes the exemption.

Proposed law adds a requirement that the professional have experience working with perpetrators and victims of domestic abuse if that is an issue in the case.

Proposed law (R.S. 9:331.3) provides a separate procedure for the appointment of a child custody evaluator to conduct a court-appointed child custody evaluation in a custody or visitation proceeding.

Proposed law requires the child custody evaluator to be a licensed mental health professional and to use the Association of Family and Conciliation Courts' Guidelines for Parenting Plan Evaluations in Family Law Cases.

Proposed law requires a child custody evaluator to have completed at least five co-evaluations prior to being appointed by the court.

Proposed law requires parties and children to cooperate in the evaluation.

Proposed law requires the child custody evaluator to have experience working with perpetrators and victims of domestic abuse if that is an issue in the case.

Proposed law provides for the payment of costs, the consideration of the parties' ability to pay, and the reallocation of costs upon conclusion of the matter.

Proposed law provides for the issuance of a written report to the parties and for the evaluator to serve as a witness and be subject to cross-examination.

Proposed law provides that there shall not be a presumption in favor of the evaluator's findings.

Proposed law prohibits ex parte communication between the litigants or their attorneys and the child custody evaluator.

(Amends R.S. 9:331; Adds R.S. 9:331.3)