

Regular Session, 2013

SENATE BILL NO. 62

BY SENATOR MURRAY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL PROCEDURE. Provides relative to small tutorship procedures. (gov sig)

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AN ACT

To amend and reenact Code of Civil Procedure Articles 4461 and 4464, and to enact Code of Civil Procedure Article 4463(C), relative to small tutorships; to provide certain definitions, procedures, requirements, terms, and conditions; to provide relative to certain costs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 4461 and 4464 are hereby amended and reenacted, and Code of Civil Procedure Article 4463(C) is hereby enacted to read as follows:

Art. 4461. Small tutorship defined

For the purposes of this Chapter, a small tutorship is the tutorship of a minor whose property in Louisiana has gross value of ~~twenty~~ **fifty** thousand dollars or less.

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Art. 4463. Tutor without bond; **undertutor**

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C. The court may dispense with the appointment of an undertutor in a proceeding under this Chapter.

Art. 4464. Court costs

1 In proceedings under this Chapter, court costs shall be one-half the court
2 costs in similar proceedings in larger tutorships, provided that the minimum costs in
3 any case shall be ~~five~~ **one hundred** dollars.

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

Present law in Code of Civil Procedure provides relative to small tutorships.

Present law provides that a small tutorship is the tutorship of a minor whose property in Louisiana has gross value of \$20,000 or less. Proposed law changes \$20,000 to \$50,000.

Present law provides the court may dispense with the furnishing of security by a legal tutor appointed in a proceeding under the present law. Further provides that if the court is satisfied that no one will accept the dative tutorship of a minor in a proceeding under the present law and furnish the usual security, if required, it shall appoint a dative tutor, who shall comply with all requirements except that of furnishing security. Proposed law retains present law and adds that the court may also dispense with the appointment of an undertutor.

Present law provides that court costs in proceedings under the present law shall be one-half the court costs in similar proceedings in larger tutorships, provided that the minimum costs in any case shall be \$5. Proposed law changes \$5 to \$100.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.C.P. Arts. 4461 and 4464; adds C.C.P. Art. 4463(C))