

Regular Session, 2014

HOUSE BILL NO. 856

BY REPRESENTATIVE HARRISON

CHILDREN/CUSTODY: Provides relative to child custody

1 AN ACT

2 To amend and reenact Civil Code Article 133, relative to custody; to provide for an award
3 of custody to a person other than a parent; to require a parent to be declared unfit
4 prior to an award of custody to a person other than a parent; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 133 is hereby amended and reenacted to read as
8 follows:

9 Art. 133. Award of custody to person other than a parent; order of preference

10 If the court determines that a parent is unfit and that an award of joint custody
11 or of sole custody to either parent would result in substantial harm to the child, the
12 court shall award custody during the period of unfitness to another person with
13 whom the child has been living in a wholesome and stable environment, or otherwise
14 to any other person able to provide an adequate and stable environment.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harrison

HB No. 856

Abstract: Requires a parent to be declared unfit prior to the court awarding custody to another person.

Present law requires the court to award custody of a child to another person when custody to a parent would result in substantial harm to the child.

Proposed law retains present law and requires a determination by the court that a parent is unfit.

(Amends C.C. Art. 133)