

SENATE BILL NO. 281

BY SENATOR BROOME

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AN ACT

To amend and reenact R.S. 9:951(A), 952(B)(1) and (3) and 954, and to enact R.S. 9:951(C), relative to provisional custody by mandate; to extend to grandparents with custody the right to confer the power of provisional custody by mandate for the care, custody, and control of a minor child; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:951(A), 952(B)(1) and (3) and 954 are hereby amended and reenacted and R.S. 9:951(C) is hereby enacted to read as follows:

§951. Provisional custody by mandate; conferring

A. Parents acting jointly or, in the event of divorce, or separation from bed and board, or illegitimacy, the natural tutor, tutrix, or cotutors acting jointly, **or a grandparent awarded custody**, may authorize any person of legal age to provide for the care, custody, and control of a minor child.

* * *

C. Provisional custody by mandate may not be conferred upon a parent or other person previously denied custody by court order.

§952. Duration of provisional custody; termination

* * *

B. Regardless of the duration provided above, the mandate of provisional custody shall terminate:

(1) When revoked by either parent, by a natural tutor or tutrix, ~~or~~ by either natural cotutor, **or by a grandparent awarded custody.**

* * *

1 (3) Fifteen days after the death of either parent, natural tutor or tutrix, or
2 natural cotutor, or grandparent awarded custody.

3 * * *

4 §954. Statutory form

5 The following is a suggested form which may be used by a parent, natural
6 tutor, tutrix, or cotutors acting jointly, or a grandparent awarded custody, to
7 confer the power of provisional custody for the care, custody, and control of the
8 named minor child as authorized herein:

9 PROVISIONAL CUSTODY BY MANDATE

10 STATE OF LOUISIANA

11 PARISH OF _____

12 BE IT KNOWN THAT on this ___ day of _____, ~~1920~~, before me, the
13 undersigned notary, and in the presence of the competent witnesses hereinafter named and
14 undersigned:

15
16 Personally came and appeared:

17
18 (affiant's name, marital status, and mailing address), who is the (parent(s), or, in the event
19 of divorce, separation, or illegitimacy, the natural (co)tutor or tutrix), or grandparent
20 awarded custody of (minor child(ren)) who, by these presents make, name, constitute, and
21 appoint (agent's name and mailing address) and grant provisional custody of the above
22 named child(ren), to provide for the health, education, and welfare of the child as provided
23 by the law on Provisional Custody by Mandate, specifically including the authority to:

24
25 INITIAL ALL APPLICABLE PROVISIONS:

- 26 _____ (1) Consent to and authorize such medical care, treatment, or surgery as may be
- 27 deemed necessary for the health, safety, and welfare of the child.
- 28 _____ (2) Enroll the child in such schools or educational institutions as may be deemed
- 29 necessary for his due and proper education.
- 30 _____ (3) Discipline the child in such reasonable manner as may be necessary for his proper
- 31 rearing, supervision, and training.
- 32 _____ (4) Do and perform all other such acts as may be necessary for the shelter, support,
- 33 and general welfare of the child.
- 34
- 35

36 This Provisional Custody by Mandate will continue to be effective until
37 _____, ~~1920~~ __, or one year from date hereof, whichever period is shorter.

38
39 I agree that any third party who receives a copy of this document may rely upon the
40 authority granted the agent as indicated herein and may act in reliance on such authority.
41 Revocation or termination by operation of law is not effective as to a third party until he has
42 actual knowledge thereof. I agree to indemnify and hold harmless the third party for any
43 claims that arise against him because of reliance on this Provisional Custody by Mandate.

44
45 The undersigned agent does hereby accept the provisional custody of the children
46 named herein.

47
48 THUS DONE AND PASSED at _____, state of _____,

1 in the presence of _____ and _____, competent witnesses, who sign
2 these presents with the appearers and me, notary, after due reading of the whole.

3
4 WITNESSES:

5 _____
6 (Parent, Tutor, ~~or~~ Tutrix, **or Grandparent**
7 **awarded custody**)

8
9 _____
10 (Other parent, ~~or~~ Cotutor, **or Grandparent**
11 **awarded custody**)

12
13 _____
14 (Agent)

15
16 _____
17 NOTARY PUBLIC

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____