

Prior law, relative to provisional custody by mandate, allowed 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, to authorize any person of legal age to provide for the care, custody, and control of a minor child not to exceed one year from the date of execution.

Prior law terminated the mandate of provisional custody when revoked by either parent, by a natural tutor or tutrix, or by either natural cotutor when the agent resigns or otherwise renounces the mandate, 15 days after the death of either parent, natural tutor or tutrix, or natural cotutor, and upon the qualification of a court appointed tutor or provisional tutor.

Prior law provided for a statutory form that may be used by a parent, natural tutor, tutrix, or cotutors acting jointly to confer the power of provisional custody for the care, custody, and control of the named minor child.

New law retains prior law provisions but additionally extends 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.

New law provides that provisional custody by mandate may not be conferred upon a parent or other person previously denied custody by court order.

Effective August 15, 2010.

(Amends R.S. 9:951(A), 952(B)(1) and (3) and 954; adds R.S. 9:951(C))