

2019 Regular Session

HOUSE RESOLUTION NO. 250

BY REPRESENTATIVE ABRAMSON

CRIME: Requests the Louisiana State Law Institute to study the issue of interference with the custody of a child under certain circumstances

1 A RESOLUTION

2 To urge and request the Louisiana State Law Institute to study and issue a report of its
3 findings regarding interference with the custody of a child when there is no court
4 order defining custody of a child, and the child is taken, enticed, or decoyed away
5 by a person who is not identified as a parent on the birth certificate of the child and
6 who reasonably believes himself to be a parent of the child, with intent to detain or
7 conceal such child from the sole parent identified on the birth certificate of the child.

8 WHEREAS, R.S. 14:45.1 defines the crime of interference with the custody of a
9 child and prohibits any person from taking, enticing, or decoying away of a minor child by
10 a parent not having a right of custody with the intent to detain or conceal the child from a
11 parent having the right of custody pursuant to a court order; and

12 WHEREAS, there are situations in which a minor child is taken, enticed, or decoyed
13 away by a person who is not identified on the birth certificate of the child but who
14 reasonably believes himself to be a parent of the child, with the intent to detain or conceal
15 such child from the sole parent identified on the birth certificate of the child; and

16 WHEREAS, in such situations, R.S. 14:45.1 does not apply because there is no court-
17 ordered custody, and there is no mechanism by which law enforcement can act to return the
18 child to the parent identified in the birth certificate; and

19 WHEREAS, while the sole parent identified on the birth certificate may file a
20 petition to establish sole custody of the child, this process comes at an unjust cost to the
21 mother, who as the natural tutrix of the child is the only person with a legal right to the child,

1 and does not allow for the prompt response of law enforcement which is necessary in such
2 situations to return the child to the parent.

3 THEREFORE, BE IT RESOLVED that the House of Representatives of the
4 Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to
5 study the issue of interference with the custody of a child when there is no court order
6 defining custody of a child, and the child is taken, enticed, or decoyed away by a person who
7 is not identified as a parent on the birth certificate of the child and who reasonably believes
8 himself to be a parent of the child, with intent to detain or conceal such child from the sole
9 parent identified on the birth certificate of the child.

10 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall issue a
11 report of its findings to the Legislature of Louisiana prior to February 1, 2020, which shall
12 include an adequate remedy in such situations for the sole parent identified on the birth
13 certificate of the child and that allows law enforcement to immediately take action and return
14 the child to the parent.

15 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
16 director of the Louisiana State Law Institute.

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)]

HR 250 Original

2019 Regular Session

Abramson

Requests the La. State Law Institute to study and issue a report of its findings regarding interference with the custody of a child when there is no court order defining custody of a child, and the child is taken, enticed, or decoyed away by a person who is not identified as a parent on the birth certificate of the child and who reasonably believes himself to be a parent of the child, with intent to detain or conceal such child from the sole parent identified on the birth certificate of the child.