

2024 Regular Session

SENATE BILL NO. 267

BY SENATOR BARROW

FAMILY LAW. Provides for the traumatic child abuser program. (8/1/24)

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AN ACT

To enact R.S. 9:331.3, relative to custody; to provide relative to the traumatic child abuser programs; to provide relative to attendance in the program in custody proceedings; to provide with respect to reunification between parent and child; to provide relative to the duration, cost, and qualifications; to provide relative to child support; to provide for definitions; to provide relative to terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:331.3 is hereby enacted to read as follows:

§331.3. Custody and visitation proceeding; traumatic child abuser programs

A. Upon the motion of any party, or on its own motion, the court may for good cause shown or upon agreement of the parties require the parties in a custody or visitation proceeding to attend and complete a court-approved traumatic child abusers program designated to educate the parties, and assist in reunification between parent and child. The court may render judgment for the costs of the program, or any part thereof, against any party or parties as it may consider equitable. The instructor shall not be called as a witness in the

1 custody or visitation proceeding without prior court approval.

2 B. If the court chooses to require participation in the program, it shall
3 outline in an order of the court the goals to accomplish the provisions of
4 Subsection A of this Section, which shall include but not be limited to the
5 following:

6 (1) Criteria for evaluating a program provider and its instructors.

7 (2) Criteria to assure selected programs provide and incorporate into the
8 provider's fee structure the cost of services to indigents.

9 (3) The amount of time a participant shall take part in the program,
10 which shall be a minimum of three months.

11 (4) The time within which a party shall complete the program.

12 C. For purposes of this Section, "instructor" means any psychiatrist,
13 psychologist, professional counselor, social worker licensed under Louisiana
14 law, or in any parish other than Orleans, means a person working with a court-
15 approved, evidence-based nonprofit program, or a court-approved nonprofit
16 program of an accredited university created for educating parents. All
17 instructors shall have received advanced training in instructing traumatic child
18 abuse or similar programs.

19 D. The program shall focus on reunification of the child with the parent
20 who has been alienated, and address the child's trauma from this alienation.
21 The program shall be informative and supportive and shall direct people
22 desiring additional information or help to appropriate resources.

23 E. Nonviolent acts or communications made during the program, which
24 are otherwise relevant to the subject matter of a divorce, custody, or visitation
25 proceeding, are confidential, not subject to disclosure, and may not be used as
26 evidence in favor of or against a participant in the pending proceeding. This
27 rule does not require the exclusion of any evidence otherwise discoverable
28 merely because it is presented or otherwise made during the program.

29 F.(1) In a proceeding in which joint custody is decreed, the court shall

1 render a joint custody implementation order pursuant to the provisions of this
2 Section.

3 (2)(a) The implementation order shall designate an interim domiciliary
4 parent, other than the parent required to participate in the program. The
5 domiciliary parent shall have authority to make all decisions affecting the child.
6 All major decisions made by the domiciliary parent concerning the child shall
7 be subject to review by the court upon motion of the other parent. It shall be
8 presumed that all major decisions made by the domiciliary parent are in the
9 best interest of the child.

10 (b) The implementation order shall allocate the time periods during
11 which each parent shall have physical custody of the child.

12 G. During the period in which the parent is participating in the program,
13 child support is suspended and shall be redetermined at the completion of the
14 program.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Hanna Gettys.

DIGEST

SB 267 Original

2024 Regular Session

Barrow

Proposed law provides that upon the motion of any party, or on its own motion, the court may for good cause shown or upon agreement of the parties require the parties in a custody or visitation proceeding to attend and complete a court-approved traumatic child abusers program designated to educate the parties, and assist in reunification between parent and child.

Proposed law provides that the court may render judgment for the costs of the program, or any part thereof, against any party or parties as it may consider equitable.

Proposed law provides that the instructor shall not be called as a witness in the custody or visitation proceeding without prior court approval.

Proposed law provides that if the court chooses to require participation in the program, it shall outline in an order of the court the goals to accomplish the provisions of proposed law which shall include but not be limited to the following:

- (1) Criteria for evaluating a program provider and its instructors.
- (2) Criteria to assure selected programs provide and incorporate into the provider's fee structure the cost of services to indigents.
- (3) The amount of time a participant shall take part in the program, which shall be a minimum of three months.

(4) The time within which a party shall complete the program.

Proposed law provides for the definition of "instructor" for the purposes of proposed law.

Proposed law provides that the program shall focus on reunification of the child with the parent who has been alienated, and address the child's trauma from this alienation. Proposed law provides that the program shall be informative and supportive and shall direct people desiring additional information or help to appropriate resources.

Proposed law provides that nonviolent acts or communications made during the program, which are otherwise relevant to the subject matter of a divorce, custody, or visitation proceeding, are confidential, not subject to disclosure, and may not be used as evidence in favor of or against a participant in the pending proceeding. Proposed law does not require the exclusion of any evidence otherwise discoverable merely because it is presented or otherwise made during the program.

Proposed law provides that in a proceeding in which joint custody is decreed, the court shall render a joint custody implementation order pursuant to proposed law.

Proposed law provides that the implementation order shall designate an interim domiciliary parent, other than the parent required to participate in the program. Proposed law provides that the domiciliary parent shall have authority to make all decisions affecting the child.

Proposed law provides that all major decisions made by the domiciliary parent concerning the child shall be subject to review by the court upon motion of the other parent. Proposed law provides that it shall be presumed that all major decisions made by the domiciliary parent are in the best interest of the child.

Proposed law provides that the implementation order shall allocate the time periods during which each parent shall have physical custody of the child.

Proposed law provides that during the period in which the parent is participating in the program, child support is suspended and shall be redetermined at the completion of the program.

Effective August 1, 2024.

(Adds R.S. 9:331.3)