

2026 Regular Session

HOUSE BILL NO. 1198

BY REPRESENTATIVE AMEDEE

CHILDREN/CUSTODY: Provides relative to child custody

1 AN ACT

2 To amend and reenact R.S. 9:4216 and R.S. 13:1805(C) and to enact R.S. 13:1805(D),
3 relative to child custody; to provide relative to public policy; to provide relative to
4 arbitration of child custody matters; to provide relative to child custody agreements
5 from foreign countries; to provide relative to fundamental constitutional rights; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:4216 is hereby amended and reenacted to read as follows:

9 §4216. Limitation of application of Chapter

10 A. Nothing contained in this Chapter ~~shall apply~~ applies to contracts of
11 employment of labor or to contracts for arbitration which are controlled by valid
12 legislation of the United States or to contracts made prior to July 28, 1948.

13 B. Nothing contained in this Chapter applies to contracts mandating
14 arbitration of child custody or visitation.

15 C. Arbitration of child custody or visitation is against the public policy of
16 this state. Any provision of an agreement to arbitrate that mandates the arbitration
17 of child custody or visitation is void and unenforceable.

18 D. No court in the state shall recognize or enforce any arbitral award
19 governing child custody or visitation.

1 Section 2. R.S. 13:1805(C) is hereby amended and reenacted and R.S. 13:1805(D)
2 is hereby enacted to read as follows:

3 §1805. International application

4 * * *

5 C. A court of this state need not apply this ~~Act~~ Section if the child custody
6 law of a foreign country violates fundamental principles of human rights or is
7 manifestly contrary to the public policy of this state.

8 D. A child custody law of a jurisdiction of a foreign country is manifestly
9 contrary to the public policy of this state if any of the following apply:

10 (1) The law does not grant a parent the same fundamental constitutional
11 rights guaranteed by the Constitution of the United States or the Constitution of
12 Louisiana including the right of equal protection, due process, and free exercise of
13 religion.

14 (2) The law does not use the best interest of the child as the standard for
15 application of child custody.

16 (3) The law does not consider whether domestic violence has occurred and
17 is likely to occur again.

18 (4) The law does not consider whether a determination of child custody or
19 visitation might risk the substantial harm of the child.

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)]

HB 1198 Engrossed 2026 Regular Session Amedee

Abstract: Generally prohibits arbitration of child custody or visitation agreements.

Proposed law (R.S. 9:4216) provides that arbitration of child custody or visitation is against the public policy of this state and any provision of an agreement to arbitrate that mandates the arbitration of child custody or visitation is void and unenforceable.

Proposed law prohibits state courts from recognizing or enforcing any arbitral award governing child custody or visitation.

Present law (R.S. 13:1805(C)) provides that a court of this state need not apply present law if the child custody law of a foreign country violates fundamental principles of human rights.

Proposed law expands present law and provides that child custody laws that are manifestly contrary to the public policy of this state are also not applicable.

Proposed law (R.S. 13:1805(D)) provides that a child custody law of a jurisdiction of a foreign country is manifestly contrary to the public policy of this state if the law:

- (1) Does not grant a parent the same fundamental constitutional rights guaranteed by the Constitution of the U.S. or the Constitution of La. including the right of equal protection, due process, and free exercise of religion.
- (2) Does not use the best interest of the child as the standard for application of child custody.
- (3) Does not consider whether domestic violence has occurred and is likely to occur again.
- (4) Does not consider whether a determination of child visitation or custody might risk the substantial harm of the child.

(Amends R.S. 9:4216 and R.S. 13:1805(C); Adds R.S. 13:1805(D))