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DIGEST

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SB 76 Reengrossed

2026 Regular Session

Miller

Proposed law (C.C. Art. 138) codifies the jurisprudential standards for the modification of custody set forth in *Bergeron v. Bergeron*, 492 So. 2d 1193, 1200 (La. 1986).

Proposed law provides for modification in the best interest of the child within five years of the date of the award of custody when the award was by considered decree and based on evidence presented at a hearing or trial and when either the present custody award is harmful to the child or the harm likely to be caused by a change in custody is outweighed by the advantages.

Proposed law provides for modification upon a change of circumstances that materially affects the welfare of the child when the award of custody was not rendered by considered decree or five years after a considered decree.

Proposed law provides that a considered decree is a final and appealable judgment rendered by the court based on the court's evaluation of evidence of parental fitness to exercise care, custody, and control of a child.

(Adds C.C. Art. 138)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provides clarification for a time period of after five years from the date of a judgment rendered by considered decree for modification of child custody.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill:

1. Specify that the judgment is what may be modified within a certain time period.