
DIGEST

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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))