

RÉSUMÉ DIGEST

ACT 93 (SB 76)

2026 Regular Session

Miller

New 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).

New 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.

New 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.

New 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.

Effective August 1, 2026.

(Adds C.C. Art. 138)