

Prior law (R.S. 9:355.1) provided that "equal physical custody" means that the parents share equal parental authority of the child absent a court order to the contrary.

New law (R.S. 9:355.2) provides that "equal physical custody" refers to a custody arrangement under which persons have equal or approximately equal physical custody.

Prior law (R.S. 9:355.1) provided a definition of "parent entitled to primary custody". New law removes this definition as not used elsewhere in family law.

Prior law (R.S. 9:355.1) provided a definition of "principal residence of a child". New law (R.S. 9:355.1) retains prior law.

Prior law (R.S. 9:355.1) provided that "relocation" means an intent to establish the residence of the child outside of the state, an intent to establish the residence of the child at any location within the state that is at a distance of more than 150 miles from the other parent, an intent to establish the residence of the child at a distance of more than 150 miles from the domicile of the primary custodian, or a change in the principal residence of a child for a period of 60 days or more.

New law (R.S. 9:355.2) revises prior law to provide that it shall apply when there is an intent to establish the principal residence of a child at any location within the state that is at a distance of more than 75 miles from the domicile of the other parent, when there is an intent to establish the principal residence of a child at a distance of more than 75 miles from the current principal residence of the child, or when there is an intent to establish the principal residence of a child at a distance of more than 75 miles from the domicile of a person entitled to object to relocation of the child's residence.

Prior law (R.S. 9:355.2) provided for the applicability of law regarding the relocation of a child's residence. New law (R.S. 9:355.2) revises prior law to state a distance factor for the application of prior law, to change the term "parents of a child" to "persons required to give notice of and persons entitled to object to a proposed relocation", and to provide an exception for "R.S. 9:372.1" in R.S. 9:355.2(D)(2).

New law (R.S. 9:355.2) changes "spouse" to "person" for purposes of different types of restraining orders, protective orders, or injunction.

New law (R.S. 9:355.3) provides for persons authorized to propose a relocation of child's principal residence.

Prior law (R.S. 9:355.3) provided for a notice of proposed relocation of child. New law (R.S. 9:355.4) revises prior law to change references from "parent" to "person".

Prior law (R.S. 9:355.4) provided for the mailing of a notice of a proposed relocation address. New law (R.S. 9:355.5) revises prior law to change references from "parent" to "person", to provide that information relative to the current mailing address of the person proposing relocation shall be given, to provide that cellular phone numbers shall be given, to provide for a proposed revised schedule of physical custody, and to provide that the person entitled to object shall make any objection in writing within 30 days of the receipt of the notice.

Prior law (R.S. 9:355.6) provided for the failure to give notice of relocation. New law (R.S. 9:355.6) revises prior law to change references from "parent" to "person" and to eliminate attorney fees for matters governed by prior law.

New law (R.S. 9:355.7) provides for an objection to the relocation of a child.

New law (R.S. 9:355.8) provides for a limitation on an objection to the relocation of a child by non-parents.

New law (R.S. 9:355.9) provides for the failure to object to a notice of a proposed relocation of a child.

Prior law (R.S. 9:355.13) provided for the burden of proof in relocation cases. New law (R.S. 9:355.10) revises prior law to change references from "parent" to "person" and to delete the provision that the court shall consider the enhancement on the child's life that relocation might create.

Prior law (R.S. 9:355.5) provided for a court authorization to relocate. New law (R.S. 9:355.11) revises prior law to change references from "parent" to "person" and to provide for a timely objection to a proposed relocation.

Prior law (R.S. 9:355.10) provided for a temporary order allowing a parent to relocate.

New law (R.S. 9:355.12) revises prior law to change references from "parent" to "person," to provide for physical custody, and to provide that an order not in compliance with prior law is not enforceable and is null and void.

Prior law (R.S. 9:355.9) provided for a priority for a hearing on a temporary or final order on relocation. New law (R.S. 9:355.13) changes prior law to provide that a trial on the objection to the proposed relocation shall be held within 60 days after the filing of the summary proceeding.

Prior law (R.S. 9:355.12) provided for the factors that a court shall consider in determining if a relocation is in the best interest of the child. New law (R.S. 9:355.14) revises prior law to provide that the court shall consider "all relevant factors", to change references from "parent" to "person" to provide for physical custody, and to provide for harassment by a person seeking or opposing relocation.

Prior law (R.S. 9:355.8) provided for the appointment of a mental health expert. New law (R.S. 9:355.15) revises prior law to provide that the court "on motion of either party or on its own motion" may appoint a mental health expert to render a report.

Prior law (R.S. 9:355.15) provided for the application of certain factors at an initial hearing.

New law (R.S. 9:355.16) revises prior law to provide that the court "shall consider also" the factors in proposed R.S. 9:355.14 at an initial hearing.

Prior law (R.S. 9:355.17) provided for continuing jurisdiction. New law removes this reference, as Louisiana law already provides for continuing jurisdiction.

Prior law (R.S. 9:355.11) provided for a possible modification of custody as a result of a proposed relocation.

Prior law (R.S. 9:355.14) provides for posting security.

New law (R.S. 9:355.18) revises prior law to change references from "parent" to "person" and to provide for physical custody.

Prior law (R.S. 9:355.16) provided for sanctions. New law (R.S. 9:355.19) revises prior law to change references from "parent" to "person".

New law (R.S. 9:357) provides a court with the authority to order persons awarded custody or visitation to use technology to facilitate communication with the child when it is in the best interest of the child.

New law directs the La. State Law Institute to add a comment under Civil Code Article 134 relative to electronic communications between a child and other parties.

Effective August 1, 2012.

(Amends R.S. 9:355.1-355.6 and 355.8-355.17; adds R.S. 9:355.7, 355.18, 355.19, and 357)