

Regular Session, 2014

SENATE BILL NO. 578

BY SENATOR BROOME

FAMILY LAW. Provides relative to an award of visitation rights. (8/1/14)

AN ACT

To amend and reenact Civil Code Article 136(B) and (C), relative to children; to provide relative to an award of visitation rights to a grandparent and certain other persons; to provide certain procedures and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Article 136(B) and (C) are hereby amended and reenacted to read as follows:

Art. 136. Award of visitation rights

* * *

B. A grandparent ~~not granted custody of a child~~ may be granted reasonable visitation rights if the court finds that it is in the best interest of the child. Before making this determination, the court shall hold a contradictory hearing as provided for in R.S. 9:345 in order to determine whether the court should appoint an attorney to represent the child.

C. Under extraordinary circumstances, any other relative, by blood or affinity, or a former stepparent or stepgrandparent, ~~not granted custody of the child~~ may be granted reasonable visitation rights if the court finds that it is in the best

1 interest of the child. Extraordinary circumstances shall include a determination by
2 a court that a parent is abusing a controlled dangerous substance.

3 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Angela L. De Jean

DIGEST

Broome (SB 578)

Present law provides that a grandparent not granted custody of a child may be granted reasonable visitation rights if the court finds that it is in the best interest of the child.

Proposed law removes phrase "not granted custody of a child" and retains remainder of present law.

Present law provides that before making this determination, the court shall hold a contradictory hearing as provided for in present law in order to determine whether the court should appoint an attorney to represent the child.

Present law provides that under extraordinary circumstances, any other relative, by blood or affinity, or a former stepparent or stepgrandparent, not granted custody of the child may be granted reasonable visitation rights if the court finds that it is in the best interest of the child.

Proposed law removes phrase "not granted custody of the child" and retains remainder of present law.

Effective August 1, 2014.

(Amend C.C. Art. 136(B) and (C))