

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Reengrossed House Bill No. 747 by Representative Moreno

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" insert "R.S. 9:362(7) and 364(A), (B), and (C),"

3 AMENDMENT NO. 2

4 On page 1, at the beginning of line 13 after "violence;" insert "to provide relative to child
5 custody when there is a history of family violence;"

6 AMENDMENT NO. 3

7 On page 1, line 15, after "Section 1." insert "R.S. 9:362(7) and 364(A), (B), and (C),"

8 AMENDMENT NO. 4

9 On page 1, after line 16, insert the following:

10 §362. Definitions

11 As used in this Part:

12 * * *

13 (7) ~~"Treatment program" means a course of evaluation and psychotherapy~~
14 ~~designed specifically for perpetrators of family violence, and conducted by licensed~~
15 ~~mental health professionals. "Court-monitored domestic abuse intervention program"~~
16 means a program, comprised of a minimum of twenty-six in-person sessions, that
17 follows a model designed specifically for perpetrators of domestic abuse. The
18 offender's progress in the program shall be monitored by the court. The provider of
19 the program shall have all of the following:

20 (a) Experience in working directly with perpetrators and victims of domestic
21 abuse.

22 (b) Experience in facilitating batterer intervention groups.

23 (c) Training in the causes and dynamics of domestic violence, characteristics
24 of batterers, victim safety, and sensitivity to victims.

25 * * *

26 §364. Child custody; visitation

27 A. There is created a presumption that no parent who has a history of
28 perpetrating family violence shall be awarded sole or joint custody of children. The
29 court may find a history of perpetrating family violence if the court finds that one
30 incident of family violence has resulted in serious bodily injury or the court finds
31 more than one incident of family violence. The presumption shall be overcome only
32 by a preponderance of the evidence that the perpetrating parent has successfully
33 completed a ~~treatment~~ court-monitored domestic abuse intervention program as
34 defined in R.S. 9:362, is not abusing alcohol and the illegal use of drugs scheduled
35 in R.S. 40:964, and that the best interest of the child or children requires that parent's
36 participation as a custodial parent because of the other parent's absence, mental
37 illness, or substance abuse, or such other circumstances which affect the best interest
38 of the child or children. The fact that the abused parent suffers from the effects of the
39 abuse shall not be grounds for denying that parent custody.

40 B. If the court finds that both parents have a history of perpetrating family
41 violence, custody shall be awarded solely to the parent who is less likely to continue
42 to perpetrate family violence. In such a case, the court shall mandate completion of
43 a ~~treatment~~ court-monitored domestic abuse intervention program by the custodial
44 parent. If necessary to protect the welfare of the child, custody may be awarded to
45 a suitable third person, provided that the person would not allow access to a violent
46 parent except as ordered by the court.

