

2019 Regular Session

HOUSE BILL NO. 505

BY REPRESENTATIVE COUSSAN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FAMILY LAW: Provides relative to parenting education programs and child custody

1 AN ACT

2 To amend and reenact R.S. 9:306(A), (B)(introductory paragraph), (1) and (3), (C),
3 (D)(introductory paragraph) and (E) and to redesignate R.S. 9:306, relative to
4 parenting education programs; to provide for a motion to require attendance at a
5 parenting education program in divorce and custody proceedings; to provide for the
6 duration, cost, and qualifications of a parenting program; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:306(A), (B)(introductory paragraph), (1) and (3), (C),
10 (D)(introductory paragraph) and (E) are hereby amended and reenacted to read as follows:

11 §306. ~~Seminar for divorcing parents~~ Custody and visitation proceeding; parenting
12 education programs

13 A. ~~Upon an affirmative showing that the facts and circumstances of the~~
14 ~~particular case before the court warrant such an order, a court exercising jurisdiction~~
15 ~~over family matters may~~ Upon the motion of any party, or on its own motion, the
16 court may for good cause shown or upon agreement of the parties require the parties
17 in a custody or visitation proceeding to attend and complete a court-approved
18 seminar program designed to educate and inform the parties of the needs of the
19 children. The court may render judgment for the costs of the program, or any part
20 thereof, against any party or parties as it may consider equitable. The instructor shall

1 not be called as a witness in the custody or visitation proceeding without prior court
2 approval.

3 B. If the court chooses to require participation in such a seminar program,
4 it shall adopt rules to accomplish the goals of Subsection A of this Section, which
5 rules shall include but not be limited to the following:

6 (1) Criteria for evaluating a seminar program provider and its instructors.

7 * * *

8 (3) The amount of time a participant must take part in the program, which
9 shall be a minimum of three hours ~~but not exceed four hours nor shall the costs~~
10 ~~exceed twenty-five dollars per person.~~

11 * * *

12 C. For purposes of this Section, "instructor" means any psychiatrist,
13 psychologist, professional counselor, social worker licensed under state law, or in
14 any parish other than Orleans, means a person working with a court-approved,
15 evidence-based nonprofit program, or a court-approved, nonprofit program of an
16 accredited university created for educating divorcing parents with children. All
17 instructors must have received advanced training in instructing co-parenting or
18 similar seminars programs.

19 D. The seminar program shall focus on the developmental needs of children,
20 with emphasis on fostering the child's emotional health. The seminar program shall
21 be informative and supportive and shall direct people desiring additional information
22 or help to appropriate resources. The course content shall contain but not be limited
23 to the following subjects:

24 * * *

25 E. Nonviolent acts or communications made during the seminar program,
26 which are otherwise relevant to the subject matter of a divorce, custody, or visitation
27 proceeding, are confidential, not subject to disclosure, and may not be used as
28 evidence in favor of or against a participant in the pending proceeding. This rule

1 does not require the exclusion of any evidence otherwise discoverable merely
2 because it is presented or otherwise made during the ~~seminar~~ program.

3 * * *

4 Section 2. The Law Institute shall redesignate R.S. 9:306 as R.S. 9:331.2.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 505 Original

2019 Regular Session

Coussan

Abstract: Requires a motion or agreement of the parties before the court may require parties to complete a parenting program and modifies the duration of, cost for, and qualifications of such a program. Allows the court to render judgment for costs for the program and prohibits the instructor from serving as witness without court approval.

Present law authorizes courts to require parties in a custody or visitation proceeding to complete a court-approved seminar to educate the parties of the needs of children. Present law requires such seminar to last between three and four hours and cost no more than \$25 per person.

Proposed law authorizes courts to require the parties to complete the court-approved program only upon motion of a party, its own motion, or upon agreement of the parties and to render judgment for costs for the program. Proposed law qualifies evidence-based nonprofit programs as eligible programs, and removes the upper limitation on duration and cost of the program.

Proposed law prohibits the program instructor from being called as a witness in the custody or visitation proceeding without prior court approval.

(Amends R.S. 9:306(A), (B)(intro. para.), (1) and (3), (C), (D)(intro. para.) and (E); Redesignates R.S. 9:306)