The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

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Proposed 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).

Proposed 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.

Proposed 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 5 years after a considered decree.

Proposed 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)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provides clarification for a time period of after five years from the date of a judgment rendered by considered decree for modification of child custody.