
DIGEST

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Broome

SB No. 32

Present law in Children's Code provides definition of "legal guardianship" but does not provide rules governing legal guardianship.

Proposed law deletes definition and eliminates concept of legal guardianship.

Proposed law defines "guardianship" as the judicial placement of a child under the duty and authority of a guardian to make decisions in matters having a permanent effect on the life and development of the child as set forth in the proposed law.

Proposed law sets forth requirements of guardianship, including design to provide a permanent placement for children in need of care, case plan for children whose permanent plan is guardianship, purpose of guardianship, rights and responsibilities of the guardian, and home study report.

Proposed law sets forth procedures and requirements for motion, hearing, and order for guardianship, and for modification and termination of guardianship. Provides that if a guardian has been appointed, a petition for voluntary transfer cannot be filed and a change in guardianship is through motion to modify the guardianship.

Proposed law provides that in the performance of his duties, the guardian will be liable for his own negligence but will not be vicariously liable for his ward.

(Amends Ch.C. Arts. 116(12.1), 675(B)(3), 681, 1511, 1515(B), and 1516(B); Adds Ch.C. Arts. 718, 719, 720, 721, 722, 723, 724 and 1514(D))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Technical amendments by Legislative Bureau.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill.

1. Provided technical amendments only.