
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Morrish (SB 248)

Present law provides for certain restrictions when the court considers allowing visitation of a minor child with a parent who has a history of perpetrating family violence or who has sexually abused his or her child or children.

Proposed law adds that, when the court is considering the supervised visitation of a minor child with an incarcerated parent, the court shall consider the best interest of the child, including but not limited to the following factors:

- (1) Factors set forth in Civil Code Article 136(D).
- (2) The mental and physical health and safety of the child.
- (3) The love, affection and other emotional ties between the child and the incarcerated parent.
- (4) The length of time that the child had lived with the parent prior to the parent's incarceration.
- (5) The opinion of the child who is 12 years of age or older regarding visitation at the incarceration facility.
- (6) The desirability of maintaining the continuity of the relationship between the child and the incarcerated parent.
- (7) The willingness of the child's custodial parent, caretaker or legal guardian, or other relatives of the child, to voluntarily take the child to the incarcerated parent's place of incarceration for the supervised visitation.
- (8) The effect upon the child of supervised visitation in the place of incarceration and the feasibility, if any, of alternative or additional use of technology for visitation pursuant to R.S. 9:357.
- (9) Other testimony or evidence as the court may consider applicable.

Present law provides for certain restrictions on visitation when a parent has subjected his or her child to physical abuse, sexual abuse or exploitation, or has permitted such abuse or exploitation of the child.

Proposed law adds that when visitation between an incarcerated parent and a child has been prohibited by the court and the court subsequently authorizes restricted visitation, then as part of such visitation, the court shall include such restrictions, conditions and safeguards as are necessary to protect the mental and physical health of the child and minimize risk of harm to the child.

Effective August 1, 2014.

(Amends R.S. 9:341; adds R.S. 9:364.1)