

2016 Regular Session

HOUSE BILL NO. 447

BY REPRESENTATIVE GREGORY MILLER

CHILDREN/TUTORSHIP: Provides for changes to procedures for continuing tutorships

1 AN ACT

2 To amend and reenact Civil Code Article 355, relative to continuing tutorships; to provide
3 for procedures for continuing tutorships; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Civil Code Article 355 is hereby amended and reenacted to read as
6 follows:

7 Art. 355. Petition for continuing or permanent tutorship

8 When a person above the age of fifteen possesses less than two-thirds of the
9 ~~average~~ mental ability of a ~~normal~~ person of the same age with average mental
10 ability, evidenced by standard testing procedures administered by competent persons
11 or other relevant evidence acceptable to the court, the parents of such person, or the
12 person entitled to custody or tutorship if one or both parents be dead, incapacitated,
13 or an absent person, or if the parents be judicially separated or divorced, may, ~~with~~
14 ~~the concurrence of the coroner of the parish of the mentally deficient person's~~
15 ~~domicile~~, petition the court of that district to place such person under a continuing
16 tutorship which shall not automatically end at any age but shall continue until
17 revoked by the court of domicile.

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 447 Original

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Gregory Miller

Abstract: Adds permissible evidence in continuing tutorship hearings and eliminates requirement of concurrence of coroners.

Present law provides that to establish that a person above the age of fifteen possesses less than two-thirds of the average mental ability of a normal person of the same age, there must be standard testing procedures administered by competent persons.

Proposed law expands present law to allow the court to consider other relevant evidence in addition to standard testing procedures.

Present law requires that in order to continue the tutorship of a person above the age of fifteen, there must be concurrence of the coroner of the parish of the mentally deficient person's domicile.

Proposed law eliminates the requirement of concurrence of the coroner to continue the tutorship of a person above the age of fifteen.

(Amends C.C. Art. 355)