
DIGEST

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HB 447 Reengrossed

2016 Regular Session

Gregory Miller

Abstract: Adds permissible evidence in continuing tutorship hearings and provides that the petitioner shall not bear the cost of securing the concurrence of the coroner.

Present law provides that to establish that a person above the age of 15 possesses less than 2/3 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 15, there must be concurrence of the coroner of the parish of the mentally deficient person's domicile.

Proposed law maintains the requirement of concurrence of the coroner to continue the tutorship of a person above the age of 15, and clarifies that the petitioner shall not bear the coroner's costs or fees associated with securing the coroner's concurrence.

(Amends C.C. Art. 355)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Reinstates the present law requirement of concurrence by the coroner to petition the court for the continuing tutorship.
2. Changes an obsolete term referring to those with certain disabilities.
3. Adds that the petitioner shall not bear the coroner's costs or fees associated with securing the coroner's concurrence.

The House Floor Amendments to the engrossed bill:

1. Changes language referencing "mental ability" to "intellectual functioning".