

Prior law provided 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.

New 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) The length and quality of the prior relationship between the child and the parent.
- (2) Whether the child is in need of guidance, enlightenment, or tutelage which can best be provided by the parent.
- (3) The preference of the child if he is determined to be of sufficient maturity to express a preference.
- (4) The willingness of the relative to encourage a close relationship between the child and his parent, including the willingness of the child's custodial parent, caretaker, or legal guardian to voluntarily take the child the incarcerated parent's place of incarceration for the supervised visitation.
- (5) The mental and physical health of the child and the parent.
- (6) The length of time that the child lived with the parent prior to the parent's incarceration.
- (7) The desirability of maintaining the continuity of the relationship between the child and the incarcerated parent.
- (8) The cost of travel and other expenses incurred by visitation at the place of incarceration, and who will bear responsibility for such costs.
- (9) 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.
- (10) Other testimony or evidence as the court may consider applicable.

Effective August 1, 2014.

(Adds R.S. 9:364.1)