

Regular Session, 2014

HOUSE BILL NO. 102

BY REPRESENTATIVE FOIL

CIVIL/PROCEDURE: Provides relative to the title of proceedings for continuing tutorships

1 AN ACT

2 To amend and reenact Civil Code Article 356, relative to the title of proceedings; to provide
3 for the title of proceedings for continuing tutorship; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Article 356 is hereby amended and reenacted to read as
7 follows:

8 Art. 356. Title of proceedings; procedural rules; parents as tutor and undertutor.

9 The title of the proceedings shall be Continuing Tutorship of (Name of
10 Person), ~~A Mentally Retarded Person~~.

11 (1) When the person to be placed under the continuing tutorship is above the
12 age of fifteen, and under the age of majority, the proceeding shall be conducted
13 according to the procedural rules established for ordinary tutorships;

14 (2) When the person to be placed under the continuing tutorship is above the
15 age of majority, the proceeding shall be conducted according to the procedural rules
16 established for interdictions;

17 (3) Upon the petition of both parents of the mentally deficient person during
18 their marriage one parent shall be named as tutor and the other as undertutor, unless
19 for good reasons the judge decrees otherwise.

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)]

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HB No. 102

Abstract: Deletes "A Mentally Retarded Person" from the title of a proceeding for continued tutorship.

Present law requires the title of a proceeding to continue certain tutorships to be "Continuing Tutorship of (Name of Person), A Mentally Retarded Person" and establishes procedural rules.

Proposed law deletes from the title the required designation "A Mentally Retarded Person".

(Amends C.C. Art. 356)