

2019 Regular Session

HOUSE BILL NO. 417

BY REPRESENTATIVE HILL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/PROCEDURE: Provides relative to payments to a minor from a judgment or settlement

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 4521(A)(3) and (B) and to repeal
3 Code of Civil Procedure Article 4521(C), relative to payments to a minor from a
4 judgment or settlement; to provide for the payment of funds to a minor in the custody
5 of the Department of Children and Family Services; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 4521(A)(3) and (B) are hereby amended
9 and reenacted to read as follows:

10 Art. 4521. Payments to minor

11 A. In approving any proposal by which a minor is to be paid funds as the
12 result of a judgment or settlement, the court may order:

13 * * *

14 (3) That the funds be placed in trust in accordance with the Louisiana Trust
15 Code to be administered by an individual or corporate trustee as determined by the
16 court. However, the court shall not order funds which will be paid to an
17 unemancipated minor who is in the legal custody of the Department of Children and
18 Family Services to be placed in trust if the amount of the judgment or settlement is
19 less than fifty thousand dollars.

20 * * *

Proposed law limits the amount that can be placed in trust for a minor in custody of the DCFS to no less than \$50,000 and removes the requirement that the court place the funds in trust in accordance with the present law provision for the placement of minor's property in trust by a tutor.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.C.P. Art. 4521(A)(3) and (B); Repeals C.C.P. Art. 4521(C))