

ACT No. 17

2019 Regular Session

HOUSE BILL NO. 417

BY REPRESENTATIVE HILL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

Art. 4521. Payments to minor

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

* * *

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

* * *

~~B. In approving any proposal by which funds will be paid to an unemancipated minor who is in the legal custody of the Department of Children and Family Services, the court shall order that the funds be placed in trust in accordance~~

1 ~~with the Louisiana Trust Code and the provisions of Article 4269.1, to be~~
2 ~~administered by an individual or corporate trustee as determined by the court.~~

3 €: In determining whether a proposed periodic payment schedule is in the
4 best interest of the minor, the court shall consider the following factors:

- 5 (1) Age and life expectancy of the minor.
- 6 (2) Current and anticipated financial needs of the minor.
- 7 (3) Income and estate tax implications.
- 8 (4) Impact on eligibility for government benefits.
- 9 (5) Present value of the proposed payment arrangement and the method by
10 which the value is calculated.

11 Section 2. Code of Civil Procedure Article 4521(C) is hereby repealed in its entirety.

12 Section 3. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____