

2019 Regular Session

HOUSE RESOLUTION NO. 250

BY REPRESENTATIVE ABRAMSON

A RESOLUTION

To urge and request the Louisiana State Law Institute to study and issue a report of its findings regarding interference with the custody of a child when there is no court order defining custody of a child, and the child is taken, enticed, or decoyed away by a person who is not identified as a parent on the birth certificate of the child and who reasonably believes himself to be a parent of the child, with intent to detain or conceal such child from the sole parent identified on the birth certificate of the child.

WHEREAS, R.S. 14:45.1 defines the crime of interference with the custody of a child and prohibits any person from taking, enticing, or decoying away of a minor child by a parent not having a right of custody with the intent to detain or conceal the child from a parent having the right of custody pursuant to a court order; and

WHEREAS, there are situations in which a minor child is taken, enticed, or decoyed away by a person who is not identified on the birth certificate of the child but who reasonably believes himself to be a parent of the child, with the intent to detain or conceal such child from the sole parent identified on the birth certificate of the child; and

WHEREAS, in such situations, R.S. 14:45.1 does not apply because there is no court-ordered custody, and there is no mechanism by which law enforcement can act to return the child to the parent identified in the birth certificate; and

WHEREAS, while the sole parent identified on the birth certificate may file a petition to establish sole custody of the child, this process comes at an unjust cost to the mother, who as the natural tutrix of the child is the only person with a legal right to the child, and does not allow for the prompt response of law enforcement which is necessary in such situations to return the child to the parent.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study the issue of interference with the custody of a child when there is no court order defining custody of a child, and the child is taken, enticed, or decoyed away by a person who is not identified as a parent on the birth certificate of the child and who reasonably believes himself to be a parent of the child, with intent to detain or conceal such child from the sole parent identified on the birth certificate of the child.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall issue a report of its findings to the Legislature of Louisiana prior to February 1, 2020, which shall include an adequate remedy in such situations for the sole parent identified on the birth certificate of the child and that allows law enforcement to immediately take action and return the child to the parent.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES