

Regular Session, 2010

SENATE BILL NO. 323

BY SENATOR QUINN

CHILDREN. Provides relative to Dept. of Social Services and appearance in court of an access and visitation attorney. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 46:236.1.2(B)(2), relative to family and child support programs;
3 to provide relative to the access and visitation program; to provide relative to the
4 Department of Social Services; to provide for the standing of attorneys affiliated
5 with the access and visitation program; to authorize attorneys affiliated with the
6 access and visitation program to appear in court for certain purposes; to provide for
7 the obtaining and enforcing of a court order for visitation or child support; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 46:236.1.2(B)(2) is hereby amended and reenacted to read as
11 follows:

12 §236.1.2. Family and child support programs; responsibilities

13 * * *

14 B. (1) * * *

15 (2) The department is hereby authorized to develop and implement a
16 program of access and visitation designed to support and facilitate noncustodial
17 parent's access to and visitation of their children. The program may include

1 mediation, counseling, education, development of parenting plans, visitation
 2 enforcement, and development of guidelines for visitation and alternative custody
 3 arrangements. The program should also encourage and enable both parents to stay
 4 emotionally involved with their child or children. **Notwithstanding any provision**
 5 **of law to the contrary, an attorney affiliated with the access and visitation**
 6 **program shall have standing to appear in a court of competent jurisdiction for**
 7 **the limited purpose of obtaining and enforcing a court order for visitation or**
 8 **child support. Nothing in this Paragraph shall create an attorney-client**
 9 **relationship between an attorney affiliated with the access and visitation**
 10 **program and any applicant for access and visitation services.**

11 * * *

The original instrument was prepared by Jerry G. Jones. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle Broussard-Johnson.

DIGEST

Quinn (SB 323)

Present law relative to the Dept. of Social Services provides that the department is authorized to develop and implement a program of family support in certain cases, including certain foster care and medicaid cases. Services may be provided to enforce, collect and distribute support obligations, locate absent parents, establish paternity, and obtain and modify family and child support orders, and medical support orders.

Present law further states that, as required by federal law, the department can provide the above services to any individual including absent or noncustodial parents not otherwise eligible for such services, upon receiving an application from such individual and upon receiving any fee which may be assessed by the department for the services, regardless of whether the individual has ever received public assistance and regardless of whether there is a delinquency.

Present law further provides that the department is authorized to develop and implement a program of access and visitation designed to support and facilitate noncustodial parents' access to and visitation of their children. The program may include mediation, counseling, education, development of parenting plans, visitation enforcement, and development of guidelines for visitation and alternative custody arrangements. The program should also encourage and enable both parents to stay emotionally involved with their child or children.

Proposed law retains present law. Adds that an attorney affiliated with the access and visitation program shall have standing to appear in a court of competent jurisdiction for the limited purpose of obtaining and enforcing a court order for visitation and child support. Further provides that nothing in proposed law shall create an attorney-client relationship between an attorney affiliated with the access and visitation program and any applicant for access and visitation services.

Effective August 15, 2010.

(Amends R.S. 46:236.1.2(B)(2))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Technical amendments made
2. Adds that an attorney with the access and visitation will have also standing in court for child support.