

2022 Regular Session

ACT No. 40

HOUSE BILL NO. 225

BY REPRESENTATIVE GREGORY MILLER

(On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To repeal Civil Code Articles 897 and 898, relative to successions; to repeal the ascendant's
3 right to inherit immovables donated to a descendant; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Articles 897 and 898 are hereby repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 102

BY SENATOR FOIL

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AN ACT

To amend and reenact Civil Code Arts. 250 and 256(C), relative to tutorship by nature; to provide for cotutorship; to provide that cotutors have equal authority to act alone or on behalf of the child; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Arts. 250 and 256(C) are hereby amended and reenacted to read as follows:

Art. 250. Persons entitled to tutorship

Upon the death of either parent, the tutorship of minor children belongs of right to the other. Upon divorce or judicial separation from bed and board of parents, the tutorship of each minor child belongs of right to the parent under whose care he or she has been placed or to whose care he or she has been entrusted; however, if the parents are awarded joint custody of a minor child, then the cotutorship of the minor child shall belong to both parents, with equal authority **to act alone, on behalf of the child, and with equal** privileges; and responsibilities, unless modified by order of the court or by an agreement of the parents, approved by the court awarding joint custody. In the event of the death of a parent to whom joint custody had been awarded, the tutorship of the minor children of the deceased belongs of right to the surviving parent.

All those cases are called tutorship by nature.

* * *

Art. 256. Children born outside of marriage

* * *

C. If both parents have acknowledged their child born outside of marriage, the judge shall appoint as tutor the one by whose care the best interests of the child

1 will be served. However, if the parents are awarded joint custody of such
 2 acknowledged child born outside of marriage, then the cotutorship of such child shall
 3 belong of right to both parents, with equal authority **to act alone, on behalf of the**
 4 **child, and with equal** privileges; and responsibilities, unless modified by order of
 5 the court or by an agreement of the parents, approved by the court awarding joint
 6 custody.

7 Section 2. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2022 Regular Session
HOUSE BILL NO. 389
BY REPRESENTATIVE PRESSLY

ACT No. 469

1 AN ACT

2 To amend and reenact Civil Code Articles 3461 and 3472.1, to enact Code of Civil
3 Procedure Article 196.2, and to repeal Code of Civil Procedure Article 562, relative
4 to prescription and peremption; to provide for emergency suspension of certain
5 prescription and peremption periods; to provide for the emergency suspension of
6 abandonment periods; to provide relative to the Louisiana Supreme Court; to provide
7 for emergency extension of certain deadlines; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Civil Code Articles 3461 and 3472.1 are hereby amended and reenacted
10 to read as follows:

11 Art. 3461. Renunciation, interruption, or suspension ineffective

12 ~~Peremption~~ Except as otherwise provided by law, peremption may not be
13 renounced, interrupted, or suspended.

14 * * *

15 Art. 3472.1. Emergency suspension of prescription and peremption

16 ~~Notwithstanding any other provisions~~ provision of the law or any
17 provision of an executive order or proclamation, in the event the governor, in
18 response to declares a state of emergency or disaster, issues an executive order or
19 proclamation pursuant to R.S. 29:721 through 772, ~~the Supreme Court of Louisiana~~
20 ~~may enter an order or series of orders as deemed necessary and appropriate to~~
21 ~~suspend all prescriptive and preemptive periods for a period of time not to exceed~~
22 ~~ninety days. Thereafter, should the need for continuing suspension be necessary to~~

1 ~~preserve access to the courts, the governor may issue executive orders as deemed~~
2 ~~appropriate. The period of suspension authorized by the provisions of this Article~~
3 ~~shall terminate upon the earlier of an order of the Supreme Court of Louisiana or~~
4 ~~upon termination of the declared state of disaster or emergency. Nothing in this~~
5 ~~Article limits the authority of the governor or the legislature to act in accordance~~
6 ~~with its authority 775 that purports to suspend or extend liberative prescriptive or~~
7 ~~peremptive periods in all or part of the state, the executive order or proclamation~~
8 ~~shall have the effect of suspending only those liberative prescriptive or peremptive~~
9 ~~periods that would have otherwise accrued during the period of time specified in the~~
10 ~~order or proclamation or, if no period of time is specified, during the duration of the~~
11 ~~effectiveness of the executive order or proclamation. Upon the termination of the~~
12 ~~period of suspension, liberative prescription or peremption commences to run again~~
13 ~~and accrues upon the earlier of thirty days after the expiration of the period of~~
14 ~~suspension or in accordance with the period of time as calculated pursuant to Article~~
15 ~~3472.~~

16 ~~B. The right to file any pleading subject to the suspension as provided by~~
17 ~~Paragraph A of this Article shall terminate sixty days after the termination of the~~
18 ~~suspension as provided by Paragraph A of this Article.~~

19 Section 2. Code of Civil Procedure Article 196.2 is hereby enacted to read as
20 follows:

21 Art. 196.2. Power of Supreme Court to extend deadlines during emergencies

22 In the event that the governor declares a state of emergency or disaster
23 pursuant to R.S. 29:721 through 775, the Supreme Court of Louisiana, rather than
24 the governor, may issue orders suspending or extending deadlines applicable to legal
25 proceedings in courts, including periods of time applicable for abandonment of
26 actions, in all or part of the state of Louisiana. A court order suspending or
27 extending deadlines applicable to legal proceedings in courts shall have the effect of
28 extending only those deadlines that would have otherwise accrued during the period
29 of time specified in the order. After the period of suspension or extension has
30 expired, a party shall have an amount of time as specified in the court order to file

1 any pleading affected by the suspension or extension. If no amount of time is
2 specified, a party shall have thirty days after the period of suspension or extension
3 has expired.

4 Section 3. Code of Civil Procedure Article 562 is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2022 Regular Session
HOUSE BILL NO. 887

ACT No. 718

BY REPRESENTATIVES ROBBY CARTER AND EDMONDS

1 AN ACT

2 To amend and reenact Civil Code Articles 2315.1(D) and 2315.2(D), relative to wrongful
3 death and survival actions; to provide for actions brought by a child given in
4 adoption; to provide for actions brought by a sibling given in adoption; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Articles 2315.1(D) and 2315.2(D) are hereby amended and
8 reenacted to read as follows:

9 Art. 2315.1. Survival action

10 * * *

11 D.(1) As used in this Article, the words "child", "brother", "sister", "father",
12 "mother", "grandfather", and "grandmother" include a child, brother, sister, father,
13 mother, grandfather, and grandmother by adoption, respectively.

14 (2) As used in the Article, the words "child", "brother", and "sister" include
15 a child, brother, or sister given in adoption, respectively.

16 * * *

17 Art. 2315.2. Wrongful death action

18 * * *

19 D.(1) As used in this Article, the words "child", "brother", "sister", "father",
20 "mother", "grandfather", and "grandmother" include a child, brother, sister, father,
21 mother, grandfather, and grandmother by adoption, respectively.

