

2022 Updates to the Louisiana Civil Code

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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.

Amended by Acts 1924, No. 196; Acts 1981, No. 283, §1; Acts 1982, No. 307, §1, eff. Jan. 1, 1983; Acts 1983, No. 695, §1; Acts 2022, No. 121, §1, eff. May 25, 2022.

Art. 256. Children born outside of marriage

A. The mother is of right the tutrix of her child born outside of marriage not acknowledged by the father, or acknowledged by him without her concurrence.

B. After the death of the mother, if the father had not acknowledged the child prior to the mother's death, the court shall give first consideration to appointment as tutor either of her parents or siblings who survive her and accept the appointment, and secondly, the father, always taking into consideration the best interests of the child.

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 will be served. However, if the parents are awarded joint custody of such acknowledged child born outside of marriage, then the cotutorship of such child shall belong of right 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.

Acts 1983, No. 215, §1, eff. Sept. 1, 1983; Acts 2016, No. 210, §1; Acts 2022, No. 121, §1, eff. May 25, 2022.

Art. 897. Repealed by Acts 2022, No. 40, §1.

Art. 898. Repealed by Acts 2022, No. 40, §1.

Art. 2315.1. Survival action

A. If a person who has been injured by an offense or quasi offense dies, the right to recover all damages for injury to that person, his property or otherwise, caused by the offense or quasi offense, shall survive for a period of one year from the death of the deceased in favor of:

(1) The surviving spouse and child or children of the deceased, or either the spouse or the child or children.

(2) The surviving father and mother of the deceased, or either of them if he left no spouse or child surviving.

(3) The surviving brothers and sisters of the deceased, or any of them, if he left no spouse, child, or parent surviving.

(4) The surviving grandfathers and grandmothers of the deceased, or any of them, if he left no spouse, child, parent, or sibling surviving.

B. In addition, the right to recover all damages for injury to the deceased, his property or otherwise, caused by the offense or quasi offense, may be urged by the deceased's succession representative in the absence of any class of beneficiary set out in Paragraph A.

C. The right of action granted under this Article is heritable, but the inheritance of it neither interrupts nor prolongs the prescriptive period defined in this Article.

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

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

E. For purposes of this Article, a father or mother who has abandoned the deceased during his minority is deemed not to have survived him.

Acts 1986, No. 211, §2; Acts 1987, No. 675, §1; Acts 1997, No. 1317, §1, eff. July 15, 1997; Acts 2022, No. 718, §1.

Art. 2315.2. Wrongful death action

A. If a person dies due to the fault of another, suit may be brought by the following persons to recover damages which they sustained as a result of the death:

(1) The surviving spouse and child or children of the deceased, or either the spouse or the child or children.

(2) The surviving father and mother of the deceased, or either of them if he left no spouse or child surviving.

(3) The surviving brothers and sisters of the deceased, or any of them, if he left no spouse, child, or parent surviving.

(4) The surviving grandfathers and grandmothers of the deceased, or any of them, if he left no spouse, child, parent, or sibling surviving.

B. The right of action granted by this Article prescribes one year from the death of the deceased.

C. The right of action granted under this Article is heritable, but the inheritance of it neither interrupts nor prolongs the prescriptive period defined in this Article.

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

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

E. For purposes of this Article, a father or mother who has abandoned the deceased during his minority is deemed not to have survived him.

Acts 1986, No. 211, §2; Acts 1997, No. 1317, §1, eff. July 15, 1997; Acts 2022, No. 718, §1.

Art. 3461. Renunciation, interruption, or suspension ineffective

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

Acts 1982, No. 187, §1, eff. Jan. 1, 1983; Acts 2022, No. 469, §1.

Art. 3472.1. Emergency suspension of prescription and peremption

Notwithstanding any other provision of the law or any provision of an executive order or proclamation, in the event the governor, in response to a state of emergency or disaster, issues an executive order or proclamation pursuant to R.S. 29:721 through 775 that purports to suspend or extend liberative prescriptive or preemptive periods in all or part of the state, the executive order or proclamation shall have the effect of suspending only those liberative prescriptive or preemptive periods that would have otherwise accrued during the period of time specified in the order or proclamation or, if no period of time is specified, during the duration of the effectiveness of the executive order or proclamation. Upon the termination of the period of suspension, liberative prescription or peremption commences to run again and accrues upon the earlier of thirty days after the expiration of the period of suspension or in accordance with the period of time as calculated pursuant to Article 3472.

Acts 2020, 1st Ex. Sess., No. 3, §1, eff. June 25, 2020; Acts 2022, No. 469, §1.