

PROVISIONAL CUSTODY BY MANDATE

STATE OF LOUISIANA
PARISH OF _____

BE IT KNOWN THAT on this ____ day of _____, 20____, before me, the undersigned notary, and in the presence of the competent witnesses hereinafter named and undersigned:

Personally came and appeared:

(affiant's name, marital status, mailing address),
who is the (parent(s), or, in the event of divorce, separation, or illegitimacy, the natural (co) tutor or tutrix) of

(minor child(ren))
who, by these presents make, name, constitute, and appoint,

(agent's name and mailing address)
and grant provisional custody of the above named child(ren), to provide for the health, education and welfare of the child as provided by the law on Provisional Custody by Mandate, specifically including the authority to:

INITIAL ALL APPLICABLE PROVISIONS:

- ___ (1) Consent to and authorize such medical care, treatment, or surgery as may be deemed necessary for the health, safety, and welfare of the child.
- ___ (2) Enroll the child in such schools or educational institutions as may be deemed necessary for his due and proper education.
- ___ (3) Discipline the child in such reasonable manner as may be necessary for his proper rearing, supervision, and training.
- ___ (4) Do and perform all other such acts as may be necessary for the shelter, support, and general welfare of the child.

This Provisional Custody by Mandate will continue to be effective until _____, 20____, or one year from date hereof, whichever period is shorter.

I agree that any third party who receives a copy of this document may rely upon the authority granted the agent as indicated herein and may act in reliance on such authority. Revocation or termination by operation of law is not effective as to a third party until he has actual knowledge thereof. I agree to indemnify and hold harmless the third party for any claims that arise against him because of reliance on this Provisional Custody by Mandate.

The undersigned agent does hereby accept the provisional custody of the children named herein.

THUS DONE AND PASSED at _____, state of _____, in the presence of _____ and _____, competent witnesses, who sign these presents with the appearers and me, notary, after due reading of the whole.

WITNESSES:

(Parent, Tutor, or Tutrix)

(Other parent or Co tutor)

(Agent)

NOTARY PUBLIC

Added by Acts 1992, No. 304, 2. Amended by Acts 1995, No. 235 1.

CHAPTER 3. PROVISIONAL CUSTODY BY MANDATE

§951. Provisional custody by mandate; conferring

A. Parents acting jointly or, in the event of divorce, or separation from bed and board, or illegitimacy, the natural tutor, tutrix, or cotutors acting jointly, may authorize any person of legal age to provide for the care, custody, and control of a minor child.

B. For purposes of this Chapter, any person who could qualify as a natural tutor, tutrix, or cotutor pursuant to Section 2 of Chapter 1 of Title VIII of Book I of the Louisiana Civil Code may confer provisional custody by mandate of a child lawfully within his care, custody, and control, although he has not judicially qualified for the office of natural tutor, tutrix, or cotutor.

Acts 1992, No. 304, §2; Acts 1995, No. 235, §1.

§952. Duration of provisional custody; termination

A. The mandate of provisional custody shall be effective for the duration of time provided therein, but in no case shall it exceed one year from date of execution.

B. Regardless of the duration provided above, the mandate of provisional custody shall terminate:

(1) When revoked by either parent, by a natural tutor or tutrix, or by either natural cotutor.

(2) When the agent resigns or otherwise renounces the mandate.

(3) Fifteen days after the death of either parent, natural tutor or tutrix, or natural cotutor.

(4) Upon the qualification of a court appointed tutor or provisional tutor.

Acts 1992, No. 304, §2; Acts 1995, No. 235, §1.

§953. Functions, powers, and duties of agent

In addition to the general functions, powers, and duties accorded to tutors pursuant to Chapter 8 of Title VI of Book VII of the Code of Civil Procedure, except those that require court approval, a mandate of child custody may provide for the health, education, and welfare of the child, which, if so indicated, may include the following:

(1) Consenting to and authorizing such medical care, treatment, or surgery as may be deemed necessary for the health, safety, and welfare of the child.

(2) Enrolling the child in such schools or educational institutions as may be deemed necessary for his due and proper education.

(3) Disciplining the child in such reasonable manner as may be necessary for his proper rearing, supervision, and training.

(4) Doing and performing all other such acts as may be necessary for the shelter, support, and general welfare of the child.

Acts 1992, No. 304, §2.

§954. Statutory form

The following is a suggested form which may be used by a parent, natural tutor, tutrix, or cotutors acting jointly to confer the power of provisional custody for the care, custody, and control of the named minor child as authorized herein:

PROVISIONAL CUSTODY BY MANDATE

STATE OF LOUISIANA

PARISH OF _____

BE IT KNOWN THAT on this ___ day of _____, 19___, before me, the undersigned notary, and in the presence of the competent witnesses hereinafter named and undersigned:

Personally came and appeared:

(affiant's name, marital status, and mailing address), who is the (parent(s), or, in the event of divorce, separation, or illegitimacy, the natural (co)tutor or tutrix) of (minor child(ren)) who, by these presents make, name, constitute, and appoint (agent's name and mailing address) and grant provisional custody of the above named child(ren), to provide for the health, education, and welfare of the child as provided by the law on Provisional Custody by Mandate, specifically including the authority to:

INITIAL ALL APPLICABLE PROVISIONS:

___ (1) Consent to and authorize such medical care, treatment, or surgery as may be deemed necessary for the health, safety, and welfare of the child.

___ (2) Enroll the child in such schools or educational institutions as may be deemed necessary for his due and proper education.

___ (3) Discipline the child in such reasonable manner as may be necessary for his proper rearing, supervision, and training.

___ (4) Do and perform all other such acts as may be necessary for the shelter, support, and general welfare of the child.

This Provisional Custody by Mandate will continue to be effective until _____, 19___, or one year from date hereof, whichever period is shorter.

I agree that any third party who receives a copy of this document may rely upon the authority granted the agent as indicated herein and may act in reliance on such authority. Revocation or termination by operation of law is not effective as to a third party until he has actual knowledge thereof. I agree to indemnify and hold harmless the third party for any claims that arise against him because of reliance on this Provisional Custody by Mandate.

The undersigned agent does hereby accept the provisional custody of the children named herein.

witnesses, who sign these presents with the appearers and me, notary, after due reading of the whole.

WITNESSES:

(Parent, Tutor, or Tutrix)

(Other parent or Cotutor)

(Agent)

NOTARY PUBLIC

Acts 1992, No. 304, §2; Acts 1995, No. 235, §1.