

1 219698-1 : n : 03/31/2022 : AHP / ahp LSA2022-FLOOR'

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3 AMENDMENT TO HB314
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8 On page 2, after line 8, insert the following
9 language:

10 This bill would establish requirements for the
11 timing of a preliminary emergency hearing in a filed action
12 relating to child custody.
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14 On page 2, line 19, delete "Section 30-3-158" and
15 insert in lieu thereof the following:

16 Sections 30-3-152.1 and 30-3-158
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18 On page 3, line 2, after "plan;" insert the
19 following language:

20 to establish certain requirements with regard to
21 certain emergency hearings;
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23 On page 12, line 4, delete "Section 30-3-158 is" and
24 insert in lieu thereof the following language:

25 Sections 30-3-152.1 and 30-3-158 are
26

1 On page 12, after line 5, insert the following
2 language:

3 §30-3-152.1.

4 (a) This section shall be known as and may be cited
5 as the Tate Amendment.

6 (b) A party may request a preliminary emergency
7 hearing in a filed action. If a party files a verified motion
8 for an emergency custody order that concerns health, welfare
9 or safety risks to a minor child, a trial court shall set a
10 hearing within 72 hours of the service of the motion on the
11 other party. The party seeking said motion has the duty to
12 inform the court when the other party is served. Said hearing
13 may be held virtually by video or audio methods or may be held
14 in person at the discretion of the court. The party seeking
15 the motion must provide a court reporter unless otherwise
16 provided or waived by the other party. If the court determines
17 that the motion was filed without an emergency pending that
18 concerns health, welfare, or safety risks to the minor child,
19 the trial court shall have the discretion to award attorney's
20 fees to the party that improperly brought the motion or
21 petition.