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## **Provisional Custody by Mandate**

### ***Overview:***

The District Court in the State of Louisiana is the only court than can grant custody of a child. The District Court is deprived of this jurisdiction if there is a constituted Family Court because the Family Court would be a portion or division of the District Court that would be granted this power. Not even the City Courts or Justice of the Peace Courts can hear these matters. The form that you would file is a motion with a proceeding for a divorce for custody.

However, if there is no divorce proceeding or family proceeding, then they can be filed in a juvenile proceeding. Juvenile Courts are also a segment of the District Court just like Family Courts are. Again, the proper proceeding is a motion for a change of custody or a petition for a change of custody. Only an attorney can do this.

In spite of all of this, there is a notarial form for a change of custody, but this is purely for a temporary basis and usually so that the child can attend school with an aunt, uncle, Grandparent, etc., for a limited period of time. This is called Provisional Custody by Mandate. This is only good for up to one year. This is nothing more than a *specialized power of attorney*, or “mandate” as the name implies. The Provisional Custody does not convey guardianship and can be revoked at any time by the principal.

### ***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(ren).
2. Enroll the child(ren) in such schools or educational institutions as may be deemed necessary for the child(ren)’s due and proper education. *Please note, some school districts have rejected the use of this form.*
3. Discipline the child(ren) in such reasonable manner as may be necessary for the child(ren)’s 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(ren).
5. Authorize such child or children to apply for and obtain a Louisiana driver’s license. Should the agreement terminate prior to the terminate date herein, the person authorizing this agreement shall give the Office of Motor Vehicle notice of such termination.

### ***Recap:***

1. Valid for 1 year or expiration date of choice with 1 year.
2. Is a specialized power of attorney given from parent (or principal) to an “agent”.
3. Does NOT convey guardianship.
4. Can be revoked at any time by parent (or principal).

## Provisional Custody by Mandate

### Child(ren):

1. Name: \_\_\_\_\_  
Date of birth: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Social Security number: XXX-XX-\_\_\_\_\_
2. Name: \_\_\_\_\_  
Date of birth: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Social Security number: XXX-XX-\_\_\_\_\_
3. Name: \_\_\_\_\_  
Date of birth: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Social Security number: XXX-XX-\_\_\_\_\_
4. Name: \_\_\_\_\_  
Date of birth: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Social Security number: XXX-XX-\_\_\_\_\_

### Parent(s) or Tutor(s):

1. Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Parish: \_\_\_\_\_  
Please check one: I am the child(ren)'s: \_\_\_\_\_ Parent \_\_\_\_\_ Tutor  
Social Security number: XXX-XX-\_\_\_\_\_
2. Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Parish: \_\_\_\_\_  
Please check one: I am the child(ren)'s: \_\_\_\_\_ Parent \_\_\_\_\_ Tutor  
Social Security number: XXX-XX-\_\_\_\_\_

### Custodian(s):

1. Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Parish: \_\_\_\_\_  
Social Security number: XXX-XX-\_\_\_\_\_
2. Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Parish: \_\_\_\_\_  
Social Security number: XXX-XX-\_\_\_\_\_