



Louisiana Department of Public Safety
Office of Motor Vehicles
Policy 8.02 Provisional Custody by Mandate

Section: 1. Issuance of Driver's License

Effective Date: 04/27/1995

Revised Date: 06/15/2018

Authority:

[R.S. 9:951](#)

To view Louisiana Statutes: <http://www.legis.state.la.us/>

Definition:

- **Provisional Custody by Mandate** - provides parents acting jointly or, in the event of divorce or separation from bed and board, the natural tutor or co-tutors acting jointly, may authorize any person of legal age to provide for the care, custody and control of a minor child. The Provisional Custody by Mandate is a power of attorney whereby the parent(s), tutor or co-tutor(s) award custody of the minor child for a period of time, not to exceed one year.

Requirements:

- The Provisional Custody by Mandate must be executed in authentic form, (i.e. executed by the parent(s)/tutor/co-tutor and expressly accepted by the agent in the presence of a notary and two witnesses). Recommended form: [Provisional Custody by Mandate Form \(DPSMV2009\)](#).
- The provisional custody by mandate shall be effective for one year from the date of execution.
- The person that is awarded custody of the minor may sign for him to obtain a driver's license.
- The parent(s), natural tutor, or either natural co-tutor must submit a notarized affidavit agreeing to immediately notify the Office of Motor Vehicles of any change that would affect the custodial status of the minor during the period shown in the provisional custody mandate.
- **The provisional custody terminates:**
 - When revoked by either parent, by a natural tutor or by either natural co-tutor.
 - When the agent resigns or otherwise renounces the mandate.
 - Fifteen days after the death of either parent, natural tutor, or natural co-tutor.
 - Upon the qualification of a court appointed tutor or provisional tutor.
- **Note:** A Power of Attorney is also an acceptable document provided it contains the requirements listed above.

Related Policies:

Section 1, Policy 1.00 [Classes of Licenses and Age Requirements](#)

Section 1, Policy 6.01 [Driver Education Requirements](#)

Section 1, Policy 8.00 [Authorization\Licensing Of A Minor's Application For A Driver's License](#)

Section 1, Policy 16.00 [Privileges Cancelled At Parent's Request](#)