

Regular Session, 2009  
HOUSE BILL NO. 629

# ACT No. 427

BY REPRESENTATIVE LANDRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 46:2135(B) and (E) and Children's Code Article 1569(B) and (E), relative to temporary restraining orders in domestic abuse cases; to extend the period for the setting of the hearing of the rule to show cause; to extend the period for continuances of the rule to show cause; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2135(B) and (E) are hereby amended and reenacted to read as follows:

§2135. Temporary restraining order

\* \* \*

B. If a temporary restraining order is granted without notice, the matter shall be set within ~~fifteen~~ twenty-one days for a rule to show cause why the protective order should not be issued, at which time the petitioner must prove the allegations of abuse by a preponderance of the evidence. The defendant shall be given notice of the temporary restraining order and the hearing on the rule to show cause by service of process as required by law within twenty-four hours of the issuance of the order.

\* \* \*

E. If the hearing pursuant to ~~R.S. 46:2135(B) or (D)~~ Subsection B or D of this Section is continued, the court shall make or extend such temporary restraining orders as it deems necessary. Any continuance of a hearing ordered pursuant to ~~R.S. 46:2135(B) or (D)~~ Subsection B or D of this Section shall not exceed ~~ten~~ fifteen days, unless good cause is shown for further continuance.

\* \* \*

1 Section 2. Children's Code Article 1569(B) and (E) are hereby amended and  
2 reenacted to read as follows:

3 Art. 1569. Temporary restraining order

4 \* \* \*

5 B. If a temporary restraining order is granted without notice, the matter shall  
6 be set within ~~fifteen~~ twenty-one days for a rule to show cause why the protective  
7 order should not be issued, at which time the petitioner must prove the allegations  
8 of abuse by a preponderance of the evidence. The defendant shall be given notice  
9 of the temporary restraining order and the hearing on the rule to show cause by  
10 service of process as required by law.

11 \* \* \*

12 E. If the hearing pursuant to ~~Article 1570(B) or (D)~~ Paragraph B or D of this  
13 Article is continued, the court shall make or extend such temporary restraining order  
14 as it deems necessary. Any continuance of a hearing ordered pursuant to ~~Article~~  
15 ~~1570(B) or (D)~~ Paragraph B or D of this Article shall not exceed ~~ten~~ fifteen days,  
16 unless good cause is shown for further continuance.

17 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_