
DIGEST

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HB 123 Engrossed

2017 Regular Session

White

Abstract: Provides for spousal support, payment of costs, and priority in divorce proceedings based upon domestic abuse.

Present law provides grounds for divorce upon proof of physical or sexual abuse in the marriage as well as proof that a protective order or injunction was issued during the marriage, or if a protective order or no communication order was issued as a condition of bail, provided that a contradictory hearing was conducted.

Proposed law defines "physical abuse" and "sexual abuse" for purposes of present law.

Proposed law gives priority to divorces on grounds of physical abuse, sexual abuse, or in marriages in which a protective order or injunction has been issued over all other grounds for divorce, provided that the causes of action for divorce are set for hearing at the same time.

Proposed law requires that a petitioner not be assessed court costs or costs of service for a subpoena or the filing of a petition for divorce alleging sexual or physical abuse or when an injunction or protective order has been issued.

Present law allows a court discretion to assess attorney fees and costs in an action for divorce granted on the grounds of sexual or physical abuse or when an injunction or protective order has been issued.

Proposed law requires a court to assess fees and costs to the perpetrator in an action for divorce on the grounds of physical abuse, sexual abuse, or when an injunction or protective order has been issued.

Present law provides for costs and fees to be paid by the perpetrator in family violence cases.

Proposed law clarifies that costs of appeals are included in the costs and fees to be paid by the perpetrator in family violence cases.

(Amends C.C. Arts. 103(4) and (5), 112(B), and 2362.1(B) and R.S. 9:367; Adds C.C. Art. 112(E) and C.C.P. Art. 3941(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the

original bill:

1. Add that in order for a divorce to be granted on the grounds that a protective order or no communication order was issued as a condition of bail, a contradictory hearing must have occurred.
2. Eliminate language which would have exempted a petitioner for divorce under Civil Code Article 103(4) or (5) from prepaying court costs or costs of service or subpoena for the filing of the petition for divorce.
3. Add that actions for divorce filed pursuant to Civil Code Article 103(4) or (5) be set for hearing as expeditiously as possible and be given priority over other actions for divorce if the petitions are between the same parties and have been set for hearing at the same time.