

2018 Regular Session

SENATE BILL NO. 240

BY SENATOR MORRELL

COURTS. Provides relative to the Civil District Court for the parish of Orleans and domestic relations divisions. (8/1/18)

1 AN ACT  
2 To amend and reenact R.S. 13:1138, relative to the Civil District Court for the parish of  
3 Orleans; to provide relative to judgeships; to provide relative to domestic relations  
4 divisions; and to provide for related matters.  
5 Be it enacted by the Legislature of Louisiana:  
6 Section 1. R.S. 13:1138 is hereby amended and reenacted to read as follows:  
7 §1138. Domestic Relations ~~Division~~ **Section**  
8 A. ~~The judges of the Civil District Court for the parish of Orleans who are in~~  
9 ~~office on July 1, 1979 shall create the Domestic Relations Section of that court, by~~  
10 ~~rule of court adopted on or before December 1, 1979, by the judges sitting en banc.~~  
11 ~~The rule shall designate not less than two incumbent judges who shall be assigned~~  
12 ~~to the Domestic Relations Section in accordance with the rules of the Civil District~~  
13 ~~Court for the parish of Orleans. The Domestic Relations Section shall be assigned~~  
14 ~~all cases involving domestic relations problems as defined in this Section. **The Civil**~~  
15 **District Court for the parish of Orleans shall have a Domestic Relations Section**  
16 **composed of three divisions. The divisions shall be Division J, Division K, and**  
17 **a third division consisting of the first judgeship becoming vacant by death,**

1        **resignation, retirement, or removal on or after August 1, 2018.**

2                B.(1) ~~The first two judgeships becoming vacant by death, resignation,~~  
3        ~~retirement, or removal on or after August 15, 2011, shall be abolished and two new~~  
4        ~~judgeships shall be created and limited, pursuant to the provisions of Article V,~~  
5        ~~Section 15(A) of the Constitution of Louisiana, to family matters as provided by law,~~  
6        ~~including the domestic relations matters provided for in Subsection C of this Section.~~  
7        ~~In addition to such family and domestic relations matters, the judges provided for in~~  
8        ~~this Subsection may serve as a duty judge and shall have the same authority as other~~  
9        ~~judges of the court serving in the same capacity as a duty judge.~~

10              (2) ~~The provisions of this Section shall not apply to Divisions B and E unless~~  
11        ~~there is a vacancy in one or both of those divisions on or after February 1, 2012.~~

12              (3) ~~Upon creation of the judgeships provided in Paragraph (1) of this~~  
13        ~~Subsection, those judgeships shall be designated as Domestic Sections 1 and 2.~~

14              **The Domestic Relations Section shall be assigned all cases involving**  
15        **domestic relations and family matters as provided by law in accordance with**  
16        **the provisions of Article V, Section 15(A) of the Constitution of Louisiana. A**  
17        **judge serving in the Domestic Relations Section may additionally serve as a duty**  
18        **judge for the Civil District Court and in such capacity shall have the same**  
19        **authority as other judges of the court serving as duty judge.**

20              C.(1) Domestic relations matters shall include **but not be limited to the**  
21        **following:**

22              (a) Actions for divorce, annulment of marriage, establishment or disavowal  
23        of paternity of children, alimony, support of children, custody by habeas corpus or  
24        otherwise, visitation rights, and all matters incidental to any of the foregoing  
25        proceedings.

26              (b) The issuance, modification, or dissolution of conservatory writs for the  
27        protection of community property.

28              (c) The issuance of writs of fieri facias and garnishment under judgments for  
29        alimony, child support, and attorney fees, partition proceedings following divorce

