

RÉSUMÉ DIGEST

ACT 36 (SB 475)

2026 Regular Session

Miller

Existing law (C.C.P. Art. 1201) provides that citation and service are essential in all civil actions except summary and executory proceedings, divorce actions under present law (C.C. Art.102), and proceedings under the Children's Code. Further provides that without citation and service, all proceedings are absolutely null. New law retains existing law.

Existing law (C.C.P. Art 1201(C)) provides that service of the citation shall be requested on all named defendants within 90 days of commencement of the action. New law retains existing law.

Existing law provides that when a supplemental or amended petition is filed naming any additional defendant, service of citation shall be requested within 90 days of its filing, and the additional defendant shall be served with the original petition and the supplemental and amended petition. New law retains existing law.

Existing law provides that the requirement provided by existing law (C.C.P. Art. 1201(C)) shall be expressly waived by a defendant unless the defendant files, in accordance with the provisions of existing law (C.C.P. Art. 928), a declinatory exception of insufficiency of service of process specifically alleging the failure to timely request service of citation or a contradictory motion in accordance with prior law (C.C.P. Art. 1672(C)). New law retains existing law.

Existing law (C.C.P. Art. 1201(D)) provides that if not waived, a request for service of citation upon the defendant shall be considered timely if requested on the defendant within the time period provided by existing law, notwithstanding insufficient or erroneous service.

New law (C.C.P. Art. 1201(D)) provides that if not waived, a request for service of citation upon the defendant shall be considered timely if requested on the defendant within the time period provided by existing law and all fees specified by the clerk of court for service of citation are paid within the times provided by new law, notwithstanding insufficient or erroneous service.

New law provides that upon receipt of a request for service of citation pursuant to existing law, the clerk of court shall provide to the filing party a confirmation of receipt of the request and a statement of the initial fees for the requested service, which shall be paid within the 90 day period for requesting service in accordance with existing law.

New law provides that if additional fees are owed, the clerk of court shall provide to the filing party a statement of additional fees for the requested service, which shall be paid within the 90 day period for requesting service in accordance with existing law or within 30 days from the date of receipt of the statement of additional fees from the clerk of court, whichever period is longer.

New law provides that the provisions of existing law regarding the payment of fees for service of citation do not apply to litigants permitted to litigate without the payment of costs.

Existing law (C.C.P. Art. 1672) provides that a judgment dismissing an action shall be rendered upon application of any party, when the plaintiff fails to appear on the day set for trial. Further provides that in such case, the court shall determine whether the judgment of dismissal shall be with or without prejudice. New law retains existing law.

Existing law (C.C.P. Art 1672(C)) provides that a judgment dismissing an action without prejudice shall be rendered as to a person named as a defendant for whom service has not been requested within the time prescribed by existing law (C.C.P. Art. 1201(C) or C.C.P. Art. 3955) upon the sustaining of a declinatory exception filed by such defendant, or upon contradictory motion of any other party, unless good cause is shown why service could not be requested, in which case the court may order that service be effected within a specified time.

New law (C.C.P. Art. 1672(C)) provides that a judgment dismissing an action without prejudice shall be rendered as to a person named as a defendant for whom service has not

been requested or for whom all fees specified by the clerk of court for service of citation have not been paid within the times prescribed by existing law (C.C.P. Art. 1201 or C.C.P. Art. 3955) upon the sustaining of a declinatory exception filed by such defendant, or upon contradictory motion of any other party, unless good cause is shown why service could not be requested or all fees specified by the clerk of court for service of citation were not paid, in which case the court may order that service be effected and that a specific amount of fees for service of citation be paid within a specified time.

Existing law (C.C.P. Art. 3955) provided that when a petition for divorce is filed in accordance with existing law (C.C. Art. 102), service of the petition shall be requested on the defendant within 90 days of the filing of the petition. New law retains existing law.

Existing law (C.C.P. Art. 3955(D)) provides that if not waived, a request for service of citation upon the defendant shall be considered timely if requested on the defendant within the time period provided by prior law, notwithstanding insufficient or erroneous service.

New law provides that if not waived, a request for service of citation upon the defendant shall be considered timely if requested on the defendant within the time period provided by prior law and all fees specified by the clerk of court for service of citation are paid within the times provided by existing law, notwithstanding insufficient or erroneous service.

New law provides that if not waived, a request for service of citation upon the defendant shall be considered timely if requested on the defendant within the time period provided by existing law, notwithstanding insufficient or erroneous service.

New law provides that upon receipt of a request for service of citation pursuant to existing law, the clerk of court shall provide to the filing party a confirmation of receipt of the request and a statement of the initial fees for the requested service, which shall be paid within the 90 day period for requesting service in accordance with prior law.

New law provides that if additional fees are owed, the clerk of court shall provide to the filing party a statement of additional fees for the requested service, which shall be paid within the 90 day period for requesting service in accordance with existing law or within 30 days from the date of receipt of the statement of additional fees from the clerk of court, whichever period is longer.

New law provides that the provisions of existing law regarding the payment of fees for service of citation do not apply to litigants permitted to litigate without the payment of costs.

New law provides that the provisions of new law shall have prospective application only.

Effective August 1, 2026.

(Amends C.C.P. Arts. 1201(D), 1672(C), and 3955(D); adds C.C.P. Arts 1201(E) and (F) and 3955(E) and (F))