

Regular Session, 2011

HOUSE BILL NO. 255

BY REPRESENTATIVE BURRELL

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

FAMILY VIOLENCE: Authorizes domestic abuse advocates to assist petitioners in making an application for a protective order

1 AN ACT

2 To amend and reenact R.S. 46:2138 and Children's Code Article 1566, relative to domestic
3 abuse assistance; to provide for petitions for protective orders; to authorize clerical
4 assistance by domestic violence advocates; to provide for definitions; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:2138 is hereby amended and reenacted to read as follows:

8 §2138. Assistance; ~~of clerk of court; domestic abuse advocate~~

9 A. The clerk of court shall make forms available for making application for
10 protective orders under this Part, provide clerical assistance to the petitioner when
11 necessary, advise indigent applicants of the availability of filing in forma pauperis,
12 provide the necessary forms, as supplied by the judicial administrator's office,
13 Louisiana Supreme Court, and provide the services of a notary, where available, for
14 completion of the affidavit required in R.S. 46:2134(D).

15 B. Domestic abuse advocates may provide clerical assistance to petitioners
16 in making an application for a protective order in accordance with this Part.

17 C. For purposes of this Section, "domestic abuse advocate" means an
18 employee or representative of a community based shelter providing services to
19 victims of family violence or domestic abuse.

1 Section 2. Children's Code Article 1566 is hereby amended and reenacted to read as
2 follows:

3 Art. 1566. Assistance; ~~of clerk of court;~~ domestic abuse advocate

4 A. The clerk of court shall make forms available for making application for
5 protective orders under this Chapter, provide clerical assistance to the petitioner
6 when necessary, advise indigent applicants of the availability of filing in forma
7 pauperis, provide the necessary forms, and provide the services of a notary, where
8 available, for completion of the affidavit required in Article 1568. The forms shall
9 be prepared by the Judicial Administrator's Office, Louisiana Supreme Court.

10 B. Domestic abuse advocates may provide clerical assistance to petitioners
11 in making an application for a protective order in accordance with this Chapter.

12 C. For purposes of this Article, "domestic abuse advocate" means an
13 employee or representative of a community based shelter providing services to
14 victims of family violence or domestic abuse.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Burrell

HB No. 255

Abstract: Authorizes domestic abuse advocates to provide clerical assistance to petitioners in filing protective orders.

Present law provides that the clerk of court shall make forms available and provide assistance to petitioners in filing a protective order.

Proposed law retains present law and additionally authorizes domestic abuse advocates to provide clerical assistance to petitioners in filing a protective order.

Proposed law defines "domestic abuse advocate".

(Amends R.S. 46:2138 and Ch.C. Art. 1566)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Added definition of "domestic abuse advocate".

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Amended proposed law to provide that domestic abuse advocates may only provide clerical assistance to petitioners in applying for a protective order.