RÉSUMÉ DIGEST

ACT 34 (SB 67)   **2025 Regular Session**   **Foil**

Prior law (C.C.P Art. 2881) authorized ex parte probate if there is no objection and required objections to be made orally at a hearing or filed prior to the hearing.

New law authorizes ex parte probate if there is no objection.

Prior law (C.C.P. Art. 2882) provided for the procedure at probate hearings, including the opening of a testament, receiving proof of its making, reading, and paraphing the top and bottom of each page.

New law deletes prior law and provides that an objection to ex parte probate may be presented in an opposition and shall be filed.

Existing law (C.C.P. Art. 2889) provides for the deposition of witnesses by a petitioner for probate.

New law retains existing law and makes a technical change to a cross-reference.

Existing law (C.C.P. Art. 2890) provides for the proces verbal of probate.

New law retains existing law and makes technical changes.

Prior law (C.C.P. Art. 2901) provided for a contradictory hearing when an opposition is filed.

New law makes a technical change to a cross-reference and deletes the language relative to a reasonable delay when an oral objection is made to the ex parte probate.

Existing law (C.C.P. Art. 5181) provides for the privilege of litigating without the prior payment of costs.

New law retains existing law and specifically includes succession proceedings in the privilege.

Existing law (C.C.P. Art. 5186) provides for the account and payment of costs incurred by a party granted the right to litigate without the prior payment of costs.

New law retains existing law and provides that when a party is permitted to proceed without the payment of costs in a succession proceeding, the payment of costs due shall be ordered to be paid from the succession assets.

Effective August 1, 2025.

(Amends C.C.P. Arts. 2881, 2882, 2889, 2890, 2901, the heading of Chapter 5 of Title I of Book VI, and C.C.P. Arts. 5181(A) and 5186)