

# ACT No. 264

2018 Regular Session

HOUSE BILL NO. 100

BY REPRESENTATIVE WHITE

(On Recommendation of the Louisiana State Law Institute)

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AN ACT

To amend and reenact Civil Code Articles 2315.8(B) and 2362.1(B), Children's Code Article 1570.1(A), R.S. 9:367, and R.S. 46:2136.1(A), and to enact R.S. 9:314, relative to the award of costs and attorney fees; to provide for the assessment of costs and attorney fees in the Domestic Abuse Assistance Act and the Post-Separation Family Violence Relief Act; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Articles 2315.8(B) and 2362.1(B) are hereby amended and reenacted to read as follows:

Art. 2315.8. Liability for damages caused by domestic abuse

\* \* \*

B. Upon motion of the defendant or upon its own motion, if the court determines that any an action alleging domestic abuse seeking damages under this Article is frivolous or fraudulent, the court shall award costs of court, reasonable attorney fees, and any other related costs to the defendant and any other sanctions and relief requested pursuant to Code of Civil Procedure Article 863.

\* \* \*

Art. 2362.1. Obligation incurred in an action for divorce

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B. ~~Notwithstanding the provisions of Paragraph A of this Article, the court may assess~~ The obligation for attorney fees and costs incurred by the perpetrator of abuse or awarded against him in an action for divorce granted pursuant to Article



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Revision Comments - 2018

(a) This provision is consistent with the Post-Separation Family Violence Relief Act (*see* R.S. 9:367) and the Domestic Abuse Assistance Act (*see* R.S. 46:2136.1 and Ch.C. Art. 1570.1).

(b) *See* Civil Code Article 105, listing incidental actions in family law matters.

\* \* \*

§367. Costs

In any family violence case, all court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeal, evaluation fees, and expert witness fees incurred in furtherance of this Part shall be paid by the perpetrator of the family violence, including all costs of medical and psychological care for the abused spouse, or for any of the children, necessitated by the family violence.

Section 4. R.S. 46:2136.1(A) is hereby amended and reenacted to read as follows:

§2136.1. Costs paid by abuser

A. All court costs, attorney fees, costs of enforcement and ~~modifications~~ modification proceedings, costs of ~~appeals~~ appeal, evaluation fees, and expert witness fees incurred in maintaining or defending any proceeding concerning domestic abuse assistance in accordance with the provisions of this Part shall be paid by the perpetrator of the domestic violence, including all costs of medical and psychological care for the abused adult, or for any of the children, necessitated by the domestic violence.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_