

2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 42

BY REPRESENTATIVE COUSSAN

DIVORCE: Directs the Louisiana State Law Institute to study and make recommendations  
relative to the Uniform Collaborative Law Act

1 A CONCURRENT RESOLUTION

2 To authorize and direct the Louisiana State Law Institute to study and make specific  
3 recommendations for revisions to Louisiana laws in order for the legislature to adopt  
4 the Uniform Collaborative Law Act.

5 WHEREAS, the core commitments of a collaborative divorce are to negotiate a  
6 mutually acceptable resolution without having courts decide issues, maintain open  
7 communication and complete information sharing, and create shared solutions  
8 acknowledging the highest priorities of all; and

9 WHEREAS, collaborative family law strives to communicate respectfully and  
10 constructively between the parties to resolve legal issues promptly and economically; and

11 WHEREAS, through the collaborative divorce both spouses are represented by  
12 individually selected collaboratively trained counsel; and

13 WHEREAS, prior to commencing the collaborative process, all participants,  
14 including lawyers and clients, formally contract to work together to resolve all legal issues  
15 and both lawyers pledge not to litigate the case or treat the case in an adversarial manner;  
16 and

17 WHEREAS, collaborative law attorneys utilize a multi-disciplinary network of  
18 professionals to provide expertise and advice on issues relevant to the ultimate resolution;  
19 and

1           WHEREAS, collaborative law attorneys guide their clients to find creative solutions  
2 to problems with the assistance of neutral experts and with full consideration of the legal  
3 ramifications of agreements reached; and

4           WHEREAS, collaborative law attorneys remain committed to assisting clients in  
5 reaching agreements and overcoming impasses; and

6           WHEREAS, collaborative law attorneys do not prepare or file any document with  
7 the court except by agreement of all concerned; and

8           WHEREAS, a neutral financial professional can offer advice to the parties on how  
9 to ensure that the family derives the maximum benefit from the financial resources available;  
10 and

11           WHEREAS, a neutral facilitator or mental health professional can offer guidance,  
12 education, and the facilitation of discussions during the dissolution of the marriage,  
13 including providing a connection between the legal process and the parties' emotional  
14 process and enhance communication to reduce misunderstanding between the parties; and

15           WHEREAS, collaborative law professionals conduct meetings without the parties  
16 in order to promote improved communication and cooperation and nourish an environment  
17 that fosters analysis and reasoning to help generate options and create a positive context for  
18 resolution while giving both spouses control over the outcome; and

19           WHEREAS, the parties in a collaborative divorce shall participate in good faith to  
20 reach a negotiated agreement that focuses on the future while respecting their individual  
21 interests and concerns and the parties shall make full and fair disclosure of all facts pertinent  
22 to their legal matter to their attorney and to one another; and

23           WHEREAS, collaborative law attorneys are specially trained in the collaborative law  
24 process and committed to uphold standards of conduct and follow the guidelines of practice  
25 established by the International Academy of Collaborative Professionals; and

26           WHEREAS, the Uniform Collaborative Law Act was adopted in 2009 by the  
27 Uniform Law Commission and is therefore available to the individual states to enact as law;  
28 and

29           WHEREAS, twenty-three states, including our neighboring states of Texas, Florida,  
30 and Alabama, have adopted collaborative law as it applies in family law matters; and

1           WHEREAS, a guide for the Collaborative Participation Agreement for use under the  
2 Uniform Collaborative Law Act has been issued by the International Academy of  
3 Collaborative Professionals; and

4           WHEREAS, utilization of collaborative family law would relieve judges of the  
5 responsibility to find and appoint outside experts to facilitate certain divorce proceedings,  
6 especially in evaluations required in custody or visitation proceedings pursuant to R.S. 9:331  
7 and the appointment of independent mental health experts to assist in determining the best  
8 interest of the child pursuant to R.S. 9:355.15; and

9           WHEREAS, adoption of the Uniform Collaborative Law Act would be beneficial to  
10 the citizens of this state.

11           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
12 authorize and direct the Louisiana State Law Institute to study and make recommendations,  
13 if any, of specific revisions to state law to implement the Uniform Collaborative Law Act  
14 and other supporting legislation.

15           BE IT FURTHER RESOLVED that a copy of this Concurrent Resolution be  
16 transmitted to the director of the Louisiana State Law Institute and that the Louisiana State  
17 Law Institute report its findings and recommendations to the Legislature of Louisiana on or  
18 before April 28, 2023.

19           BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit  
20 one print copy and one electronic copy of any report produced pursuant to this Resolution  
21 to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

---

#### 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)]

---

HCR 42 Engrossed

2022 Regular Session

Coussan

Directs the La. State Law Institute to study and make recommendations, if any, of specific revisions to state law to implement the Uniform Collaborative Law Act and other supporting legislation.