

ACT No. 26

2026 Regular Session

HOUSE BILL NO. 57

BY REPRESENTATIVE VILLIO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

AN ACT

To amend and reenact R.S. 46:2135(A)(introductory paragraph), (B), and (D), relative to temporary restraining orders; to permit the consideration of certain evidence; to provide an opportunity to respond; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2135(A)(introductory paragraph), (B), and (D) are hereby amended and reenacted to read as follows:

§2135. Temporary restraining order

A. Upon good cause shown in an ex parte proceeding, the court may enter a temporary restraining order, without bond, as it deems necessary to protect from abuse the petitioner, any minor children, or any person alleged to be an incompetent. Any person who shows immediate and present danger of abuse shall constitute good cause for purposes of this Subsection. The court shall consider any and all past history of abuse, or threats thereof, in determining the existence of an immediate and present danger of abuse. There is no requirement that the abuse itself be recent, immediate, or present. The court, on its own motion, may also obtain and consider any and all past criminal history of the parties. The order may include but is not limited to the following:

* * *

B. If a temporary restraining order is granted without notice, the matter shall be set within twenty-one days for a rule to show cause why the protective order should not be issued, at which time the petitioner must prove the allegations of abuse by a preponderance of the evidence. If any criminal history has been considered, the

1 affected party shall be given the opportunity to rebut and to respond to the evidence
 2 used in the underlying proceeding. The defendant shall be given notice of the
 3 temporary restraining order and the hearing on the rule to show cause by service of
 4 process as required by law within twenty-four hours of the issuance of the order.

* * *

6 D. If no temporary restraining order has been granted, the court shall issue
 7 a rule to show cause why the protective order should not be issued, and set the rule
 8 for hearing on the earliest day that the business of the court will permit, but in any
 9 case within ten days from the date of service of the petition, at which time the
 10 petitioner must prove the allegations of abuse by a preponderance of the evidence.
 11 If any criminal history has been considered, the affected party shall be given the
 12 opportunity to rebut and to respond to the evidence used in the underlying
 13 proceeding. The defendant shall be given notice by service of process as required
 14 by law.

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____