
DIGEST

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HB 100 Engrossed

2018 Regular Session

White

Abstract: Provides for the award of attorney fees and the assessment of court costs in domestic abuse cases.

Present law (C.C. Art. 2315.8) provides for the award of punitive damages in a tort action based on acts of domestic abuse and provides consequences if the action brought is frivolous.

Proposed law retains present law and clarifies that the damages and consequences of a frivolous action under present law only relate to tort actions and do not relate to any action in which domestic abuse may be alleged.

Present law (C.C. Art. 2362.1) authorizes the court to assess attorney fees and costs in a divorce based on domestic abuse and provides that they are the separate obligation of the abuser.

Proposed law retains present law that classifies an obligation of attorney fees and costs awarded pursuant to a divorce based on domestic violence as a separate obligation but moves the authorization of the assessment to proposed law (R.S. 9:314).

Present law (Ch.C. Art. 1570.1) provides that in domestic abuse assistance cases, all court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeal, evaluation fees, and expert witness fees shall be paid by the perpetrator of the family violence.

Proposed law retains present law and makes grammatical corrections only.

Proposed law (R.S. 9:314) retains present law in C.C. Art. 2326.1 that authorizes the court to assess attorney fees and costs in a divorce based on domestic abuse.

Present law (R.S. 9:367) provides that in any family violence case, all court costs, attorney fees, evaluation fees, and expert witness fees shall be paid by the perpetrator of the family violence.

Proposed law retains present law and makes the award consistent with the Domestic Abuse Assistance Act by also including costs of enforcement and modification proceedings and costs of appeal.

Present law (R.S. 46:2136.1) provides that in domestic abuse assistance cases, all court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeal, evaluation fees, and expert witness fees shall be paid by the perpetrator of the family violence.

Proposed law retains present law and makes grammatical corrections only.

(Amends C.C. Arts. 2315.8(B) and 2362.1(B), Ch.C. Art. 1570.1(A), R.S. 9:367, and R.S. 46:2136.1(A); Adds R.S. 9:314)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Specify that the obligation for attorney fees and costs is a separate obligation of the perpetrator of domestic abuse.
2. Provide comments from the Louisiana State Law Institute.
3. Specify that all court costs, attorney fees, and other costs and fees are assessed against the perpetrator of domestic abuse.