

RÉSUMÉ DIGEST

ACT 264 (HB 100)

2018 Regular Session

White

Existing 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.

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

Existing 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.

New law retains existing 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 new law (R.S. 9:314).

Existing 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.

New law retains existing law and makes grammatical corrections only.

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

Existing 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.

New law retains existing 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.

Existing 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.

New law retains existing law and makes grammatical corrections only.

Effective August 1, 2018.

(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)