

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)]

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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.