

SENATE BILL NO. 255

BY SENATOR BARROW AND REPRESENTATIVES FREIBERG AND MOORE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

To amend and reenact Children's Code Article 1570.1 and R.S. 46:2136.1, relative to domestic abuse assistance; to provide relative to costs and fees associated with protective orders; to provide that failure to appear at a hearing for a protective order does not, in and of itself, constitute grounds for assessing costs and fees against a victim of domestic abuse; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 1570.1 is hereby amended and reenacted to read as follows:

Art. 1570.1. Costs paid by abuser

A. ~~All~~ **Except as provided in Paragraph B of this Article, all** court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeal, evaluation fees, and expert witness fees incurred in maintaining or defending any proceeding concerning domestic abuse assistance in accordance with the provisions of this Chapter shall be paid by the perpetrator of the domestic violence, including all costs of medical and psychological care for the abused adult, or for any of the children, necessitated by the domestic violence.

B. ~~However, if~~ **If** the court determines the petition was frivolous, the court may order the nonprevailing party to pay all court costs and reasonable attorney fees of the other party. **Failure to appear at a hearing on the petition shall not on its own constitute grounds for assessing court costs and fees against the petitioner.**

Section 2. R.S. 46:2136.1 is hereby amended and reenacted to read as follows:

§2136.1. Costs paid by abuser

A. ~~All~~ **Except as provided in Subsection B of this Section, all** court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeal,

1 evaluation fees, and expert witness fees incurred in maintaining or defending any
 2 proceeding concerning domestic abuse assistance in accordance with the provisions
 3 of this Part shall be paid by the perpetrator of the domestic violence, including all
 4 costs of medical and psychological care for the abused adult, or for any of the
 5 children, necessitated by the domestic violence.

6 B. ~~However, if~~ **If** the court determines the petition was frivolous, the court
 7 may order the nonprevailing party to pay all court costs and reasonable attorney fees
 8 of the other party. **Failure to appear at a hearing on the petition shall not on its**
 9 **own constitute grounds for assessing court costs and fees against the petitioner.**

10 Section 3. This Act shall become effective upon signature by the governor or, if not
 11 signed by the governor, upon expiration of the time for bills to become law without signature
 12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 14 effective on the day following such approval.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____