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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

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DIGEST

SB 188 Original

2024 Regular Session

Coussan

Proposed law (R.S. 9:377-377.19) adopts the Uniform Collaborative Law Act and limits its application to family law matters.

Proposed law (R.S. 9:377-377.1) provides for a short title and legislative intent, application, and construction.

Proposed law (R.S. 9:377.2) provides for definitions of key terms such as "collaborative family law process", "collaborative family law matter", and "collaborative family law communication."

Proposed law (R.S. 9:377.4) provides that the voluntary and contractual alternative dispute resolution method be in writing, be signed by the parties, describe the scope of the family law matter, and identify the attorney for each party.

Proposed law (R.S. 9:377.5) provides for the initiation and conclusion of a collaborative family law process. Proposed law further provides that a collaborative family law process terminates by giving notice to the other party, initiating a pleading, or requesting a court hearing or similar action.

Proposed law (R.S. 9:377.6) provides for a stay of the court proceedings once a collaborative family law participation agreement is filed with the court.

Proposed law (R.S. 9:377.7) authorizes a court, during a collaborative family law process, to enter an emergency order to protect the health, safety, and welfare of a party or family or household member.

Proposed law (R.S. 9:377.9-377.11) provides for the disqualification of a collaborative lawyer and members of his firm from appearing before a court in a proceeding related to the collaborative family law matter.

Proposed law (R.S. 9:377.12) requires the disclosure of information related to the collaborative family law matter without formal discovery.

Proposed law (R.S. 9:377.13) does not affect the professional responsibilities applicable to the participating licensed professionals.

Proposed law (R.S. 9:377.14) requires a collaborative attorney to assess and advise prospective parties as to whether a collaborative family law process is appropriate to resolve the parties' family law matter.

Proposed law (R.S. 9:377.15-377.18) provides for the confidentiality of collaborative family law communications and privileges against disclosure. Proposed law further provides for the waiver and limitations of privileges.

Proposed law (R.S. 9:377.19) authorizes courts to uphold collaborative family law participation agreements that fail to meet certain requirements based upon the parties' intent.

Effective August 1, 2024.

(Adds R.S. 9:377-377.19)