

RÉSUMÉ DIGEST

ACT 98 (SB 188)

2024 Regular Session

Coussan

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

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

New 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".

New 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.

New law (R.S. 9:377.5) provides for the initiation and conclusion of a collaborative family law process. New 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.

New 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.

New 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.

New 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.

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

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

New 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.

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

New 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)