

2026 Regular Session

HOUSE BILL NO. 57

BY REPRESENTATIVE VILLIO

EVIDENCE: Provides relative to evidence in temporary restraining order proceedings

1 AN ACT

2 To amend and reenact R.S. 46:2135(A)(introductory paragraph), (B), and (D), relative to  
3 temporary restraining orders; to permit the consideration of certain evidence; to  
4 provide an opportunity to respond; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:2135(A)(introductory paragraph), (B), and (D) are hereby  
7 amended and reenacted to read as follows:

8 §2135. Temporary restraining order

9 A. Upon good cause shown in an ex parte proceeding, the court may enter  
10 a temporary restraining order, without bond, as it deems necessary to protect from  
11 abuse the petitioner, any minor children, or any person alleged to be an incompetent.  
12 Any person who shows immediate and present danger of abuse shall constitute good  
13 cause for purposes of this Subsection. The court shall consider any and all past  
14 history of abuse, or threats thereof, in determining the existence of an immediate and  
15 present danger of abuse. There is no requirement that the abuse itself be recent,  
16 immediate, or present. The court, on its own motion, may also obtain and consider  
17 any and all past criminal history of the parties. The order may include but is not  
18 limited to the following:

19 \* \* \*

1           B. If a temporary restraining order is granted without notice, the matter shall  
2           be set within twenty-one days for a rule to show cause why the protective order  
3           should not be issued, at which time the petitioner must prove the allegations of abuse  
4           by a preponderance of the evidence. If any criminal history has been considered, the  
5           affected party shall be given the opportunity to rebut and to respond to the evidence  
6           used in the underlying proceeding. The defendant shall be given notice of the  
7           temporary restraining order and the hearing on the rule to show cause by service of  
8           process as required by law within twenty-four hours of the issuance of the order.

9                                   \*       \*       \*

10           D. If no temporary restraining order has been granted, the court shall issue  
11           a rule to show cause why the protective order should not be issued, and set the rule  
12           for hearing on the earliest day that the business of the court will permit, but in any  
13           case within ten days from the date of service of the petition, at which time the  
14           petitioner must prove the allegations of abuse by a preponderance of the evidence.  
15           If any criminal history has been considered, the affected party shall be given the  
16           opportunity to rebut and to respond to the evidence used in the underlying  
17           proceeding. The defendant shall be given notice by service of process as required  
18           by law.

19                                   \*       \*       \*

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#### 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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HB 57 Original

2026 Regular Session

Villio

**Abstract:** Permits the court to obtain and consider any and all past criminal history of parties in a temporary restraining order proceeding.

Present law permits the court to issue a temporary restraining order to protect from abuse in an ex-parte proceeding for good cause shown, and also authorizes the use of past history of abuse or threats to determine the existence of an immediate and present danger of abuse.

Proposed law retains present law and authorizes the court, on its own motion, to obtain and consider any and all past criminal history of the parties in a temporary restraining order proceeding.

Present law provides that a rule to show cause hearing is to be held within 21 days if a temporary restraining is issued without notice, and at the earliest business day, but no later than 10 days from the date of service of the petition, if no temporary restraining order has been granted. Also provides a notice requirement in either case.

Proposed law retains present law and allows a party affected by the use of criminal history in a temporary restraining order proceeding the opportunity to rebut and to respond to the evidence in the rule to show cause hearing.

(Amends R.S. 46:2135(A)(intro. para.), (B), and (D))