

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 * * *

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))