

Regular Session, 2014

HOUSE BILL NO. 840

BY REPRESENTATIVE NANCY LANDRY

FAMILY LAW: Provides relative to the transfer of actions in custody proceedings

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 74.2(E), relative to forum non
3 conveniens; to provide for the transfer of certain divorce proceedings; and to provide
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 74.2(E) is hereby amended and reenacted
7 to read as follows:

8 Art. 74.2. Custody proceedings; support; divorce; forum non conveniens

9 * * *

10 E. For the convenience of the parties and the witnesses and in the interest of
11 justice, a court, upon contradictory motion or upon its own motion after notice and
12 hearing, may transfer the custody or support proceeding to another court where the
13 proceeding might have been brought. If a court transfers a custody or support
14 proceeding pursuant to this Paragraph and that custody or support proceeding is
15 incidental to a divorce proceeding pending before that court, then the court shall also
16 transfer the related divorce proceeding and any other matter incidental to the divorce
17 proceeding, provided venue would have been proper under Article 3941 of this Code.

18 * * *

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)]

Nancy Landry

HB No. 840

Abstract: Requires a court to transfer all divorce proceedings and incidental matters when a custody or support proceeding incidental to the divorce has been transferred under forum non conveniens, provided venue would have been proper under the venue provisions for divorce.

Present law provides for venue in custody and support proceedings and authorizes a transfer in the discretion of the court for the convenience of the parties and witnesses and in the interest of justice.

Present law provides for venue for divorce and actions for annulment.

Proposed law retains present law and requires a transferring court to transfer all divorce proceedings and incidental matters related to the custody and support proceedings, provided the venue would have been proper under present law.

(Amends C.C.P. Art. 74.2(E))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Added requirement that venue to which divorce is transferred in conjunction with a custody or support proceeding has to be proper venue under C.C.P. Art. 3941.