

Regular Session, 2012

HOUSE BILL NO. 479

BY REPRESENTATIVE ABRAMSON

COURTS: Provides for an additional permanent domestic division in Orleans Parish

1 AN ACT

2 To amend and reenact R.S. 13:1138(B), (C), and (D) and to enact R.S. 13:1138(E), relative
3 to Orleans Parish Civil District Court judgeships; to abolish a specific judgeship
4 upon vacancy in the Civil District Court of Orleans Parish; to provide relative to the
5 creation and designation of an additional judgeship in a certain judicial district with
6 certain limited or specialized subject matter jurisdiction; to provide for compensation
7 of such judges; to provide for election and terms of office; to provide certain terms,
8 conditions, procedures, and requirements; to provide an effective date; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 13:1138(B), (C), and (D) are hereby amended and reenacted and R.S.
12 13:1138(E) is hereby enacted to read as follows:

13 §1138. Domestic Relations Divisions

14 * * *

15 B.(1) The first two judgeships becoming vacant by death, resignation,
16 retirement, or removal on or after August 15, 2011, shall be abolished and two new
17 judgeships shall be created and limited, pursuant to the provisions of Article V,
18 Section 15(A) of the Constitution of Louisiana, to family matters as provided by law,
19 including the domestic relations matters provided for in Subsection ~~E~~ D of this
20 Section.

1 (2) The provisions of this Section shall not apply to Divisions B and E unless
2 there is a vacancy in one or both of those divisions on or after February 1, 2012.

3 (3) Upon creation of the judgeships provided in Paragraph (1) of this
4 Subsection, those judgeships shall be designated as Domestic ~~Sections~~ Divisions 1
5 and 2.

6 C. When Division E becomes vacant by death, resignation, retirement, or
7 removal, that judgeship shall be abolished and a new judgeship shall be created and
8 limited, pursuant to the provisions of Article V, Section 15(A) of the Constitution of
9 Louisiana, to family matters as provided by law, including the domestic relations
10 matters provided for in Subsection D of this Section and shall be designated as
11 Domestic Division 3.

12 D.(1) Domestic relations matters shall include:

13 (a) Actions for divorce, annulment of marriage, establishment or disavowal
14 of paternity of children, alimony, support of children, custody by habeas corpus or
15 otherwise, visitation rights, and all matters incidental to any of the foregoing
16 proceedings.

17 (b) The issuance, modification, or dissolution of conservatory writs for the
18 protection of community property.

19 (c) The issuance of writs of fieri facias and garnishment under judgments for
20 alimony, child support, and attorney fees, partition proceedings following divorce
21 judgments, and suits for separation of property.

22 (2) For the purposes of this Subsection, family or domestic relations matters
23 shall not include tutorship proceedings.

24 ~~D.E.~~ The provisions of this Section shall apply to the Civil District Court for
25 the parish of Orleans or to the Forty-First Judicial District Court, whichever is
26 applicable, and shall supersede to the extent of conflict with any other provision of
27 law.

28 Section 2. The judge and his successors created by this Act shall be elected at large
29 and shall have jurisdiction throughout the applicable district. The individual to be elected

1 to the judgeship created by this Act shall be elected for a six-year term at the congressional
2 election held in 2014, and every sixth year thereafter. However, if any of the divisions
3 authorized by this Act are created earlier than January 1, 2015, the election to such division
4 shall be for a term which shall end December 31, 2014, and for six year terms thereafter.

5 Section 3. The judge and his successors created by this Act shall receive the same
6 compensation and expense allowances, payable from the same sources and in the same
7 manner, as are now or may hereafter be provided for other judges of the applicable district.
8 In the Civil District Court for the parish of Orleans, or the Forty-First Judicial District Court,
9 as applicable, the judge and his successors shall have the right to appoint a crier,
10 stenographer, and minute clerk for their own division, who shall perform the same duties and
11 receive the same compensation, payable in the same manner and from the same sources, as
12 similar officials in other divisions of the court.

13 Section 4. The provisions of this Act shall not reduce the term of office, the
14 compensation, or the jurisdiction of any other judge of the districts affected by this Act.

15 Section 5. This Act shall become effective August 15, 2012.

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)]

Abramson

HB No. 479

Abstract: Designates an additional judgeship in the Orleans Parish Civil Judicial District Court with permanent jurisdiction over family or domestic related matters.

Present law provides that the first two judgeships of Civil District Court of Orleans Parish becoming vacant by death, resignation, retirement, or removal shall be abolished effective Aug. 15, 2011.

Present law provides that two new judgeships will be created and limited to family matters and domestic relations matters.

Present law provides that Divisions B and E of the Civil District Court of Orleans Parish will not become a Domestic Relations Division, unless a vacancy in either division occurs on or after Feb. 1, 2012.

Present law provides that the two newly created domestic relations sections shall be designated as Domestic Sections 1 and 2.

Proposed law retains present law.

Proposed law requires a third judgeship to be abolished upon vacancy by death, resignation, retirement, or removal and requires the creation of a third judgeship to be limited to family law matters and domestic related matters.

Proposed law provides for the third judgeship of limited subject matter jurisdiction to be designated as Domestic Division 3.

Present law provides that domestic relations matter should include:

- (1) Actions for divorce, annulment of marriage, establishment or disavowal of paternity of children, alimony, support of children, custody by habeas corpus or otherwise, visitation rights, and all matters incidental to any of the foregoing proceedings.
- (2) The issuance, modification, or dissolution of conservatory writs for the protection of community property.
- (3) The issuance of writs of fieri facias and garnishment under judgments for alimony, child support, and attorney fees, partition proceedings following divorce judgments, and suits for separation of property.

Present law provides that family or domestic relations matters do not include tutorship proceedings.

Proposed law retains present law.

Proposed law provides that the individuals to be elected to the judgeships created in proposed law shall be elected for a six-year term at the congressional election held in 2014, and every sixth year thereafter. However, if any of the divisions authorized by proposed law is created earlier than Jan. 1, 2015, the election to such division shall be for a term which shall end Dec. 31, 2014, and for six-year terms thereafter.

Proposed law provides that the judges and their successors created by proposed law shall be elected at large and shall have jurisdiction throughout the applicable district.

Proposed law provides that the judges and their successors created by proposed law shall receive the same compensation and expense allowances, payable from the same sources and in the same manner, as are now or may hereafter be provided for other judges of the applicable district.

Proposed law does not reduce the term of office or the jurisdiction of any other judge of the districts affected by proposed law.

Effective Aug. 15, 2012.

(Amends R.S. 13:1138(B), (C), and (D); Adds R.S. 13:1138(E))