

2016 Regular Session

HOUSE BILL NO. 525

BY REPRESENTATIVE ROBBY CARTER

CIVIL/VENUE: Provides relative to venue in certain proceedings involving abuse

1 AN ACT

2 To amend and reenact R.S. 46:2133(C) and to enact R.S. 46:2133(D), relative to venue in
3 applications for protection from family violence; to provide for proper venue in
4 certain circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:2133(C) is hereby amended and reenacted and R.S. 46:2133(D)
7 is hereby enacted to read as follows:

8 §2133. Jurisdiction; venue; standing

9 * * *

10 C. Notwithstanding the venue provisions of Subsection B of this Section, in
11 a judicial district comprised of multiple parishes, in an emergency situation or to
12 comply with the time provisions provided for by this Part, a judge or hearing officer
13 may conduct a hearing in any parish within the judicial district.

14 D. An adult may seek relief under this Part by filing a petition with the court
15 alleging abuse by the defendant. Any parent, adult household member, or district
16 attorney may seek relief on behalf of any minor child or any person alleged to be
17 incompetent by filing a petition with the court alleging abuse by the defendant. A
18 petitioner's right to relief under this Part shall not be affected by leaving the
19 residence or household to avoid further abuse.

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)]

HB 525 Original

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Robby Carter

Abstract: Provides that in a judicial district comprised of multiple parishes, in an emergency situation or to comply with certain time limitations, a judge or hearing officer may conduct a hearing in any parish within the judicial district.

Present law provides that any court in this state empowered to hear family or juvenile matters shall have jurisdiction over domestic abuse proceedings.

Present law provides that venue is proper in the parish where: (1) the marital domicile is located or where the household is located; (2) the defendant resides; (3) the abuse is alleged to have been committed; (4) the petitioner resides; or (5) an action for annulment of marriage or for a divorce could be brought under present law.

Proposed law provides that in a judicial district comprised of multiple parishes, in an emergency situation or to comply with the time provisions provided for by present law, a judge or hearing officer may conduct a hearing in any parish within the judicial district.

(Amends R.S. 46:2133(C); Adds R.S. 46:2133(D))