The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lebra R. Bias.

DIGEST

SB 255 Original | 2022 Regular Session | Barrow

Present law provides that all court costs and fees incurred in maintaining or defending any proceeding concerning domestic abuse assistance in juvenile, family, and civil courts are to be paid by the perpetrator of the domestic violence, including all costs of medical and psychological care for the abused adult, or for any of the children, necessitated by the domestic violence.

Proposed law retains present law.

Present law provides that if the court determines that a petition in a domestic abuse case was frivolous, the court may order the nonprevailing party to pay all court costs and reasonable attorney fees of the other party.

Proposed law retains present law and adds that for purposes of present law, a "frivolous claim" means a claim that lacks merit under existing law and that cannot be supported by a good faith argument for the extension, modification, or reversal of existing law. Proposed law further provides that failure to appear at a hearing on the petition for a protective order cannot in and of itself constitute grounds for assessing court costs and fees against the petitioner.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends Ch.C. Art. 1570.1 and R.S. 46:2136.1)