

Regular Session, 2014

HOUSE BILL NO. 527

BY REPRESENTATIVE PEARSON

COURTS: Relative to Family Court in the 22nd Judicial District Court

1 AN ACT

2 To amend and reenact R.S. 13:621.22 and to repeal Section 2 of Act No. 344 of the 2008
3 Regular Session, relative to the Twenty-Second Judicial District Court; to provide
4 for two additional judgeships and their respective subject matter jurisdictions; to
5 provide for the compensation relative to the additional judgeships; to provide for the
6 election and term of the offices and their successors; to provide for an effective date;
7 to repeal uncodified law; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:621.22 is hereby amended and reenacted to read as follows:

10 §621.22. Twenty-Second Judicial District

11 A. The Twenty-Second Judicial District Court shall have twelve judges,
12 including the two additional judgeships created in Subsection B of this Section.

13 B. There is hereby created two additional district judgeships for the Twenty-
14 Second Judicial District for the parishes of St. Tammany and Washington.

15 (1) The first additional judge provided for in this Subsection and his
16 successors shall preside over Division K, which is hereby created for purposes of
17 nomination, election, and subject matter only. The subject matter jurisdiction of
18 Division K is limited, under the provisions of Article V, Section 15(A) of the
19 Constitution of Louisiana, to family and juvenile matters as provided by law.

1 (2) The second additional judge provided for in this Subsection and his
2 successors shall preside over Division L, which is hereby created for purposes of
3 nomination, election, and subject matter only. The subject matter jurisdiction of
4 Division L is limited, under the provisions of Article V, Section 15(A) of the
5 Constitution of Louisiana, to family and juvenile matters as provided by law.

6 (3) For purposes of this Subsection, "family and juvenile matters" shall
7 include all actions arising under Titles IV, V, and VII of Book I and Title VI of Book
8 III of the Louisiana Civil Code and related provisions of the Louisiana Civil Code
9 Ancillaries, all actions arising under the Louisiana Children's Code, adoptions arising
10 under the Louisiana Civil Code, actions involving protection from family violence
11 pursuant to R.S. 46:2131 et seq., and actions for enforcement, collection of support,
12 and paternity pursuant to R.S. 46:236.1.1 et seq., as well as all actions involving or
13 incidental to the following:

14 (a) Marriage.

15 (b) Nullity of Marriage.

16 (c) Judicial Separation.

17 (d) Spousal Support.

18 (e) Protection from abuse, including those matters authorized by the
19 following statutes or as authorized by the corresponding successor law or statute:
20 Louisiana Children's Code, R.S. 9:371, et seq., R.S. 9:575 et seq., R.S. 46:2151 et
21 seq., and R.S. 46:2131 et seq.

22 (f) Divorce.

23 (g) Claim for contributions to education and training.

24 (h) Matrimonial regimes, partition of community property, partition of co-
25 owned property acquired by the spouses during a separate property regime, use of
26 separate property and Title VI of Book III of the Louisiana Civil Code, regarding
27 ownership in indivision.

28 (i) Paternity.

29 (j) Filiation.

1 (k) Adoption.

2 (l) Title VIII of Book I of the Louisiana Civil Code, regarding emancipation.

3 (m) Child custody and visitation.

4 (n) Child Support.

5 (4) For purposes of this Subsection "juvenile matters" shall include but not
6 be limited to all actions arising under or incidental to the Louisiana Children's Code.

7 (5) For purposes of this Subsection, the subject matter jurisdiction shall also
8 include all actions incidental to all matters listed in Paragraphs (3) and (4) of this
9 Subsection, including but not limited to contempt, civil warrants, writs of habeas
10 corpus, curatorship, change of name, prenuptial or separate property agreements,
11 interspousal donations, lesions, and challenge to consent judgment.

12 C. The judges and their successors created by this Section shall be elected
13 as provided by Article V, Section 22 of the Constitution of Louisiana, and each shall
14 serve a term which shall begin on January 1, 2009, which shall expire at the same
15 time as is provided by law for the other judges of the court. Thereafter, each
16 successor to the judges provided for in this Section shall be elected at the same time
17 and in the same manner, and shall serve the same terms as now or may be provided
18 hereafter for other judges of the court.

19 D. The judges and their successors created by this Section shall have
20 jurisdiction throughout the district and receive the same compensation and expense
21 allowances, payable from the same sources and in the same manner, as are provided
22 for other judges of the Twenty-Second Judicial District.

23 E. The jurisdiction or term of office of any other judge of the district shall
24 not be affected or reduced by the creation of the judgeships.

25 Section 2. Section 2 of Act No. 344 of the 2008 Regular Session of the Legislature
26 is hereby repealed in its entirety.

27 Section 3. The provisions of this Act shall be given prospective and retroactive
28 application and include all actions taken by Divisions K and L of the Twenty-Second
29 Judicial District Court.

1 Section 4. If any provision of this Act or the application thereof is held invalid, such
2 invalidity shall not affect other provisions or applications of this Act which can be given
3 effect without the invalid provisions or applications, and to this end the provisions of this
4 Act are hereby declared severable.

5 Section 5. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

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)]

Pearson

HB No. 527

Abstract: Provides for two judgeships and their respective jurisdictions for the 22nd Judicial District.

Present law provides for 12 judges for the 22nd JDC for the parishes of St. Tammany and Washington.

Proposed law retains present law.

Present law (uncodified law) creates two additional district judgeships for the 22nd JDC and provides for their respective divisions and specific subject matter jurisdiction.

Proposed law codifies present law and creates two additional district judgeships for the 22nd JDC for the parishes of St. Tammany and Washington.

Proposed law provides for the two judgeships to preside over Divisions K and L respectively with subject matter jurisdiction limited to family and juvenile matters.

Proposed law provides the term "family and juvenile matters" to include all actions arising under Titles IV, V, and VII of Book I, and Title VI of Book III of the La. Civ. Code, and ancillaries, the Louisiana Children's Code, adoptions under the La. Civ. Code, actions involving protection from family violence pursuant to current law (R.S. 46:2131 et seq.) and actions for enforcement, collection of support, and paternity pursuant to present law (R.S. 46:236.5) and actions involving and incidental to certain matters.

Proposed law authorizes subject matter jurisdiction of Divisions K and L to include contempt, civil warrants, writs of habeas corpus, curatorship, change of name, prenuptial or separate property agreements, interspousal donations, lesions, and challenge to consent judgment.

Proposed law provides that the judges and their successors will be elected in the same manner and serve the same terms of office, and receive the same compensation and expenses as the other judges of the 22nd JDC.

Proposed law prohibits the jurisdiction or term of office of any other judge from being affected or reduced by the creation of the judgeships.

Proposed law requires prospective and retroactive application and includes all actions taken by Divisions K and L of the 22nd JDC.

Proposed law provides for a severability clause.

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

(Amends R.S. 13:621.22; Repeals Section 2 of Act No. 344 of the 2008 R.S.)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Made technical amendments.