Louisiana Code of Civil Procedure 2025, Updated Articles

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Art. 10. Jurisdiction over status

A. A court which is otherwise competent under the laws of this state has jurisdiction of the following actions or proceedings only under the following conditions:

(1) An adoption proceeding in accordance with Title XII of the Children's Code, if the surrendering parent of the child, a prospective adoptive parent, the adoptive parent or parents, or any parent of the child has been domiciled in this state for at least eight months, or if the child is in the custody of the Department of Children and Family Services; and an adoption proceeding in accordance with Civil Code Article 212, if either party to the adoption of an adult is domiciled in this state.

(2) An emancipation proceeding if the minor is domiciled in this state.

(3) An interdiction proceeding brought pursuant to the provisions of the Louisiana Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

(4) A tutorship or curatorship proceeding if the minor or absentee, as the case may be, is domiciled in this state or has property herein.

(5) A proceeding to obtain the legal custody of a minor if he is domiciled in, or is in, this state.

(6) An action to annul a marriage if one or both of the parties are domiciled in this state.

(7) An action of divorce, if, at the time of filing, one or both of the spouses are domiciled in this state.

(8) Unless otherwise provided by law, an action to establish parentage and support or to disavow parentage if the child is domiciled in or is in this state, and was either born in this state, born out of state while its mother was domiciled in this state, or acknowledged in this state. However, regardless of the location of the child or its place of birth, an action to disavow may be

brought if the person seeking to disavow was domiciled in this state at the time of conception and birth and is presumed to be its parent under the laws of this state.
NOTE: Subparagraph (9) eff. until Jan. 1, 2025.

(9) A proceeding for support of an adult child with a disability, as provided in R.S. 9:315.22(E), if he is domiciled in, or is in, this state
NOTE: Subparagraph (9) eff. Jan. 1, 2025.

(9) A proceeding for support of an adult child with a disability, as provided in R.S. 9:315.22.1, if he is domiciled in, or is in, this state.

B. For purposes of Subparagraphs (6) and (7) of Paragraph A of this Article, if a spouse has established and maintained a residence in a parish of this state for a period of six months, there shall be a rebuttable presumption that he has a domicile in this state in the parish of such residence.

Amended by Acts 1968, No. 172, §1; Acts 1980, No. 764, §1; Acts 1990, No. 1009, §4, eff. Jan. 1, 1991; Acts 1999, No. 1243, §1, eff. Jan. 1, 2000; Acts 1999, No. 1263, §1, eff. Jan. 1, 2000; Acts 2001, No. 567, §2; Acts 2001, No. 1064, §1; Acts 2008, No. 351, §2, eff. Jan. 1, 2009; Acts 2015, No. 379, §2, eff. Aug. 1, 2016; Acts 2016, No. 333, §2; Acts 2024, No. 448, §1, eff. Jan. 1, 2025.

Art. 42. General rules

The general rules of venue are that an action against:

(1) An individual who is domiciled in the state shall be brought in the parish of his domicile; or if he resides but is not domiciled in the state, in the parish of his residence.

(2) A domestic corporation, a domestic insurer, or a domestic limited liability company shall be brought in the parish where its registered office is located.

(3) A domestic partnership, or a domestic unincorporated association, shall be brought in the parish where its principal business establishment is located.

(4) A foreign corporation or foreign limited liability company licensed to do business in this state shall be brought in the parish where its principal business establishment is located as designated in its application to do business in the state, or, if no such designation is made, then in the parish where its primary place of business in the state is located.

(5) A foreign corporation or a foreign limited liability company not licensed to do business in the state, or a nonresident who has not appointed an agent for the service of process in the manner provided by law, shall be brought in the parish of the plaintiff's domicile or in a parish where the process may be, and subsequently is, served on the defendant except when service is made pursuant to R.S. 22:335.

(6) A nonresident, other than a foreign corporation, who has appointed an agent for the service of process in the manner provided by law, shall be brought in the parish of the designated post office address of an agent for the service of process.

(7) Repealed by Acts 2024, No. 595, §3.

Amended by Acts 1961, No. 23, §1; Acts 1990, No. 487, §1; Acts 1999, No. 145, §2; Acts 2001, No. 23, §1; Acts 2003, No. 545, §1; Acts 2012, No. 126, §1; Acts 2024, No. 595, §§1, 3; Acts 2024, No. 789, §§1, 2.

NOTE: Acts 2024, No. 595, §2, amended and reenacted Article 42(5) and (6). These amendments were superseded by Acts 2024, No. 789, §§1 and 2.

Art. 192.2. Appointment of interpreter for non-English-speaking persons

A. If a non-English-speaking person who is a party or a witness in a proceeding before the court has requested that the court appoint an interpreter for the proceeding, a judge shall appoint an interpreter in accordance with the Code of Evidence and the Rules of the Louisiana Supreme Court.

B. Notwithstanding any other provision of law to the contrary, the court shall order payment to the court-appointed interpreter for his services at a fixed reasonable amount, and that amount shall be paid out of the appropriate court fund.

C. In a proceeding alleging abuse in accordance with R.S. 46:2134 et seq., an interpreter, if necessary, shall be appointed prior to a rule to show cause hearing.

Acts 2008, No. 882, §1; Acts 2019, No. 406, §1, eff. June 20, 2019; Acts 2021, No. 207, §1, eff. June 11, 2021; Acts 2024, No. 32, §1.

Art. 195.1. Judicial proceedings by remote technology

A. In any civil proceeding that does not require witness testimony or the introduction of evidence, a party may provide written notice to the court at least ten days prior to the scheduled hearing date that the party will appear remotely. Provided the court has the requisite technology, the court shall allow the party to appear by any audio-visual means, unless the court provides written reasons declining the remote appearance for good cause.

B.(1) When allowing a remote appearance pursuant to this Article, the court shall ensure that the technology enables all parties, whether appearing remotely or in person, to fully participate.

(2) The court shall require that a remote appearance by a party abide by any necessary privacy and security requirements appropriate for the conference, hearing, proceeding, or trial as established by the court.

C. The court shall have a process for a party, court reporter, or other court personnel to alert of any technology or audibility issues arising during a remote proceeding.

D. A judge trial may be conducted by any audio-visual means with the consent of all parties and permission of the court.

Acts 2022, No. 372, §1; Acts 2024, No. 463, §1.

Art. 253. Pleadings, documents, and exhibits to be filed with clerk

A. All pleadings or documents to be filed in an action or proceeding instituted or pending in a court, and all exhibits introduced in evidence, shall be delivered or transmitted to the clerk of the court for that purpose. The clerk of court shall endorse thereon the fact and date of filing and

shall retain possession thereof for inclusion in the record, or in the files of the clerk's office, as required by law. The endorsement of the fact and date of filing shall be made upon receipt of the pleadings or documents by the clerk of court and shall be made without regard to whether there are orders in connection therewith to be signed by the court.

B.(1) The filings as provided in Paragraph A of this Article and all other provisions of this Chapter may be transmitted electronically in accordance with a system established by the clerk of court. The clerk of court shall adopt a system for the electronic filing and storage of any pleading, document, or exhibit filed with a pleading. A pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing. Public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to paper filings.

(2) On and after January 1, 2026, all filings as provided in Paragraph A of this Article and all other provisions of this Chapter filed by an attorney shall be transmitted electronically in accordance with a system established by a clerk of court or by Louisiana Clerks' Remote Access Authority. The filer shall be responsible for ensuring that private information is not included in filings. No filing shall include the first five digits of any social security number, tax identification numbers, state identification numbers, driver's license numbers, financial account numbers, full dates of birth, or any information protected from disclosure by state or federal law. The clerk of court shall adopt a system for the electronic filing and storage of any pleading, document, or exhibit filed with a pleading. A pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing. Public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to paper filings.

C. The clerk of court may convert into an electronic record any pleading, document, or exhibit that is filed in paper form. If requested by the filing party, the clerk of court shall return to the filing party the original of any document or exhibit that has been converted into an electronic record.

D. The official record shall be the electronic record. The original of any filed document or exhibit shall be maintained by the filing party during the pendency of the proceeding and until the judgment becomes final and definitive, unless otherwise provided by law or order of the court. Upon request and reasonable notice, the original document or exhibit shall be produced to the court. Upon reasonable notice, the original document or exhibit shall be made available to the opposing party for inspection.

E. Unless otherwise directed by the court, the original of all documents and exhibits introduced or proffered into evidence, submitted with a petition for executory process, or filed in a summary judgment proceeding shall be retained by the clerk of court until the order or judgment becomes final and definitive.

F. A judge or justice presiding over a court in this state may sign a court order, notice, official court document, and other writings required to be executed in connection with court proceedings by use of an electronic signature as defined by R.S. 9:2602.

G. If the filing party fails to comply with any of the requirements of Paragraph A or Subparagraph (B)(1) of this Article, the electronic filing shall have no force or effect. A court may provide by court rule for other matters related to filings by electronic transmission.

H. The clerk of court may procure equipment, services, and supplies necessary to accommodate electronic filings out of the clerk's salary fund.

I. All electronic filings shall include an electronic signature. For the purpose of this Article, "electronic signature" means an electronic symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

J. The clerk of court shall not refuse to accept for filing any pleading or other document that is signed by electronic signature and executed in connection with court proceedings, or that complies with the procedures for electronic filing implemented pursuant to this Article, solely on the ground that the pleading or document was signed by electronic signature.

K. Upon adoption of uniform filing standards by the LCRAA, no clerk of court shall accept a filing not in accordance with the adopted standards.

Amended by Acts 1980, No. 355, §1; Acts 1985, No. 457, §1; Acts 2001, No. 319, §2; Acts 2010, No. 461, §1; Acts 2014, No. 606, §1; Acts 2017, No. 419, §4, eff. Jan. 1, 2018; Acts 2020, No. 264, §3; Acts 2022, No. 318, §1; Acts 2023, No. 272, §1; Acts 2024, No. 694, §4.

NOTE: Acts 2024, No. 501, §1, and Acts 2024, No. 694, §2, amended and reenacted Article 253. However, these changes were superseded by Acts 2024, No. 694, §§4 and 6(B).

Art. 258. Redesignated as R.S. 44:119 by Acts 2024, No. 501, §5.

Art. 855.1. Pleadings for unconstitutionality of state law

All civil actions alleging that a law is unconstitutional shall be in writing and be brought in an ordinary proceeding. The pleading shall be served upon the attorney general of the state in accordance with Article 1314. Upon proper service, the attorney general shall have thirty days to respond to the allegations or represent or supervise the interests of the state.

Acts 2024, 2nd Ex. Sess., No. 12, §1.

Art. 863. Signing of pleadings; effect

A. Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose physical address and email address for service of process shall be stated. A party who is not represented by an attorney shall sign his pleading and state his physical address and email address, if the party has an email address, for service of process. If mail is not received at the physical address for service of process, a designated mailing address shall also be provided. A party or attorney may sign a pleading by electronic signature in accordance with Article 253.

B. Pleadings need not be verified or accompanied by affidavit or certificate, except as otherwise provided by law, but the signature of an attorney or party shall constitute a certification by him that he has read the pleading, and that to the best of his knowledge, information, and belief formed after reasonable inquiry, he certifies all of the following:

(1) The pleading is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

(2) Each claim, defense, or other legal assertion in the pleading is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law.

(3) Each allegation or other factual assertion in the pleading has evidentiary support or, for a specifically identified allegation or factual assertion, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

(4) Each denial in the pleading of a factual assertion is warranted by the evidence or, for a specifically identified denial, is reasonably based on a lack of information or belief.

C. If a pleading is not signed, it shall be stricken unless promptly signed after the omission is called to the attention of the pleader.

D. If, upon motion of any party or upon its own motion, the court determines that a certification has been made in violation of the provisions of this Article, the court shall impose upon the person who made the certification or the represented party, or both, an appropriate sanction which may include an order to pay to the other party the amount of the reasonable expenses incurred because of the filing of the pleading, including reasonable attorney fees.

E. A sanction authorized in Paragraph D shall be imposed only after a hearing at which any party or his counsel may present any evidence or argument relevant to the issue of imposition of the sanction.

F. A sanction authorized in Paragraph D shall not be imposed with respect to an original petition which is filed within sixty days of an applicable prescriptive date and then voluntarily dismissed within ninety days after its filing or on the date of a hearing on the pleading, whichever is earlier.

G. If the court imposes a sanction, it shall describe the conduct determined to constitute a violation of the provisions of this Article and explain the basis for the sanction imposed.

Acts 1988, No. 442, §1, eff. Jan. 1, 1989; Acts 2010, No. 540, §1; Acts 2020, No. 13, §1; Acts 2021, No. 68, §1, eff. Jan. 1, 2022; Acts 2024, No. 371, §1.

NOTE: SEE ACTS 1988, NO. 442, §2.

Art. 970. Motion for judgment on offer of judgment

A. After an opportunity for adequate discovery, but not less than twenty days before the time specified for the trial of the matter, without any admission of liability, any party may serve upon an adverse party an offer of judgment for the purpose of settling all of the claims between them. The offer of judgment shall be in writing and state that it is made under this Article; specify the total amount of money of the settlement offer; and specify whether that amount is inclusive or exclusive of costs, interest, attorney fees, and any other amount which may be awarded pursuant to statute or rule. Unless accepted, an offer of judgment shall remain confidential between the offeror and offeree. If the adverse party, within ten days after service, serves written notice that the offer is accepted, either party may move for judgment on the offer. The court shall grant such judgment on the motion of either party.

B. An offer of judgment not accepted shall be deemed withdrawn and evidence of an offer of judgment shall not be admissible except in a proceeding to determine costs pursuant to this Article.

C. If the final judgment obtained by the plaintiff-offeree is at least twenty-five percent less than the amount of the offer of judgment made by the defendant-offeror, or if the final judgment obtained against the defendant-offeree is at least twenty-five percent greater than the amount of the offer of judgment made by the plaintiff-offeror, or if the final judgment is in favor of the defendant-offeror, the offeree must pay the offeror's costs, exclusive of attorney fees, incurred after the offer was made, as fixed by the court.

D. The fact that an offer is made but not accepted does not preclude a subsequent offer or a counter offer. When the liability of one party to another has been determined by verdict, order, or judgment, but the amount or extent of the damages remains to be determined by future proceedings, either party may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than thirty days before the start of hearings to determine the amount or extent of damages.

E. For purposes of comparing the amount of money offered in the offer of judgment to the final judgment obtained, which judgment shall take into account any additur or remittitur, the final judgment obtained shall not include any amounts attributable to costs, interest, or attorney fees, or to any other amount which may be awarded pursuant to statute or rule, unless such amount was expressly included in the offer.

F. A judgment granted on a motion for judgment on an offer of judgment is a final judgment when signed by the judge; however, an appeal cannot be taken by a party who has consented to the judgment.

Acts 1996, 1st Ex. Sess., No. 60, §1, eff. May 9, 1996; Acts 1997, No. 354, §1; Acts 2012, No. 557, §1; Acts 2024, No. 502, §1.

Art. 1425. Experts; pretrial disclosures; scope of discovery

A. A party may through interrogatories or by deposition require any other party to identify each person who may be used at trial to present evidence under Articles 702 through 705 of the Louisiana Code of Evidence.

B. Upon contradictory motion of any party or on the court's own motion, an order may be entered requiring that each party that has retained or specially employed a person to provide expert testimony in the case or whose duties as an employee of the party regularly involve giving expert testimony provide a written report prepared and signed by the witness. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor and the data or other information considered by the witness in forming the opinions. The parties, upon agreement, or if ordered by the court, shall include in the report any or all of the following: exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the study and testimony; a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

C. If the court orders the disclosures of Paragraph B of this Article, they shall be made at the times and in the sequence directed by the court. In the absence of directions from the court or stipulation by the parties, the disclosures ordered pursuant to Paragraph B of this Article shall be made at least ninety days before the trial date or, if the evidence is intended solely to contradict or

rebut evidence on the same subject matter identified by another party under Paragraph B of this Article, within thirty days after the disclosure made by the other party. The parties shall supplement these disclosures when required by Article 1428.

D.(1) Except as otherwise provided in Paragraph E of this Article, a party may, through interrogatories, deposition, and a request for documents and tangible things, discover facts known or opinions held by any person who has been identified as an expert whose opinions may be presented at trial. If a report from the expert is required under Paragraph B, the deposition shall not be conducted until after the report is provided.

(2) A party may, through interrogatories or by deposition, discover facts known by and opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, only as provided in Article 1465 or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(3) Unless manifest injustice would result, the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under this Paragraph; and with respect to discovery obtained under Subparagraph (2) of this Paragraph, the court shall also require the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

E.(1) The expert's drafts of a report required under Paragraph B of this Article, and communications, including notes and electronically stored information or portions thereof that would reveal the mental impressions, opinions, or trial strategy of the attorney for the party who has retained the expert to testify, shall not be discoverable except, in either case, on a showing of exceptional circumstances under which it is impractical for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(2) Nothing in this Article shall preclude opposing counsel from obtaining any facts or data the expert is relying on in forming his opinion, including that coming from counsel, or from otherwise inquiring fully of an expert into what facts or data the expert considered, whether the expert considered alternative approaches, or into the validity of the expert's opinions.

F.(1) A party seeking to challenge whether a witness qualifies as an expert or whether the methodologies employed by the witness are reliable under Code of Evidence Articles 702 through 705 shall file a motion for a pretrial hearing. The motion shall be filed not later than sixty days prior to trial and shall set forth sufficient allegations showing the necessity for these determinations by the court.

(2) The court shall hold a contradictory hearing and shall rule on the motion not later than thirty days prior to the trial. At the hearing, the court shall consider the qualifications and methodologies of the proposed witness based upon the provisions of Code of Evidence Articles 104(A) and 702 through 705. For good cause shown, the court may allow live testimony at the contradictory hearing.

(3) If the ruling of the court is made at the conclusion of the hearing, the court shall recite orally its findings of fact, conclusions of law, and reasons for judgment. If the matter is taken under advisement, the court shall render its ruling and provide written findings of fact, conclusions of law, and reasons for judgment not later than five days after the hearing.

(4) The findings of facts, conclusions of law, and reasons for judgment shall be made part of the record of the proceedings. The findings of facts, conclusions of law, and reasons for judgment shall specifically include and address:

(a) The elements required to be satisfied for a person to testify under Articles 702 through 705 of the Louisiana Code of Evidence.

(b) The evidence presented at the hearing to satisfy the requirements of Articles 702 through 705 of the Louisiana Code of Evidence at trial.

(c) A decision by the judge as to whether or not a person shall be allowed to testify under Articles 702 through 705 of the Louisiana Code of Evidence at trial.

(d) The reasons of the judge detailing in law and fact why a person shall be allowed or disallowed to testify under Articles 702 through 705 of the Louisiana Code of Evidence.

(5) A ruling of the court pursuant to a hearing held in accordance with the provisions of this Paragraph shall be subject to appellate review as provided by law.

(6) Notwithstanding the time limitations in Subparagraphs (1), (2), and (3) of this Paragraph, by unanimous consent of the parties, and with approval by the court, a motion under this Paragraph may be filed, heard, and ruled upon by the court at any time prior to trial. The ruling by the court on such motion shall include findings of fact, conclusions of law, and reasons for judgment complying with the provisions of Subparagraph (4) of this Paragraph.

(7) The provisions of this Paragraph shall not apply to testimony in an action for divorce or annulment of marriage, or to a separation in a covenant marriage, to a property partition, or to an administration of a succession, or to testimony in any incidental or ancillary proceedings or matters arising from such actions.

(8) All or a portion of the court costs, including reasonable expert witness fees and costs, incurred when a motion is filed in accordance with this Paragraph may, in the discretion of the court, be assessed to the non-prevailing party as taxable costs at the conclusion of the hearing on the motion.

Acts 1976, No. 574, §1; Acts 2003, No. 545, §1; Acts 2007, No. 140, §1; Acts 2008, No. 787, §1, eff. Jan. 1, 2009; Acts 2014, No. 655, §1; Acts 2024, No. 371, §1.

NOTE: See Acts 2008, No.787, §3 re: effectiveness of Act.

Art. 1436.1. Depositions by telephone

If agreed upon by every party to an action or if ordered by the court, a deposition may be taken by telephone or other remote electronic means.

Acts 1986, No. 205, §1; Acts 2003, No. 545, §1; Acts 2024, No. 371,
§1.

Art. 1552. Environmental management orders

Upon the request of any party in any civil action alleging environmental damage pursuant to R.S. 30:29, or the Department of Energy and Natural Resources, office of conservation, the court shall direct the attorneys for the parties to appear before the court to develop an environmental management order. The environmental management order shall authorize all parties to access the property allegedly impacted to perform inspections and environmental testing. The order shall require that all test results be submitted to all parties and the Department of Energy and

Natural Resources, office of conservation, within thirty days of receipt thereof. Failure by a party to provide the results of testing to the other parties shall preclude that party from admitting those results into evidence in the civil action. The environmental management order shall include reasonable terms for all of the following:

(1) Access to the property.

(2) Investigation and environmental testing.

(3) Sampling and testing protocols.

(4) Specific time frames within which to conduct such testing and sampling.

Acts 2012, No. 754, §1; Acts 2023, No. 150, §23, eff. Jan. 10, 2024.

Art. 1563. Limited admission of liability in environmental damage lawsuits; effect

A.(1) If any party admits liability for environmental damage pursuant to R.S. 30:29, that party may elect to limit this admission of liability for environmental damage to responsibility for implementing the most feasible plan to evaluate, and if necessary, remediate all or a portion of the contamination that is the subject of the litigation to applicable regulatory standards, hereinafter referred to as a "limited admission". A limited admission shall not be construed as an admission of liability for damages under R.S. 30:29(H), nor shall a limited admission result in a waiver of any rights or defenses of the admitting party.

(2) Upon the expiration of the delay in which a party may file a limited admission under Subparagraph (5) of this Paragraph, and if one or more of the defendants have made a timely limited admission, the court shall refer the matter to the Department of Energy and Natural Resources, office of conservation, hereinafter referred to as the "department", to conduct a public hearing to approve or structure a plan which the department determines to be the most feasible plan to evaluate or remediate the environmental damage under the applicable regulatory standards pursuant to the provisions of R.S. 30:29. There shall be a rebuttable presumption that the plan approved or structured by the department, after consultation with the Department of Environmental Quality as appropriate, shall be the most feasible plan to evaluate or remediate the environmental damage under the applicable regulatory standards pursuant to the provisions of R.S. 30:29. For cases tried by a jury, the court shall instruct the jury regarding this presumption if requested by a party.

(3) The limited admission, the plan approved by the department, and all written comments provided by the agencies pursuant to R.S. 30:29(C)(3)(b) shall be admissible subject to the Code of Evidence Articles 702 through 705 and Code of Civil Procedure Article 1425 as evidence in any action.

(4) At any time after the filing of a civil action subject to the provisions of R.S. 30:29 and, absent good cause shown, no later than ninety days after the completion of the environmental testing set forth in the environmental management order issued by the court pursuant to the Code of Civil Procedure Article 1552, any party may make a limited admission by filing the same into the record of the court proceeding.

(5) Any other party who intends to make a limited admission for the same or any other environmental damage shall file it into the record of the court proceeding within sixty days of the filing of the first limited admission by another party. Any limited admission filed by another party after the first limited admission is filed shall be filed no later than ninety days following the completion of the environmental testing set forth in the environmental management order.

(6) The party making a limited admission shall be required to deposit with the department sufficient funds to cover the cost of the department's review of the plans or submittals under R.S. 30:29, including the cost of holding a public hearing to approve or structure the feasible plan. The initial payment of these costs shall be in an amount of one hundred thousand dollars. This initial payment shall be deposited prior to or along with the submission of the plan by the admitting party. The admitting party shall be entitled to reimbursement of any portion of the deposit that is unused by the department. Within thirty days of the department's filing of the plan, the party admitting responsibility for implementing the most feasible plan shall reimburse the plaintiff for those costs which the court determines to be recoverable under R.S. 30:29(E)(1).

B. The provisions of this Article shall not establish primary jurisdiction with the Department of Energy and Natural Resources.

Acts 2012, No. 754, §1; Acts 2014, No. 400, §2; Acts 2023, No. 150, §23, eff. Jan. 10, 2024.

Art. 1845. Effects of judgments on state law

A judgment rendering a law unconstitutional is absolutely null and shall be void and unenforceable if the provisions of Article 855.1 have not been met.

Acts 2024, 2nd Ex. Sess., No. 12, §1.

Art. 1880. Parties

When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In a proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party and shall be entitled to be heard. If the law, ordinance, or franchise is alleged to be unconstitutional, the attorney general of the state shall also be served with a copy of the proceeding and be entitled to be heard. If the law is alleged to be unconstitutional, pleadings shall be made pursuant to the requirements in Articles 855.1 and 1845.

Amended by Acts 2024, 2nd Ex. Sess., No. 12, §1.

Art. 2163. Peremptory exception filed in appellate court; remand if prescription or peremption pleaded

A. The appellate court may consider a peremptory exception filed for the first time in that court if the exception is pleaded prior to a submission of the case for a decision and if proof of the ground of the exception appears of record.

B. If the ground for the peremptory exception pleaded in the appellate court is prescription or peremption, the plaintiff may demand that the case be remanded to the trial court for trial of the exception.

Acts 2024, No. 371, §1.

Art. 2298. Injunction prohibiting sale; damages

A. Injunctive relief prohibiting the sheriff from proceeding with the sale of property seized under a writ of fieri facias shall be granted to the judgment debtor or to a third person claiming ownership of the seized property:

(1) When the sheriff is proceeding with the execution contrary to law.

(2) When, subsequent to the judgment, payment has been made, compensation has taken place against the judgment, or the judgment has been otherwise extinguished. If the payment, compensation, or extinguishment is for a part of the judgment, the injunction shall be granted to that extent, and the execution shall continue for the amount of the excess.

(3) When the judgment is for the payment of the purchase price of property sold to the judgment debtor and a suit for recovery of the property has been filed by an adverse claimant.

(4) When the judgment sought to be executed is absolutely null.

B. In the event that injunctive relief is granted to the judgment debtor or third party claiming ownership of the seized property, if the court finds the seizure to be wrongful, it may allow damages. Attorney fees for the services rendered in connection with the injunction may be included as an element of the damages.

Amended by Acts 1981, No. 301, §1; Acts 2024, No. 371, §1.

Art. 2853. Filing of purported testament

A. If a person has possession of a document purporting to be the testament of a deceased person, even though the person believes that the document is not the valid testament of the deceased or has doubts concerning the validity of the testament, the person shall present the document to the court with a petition praying that the document be filed in the record of the succession proceeding.

B. A person presenting a purported testament to the court shall not be deemed to vouch for its authenticity or validity, nor be precluded from asserting its invalidity.

Acts 2024, No. 501, §1.

SECTION 4. RETENTION OF TESTAMENTS

Art. 2911. Retention of testaments

The clerk of court shall retain in perpetuity the original of a testament that is probated or ordered to be filed and executed. Until the order probating the testament or ordering the testament to be filed and executed becomes final and definitive, the clerk of court shall also retain the originals of all other testaments filed in accordance with Article 2853.

Acts 2024, No. 501, §1.

Art. 3136. Descriptive list of property in lieu of inventory

A. Whenever an inventory of succession property otherwise would be required by law, the person at whose instance the inventory would be taken may file in the succession proceeding, in lieu of an inventory complying with Articles 3131 through 3135, a detailed descriptive list of all succession property. This list shall be sworn to and subscribed by the person filing it, shall show the location of all items of succession property, and shall set forth the fair market value of each item thereof at the date of the death of the deceased.

B. The privilege of filing a descriptive list of succession property, in lieu of an inventory thereof, may be exercised without judicial authority.

Amended by Acts 1972, No. 326, §2, eff. Jan. 1, 1973; Acts 2024, No. 371, §1.

Art. 3335. Notice to heirs and residuary legatees

A. A copy of any account filed by a succession representative shall be served upon each heir or residuary legatee, together with a notice that the account may be homologated after the expiration of ten days from the date of service and that any opposition thereto shall be filed before homologation.

B. In the case of any account other than the final account, service on either a resident or a nonresident may be made by ordinary mail.

C. In the case of a final account, service may be made by either of the following:

(1) In accordance with the provisions of Article 1314.

(2) On either a resident or a nonresident, by certified mail or by use of a commercial courier that requires a signed receipt from the addressee upon completion of delivery. The certificate of the attorney for the succession representative that the notice and final account were sent to the heir or legatee, together with the receipt signed by the addressee, shall be filed in the succession proceeding prior to homologation of the final account.

Amended by Acts 1966, No. 36, §1; Acts 2024, No. 371, §1.

Art. 3421. Small successions defined

A small succession, within the meaning of this Title, is any of the following:

(1) The succession of a person who died domiciled in Louisiana and who died leaving property with a gross value of one hundred twenty-five thousand dollars or less valued as of the date of death.

(2) The ancillary succession of a person who died domiciled outside of Louisiana and who died leaving property in Louisiana with a gross value of one hundred twenty-five thousand dollars or less valued as of the date of death.

(3) The succession of a person whose date of death occurred at least twenty years prior to the execution of a small succession affidavit and who died leaving property in Louisiana of any value.

Amended by Acts 1976, No. 187, §1, eff. Jan. 1, 1977; Acts 1979, No. 71, §1, eff. Jan. 1, 1980; Acts 1980, No. 582, §1; Acts 2009, No. 81, §1, eff. June 18, 2009; Acts 2011, No. 323, §1, eff. June 29, 2011; Acts 2012, No. 618, §1, eff. June 7, 2012; Acts 2017, No. 96, §1; Acts 2020, No. 173, §1; Acts 2024, No. 90, §1.

Art. 3422. Court costs; compensation

In judicial proceedings under this Title, the following schedule of costs, compensation, and fees shall prevail:

(1) Court costs shall be one-half of the court costs in similar proceedings in successions that are not small successions.

(2) The compensation of the succession representative shall be not more than five percent of the gross assets of the succession.

Acts 2017, No. 96, §1; Acts 2018, No. 422, §1; Acts 2024, No. 90, §1.

Art. 3422.1. Small succession immovable property damaged by disaster or catastrophe

A. The provisions of this Article shall apply to immovable property, subject to a small succession proceeding, that is damaged by a disaster or catastrophe for which a declaration of emergency or federal declaration of disaster or emergency was issued.

B. In the absence of a written agreement between co-owners for the use and management of the immovable recorded in the conveyance or mortgage records for the parish in which the immovable is situated, any public entity or agent of a public entity may conclusively presume that a co-owner in possession of the immovable for more than one year has been appointed by all co-owners as a managing co-owner.

C. The power of the managing co-owner shall include the power to do any of the following, without the need to obtain the concurrence of all co-owners:

(1) Manage, administer, repair, reconstruct, and restore the immovable.

(2) Receive, disburse, and account for funds given to the managing co-owner by a public entity solely for the purposes of the repair, reconstruction, and restoration of the immovable.

(3) Execute mortgages to secure funds not exceeding the amount necessary to repair, reconstruct, and restore the immovable.

(4) Encumber the immovable with restrictions as may be required by a public entity.

D. Possession of the immovable by the managing co-owner shall continue during any period the managing co-owner has been forced to leave the immovable due to fire, hurricane, flood, or other disaster or catastrophe.

E. The management of the immovable by the co-owner shall be subject to the laws of negotiorum gestio to the extent not inconsistent with the provisions of this Article.

F. It is the intent of the legislature that the provisions of this Article be liberally construed to allow the maximum possible repair, reconstruction, and restoration of immovable property in this state, subject to a small succession proceeding, that has been damaged by disaster or catastrophe.

G. Repealed by Acts 2012, No. 618, §2, eff. June 7, 2012.

Acts 2011, No. 323, §1, eff. June 29, 2011; Acts 2012, No. 618, §2, eff. June 7, 2012; Acts 2024, No. 90, §1.

Art. 3431. Small successions; judicial opening unnecessary

A. It shall not be necessary to open judicially the small succession of any of the following persons:

(1) A person domiciled in Louisiana who died intestate.

(2) A person domiciled in Louisiana who died testate leaving no immovable property in Louisiana, if the surviving spouse, all persons who would inherit under the testament, and all other persons who would inherit in the absence of a testament agree to waive probate of the testament.

(3) A person domiciled outside of Louisiana who died intestate or whose testament has been probated by court order of another state.

B. Any person appointed as public administrator by the governor may use the affidavit procedure of this Chapter to take possession of the estate of the deceased, if the estate of the deceased would qualify as a small succession, for transmittal to the state, provided that there is no surviving spouse or other heir present or represented in the state and provided that the public administrator has advertised one time in the official journal of the parish where a succession would have been opened in accordance with Article 2811 and verifies that no notice of opposition has been received.

C. The legal notice required in Paragraph B of this Article shall read as follows:

"Notice is hereby given to any heirs or creditors of __________ that _________, Public Administrator for the parish of _______________, intends to administer the intestate succession of __________________, under the provisions of Small Successions as set forth in Chapter 2 of Title V of Book VI of the Code of Civil Procedure.

Anyone having an objection to the administration of the succession should notify ________________ at __________________________________."

D. Repealed by Acts 2011, No. 323, §2, eff. June 29, 2011.

Amended by Acts 1984, No. 623, §1, eff. July 12, 1984; Acts 1990, No. 701, §1; Acts 1995, No. 111, §1; Acts 2006, No. 257, §1, eff. June 8, 2006; Acts 2009, No. 81, §1, eff. June 18, 2009; Acts 2011, No. 323, §§1, 2, eff. June 29, 2011; Acts 2012, No. 618, §1, eff. June 7, 2012; Acts 2020, No. 173, §1; Acts 2024, No. 90, §1.

Art. 3432. Affidavit for small succession for a person who died intestate; contents

A. When it is not necessary in accordance with the provisions of Article 3431 to open judicially a small succession, at least two persons, including the surviving spouse, if any, and one or more heirs of the deceased, may execute one or more multiple originals of an affidavit, duly sworn before any officer or person authorized to administer oaths in the place where the affidavit is executed, setting forth all of the following:

(1) The date of death of the deceased, and his domicile at the time thereof.

(2) The fact that the deceased died intestate.

(3) The marital status of the deceased, the location of the last residence of the deceased, and the name of the surviving spouse, if any, and the surviving spouse's address, domicile, and location of last residence.

(4) The names and last known addresses of the heirs of the deceased, their relationship to the deceased, and the statement that an heir not signing the affidavit either:

(a) Cannot be located after the exercise of reasonable diligence.

(b) Was given thirty days' notice by United States mail of the affiants' intent to execute an affidavit for small succession and did not object.

(5) A description of the property left by the deceased, including whether the property is community or separate, and which, in the case of immovable property, shall be sufficient to identify the property for purposes of transfer.

(6) A showing of the value of each item of property, and the aggregate value of the property, at the time of the death of the deceased.

(7) A statement describing the respective interests in the property that each heir has inherited and whether a legal usufruct of the surviving spouse attaches to the property.

(8) An affirmation that, by signing the affidavit, the affiant, if an heir, has accepted the succession of the deceased.

(9) An affirmation that, by signing the affidavit, the affiants swear under penalty of perjury that the information contained in the affidavit is true, correct, and complete to the best of their knowledge, information, and belief.

B. If the deceased had no surviving spouse, the affidavit shall be signed by at least two heirs. If the deceased had no surviving spouse and only one heir, the affidavit shall also be signed by a second person who has actual knowledge of the matters stated in the affidavit.

C. In addition to the powers of a natural tutor or curator otherwise provided by law, a natural tutor may also execute the affidavit on behalf of a minor child without the necessity of filing a petition pursuant to Article 4061, and a curator may also execute the affidavit on behalf of an interdict without the necessity of court authorization.

Amended by Acts 1974, No. 524, §1; Acts 2009, No. 81, §1, eff. June 18, 2009; Acts 2011, No. 323, §1, eff. June 29, 2011; Acts 2012, No. 618, §§1, 2, eff. June 7, 2012; Acts 2024, No. 90, §1.

Art. 3432.1. Affidavit for small succession for a person domiciled in Louisiana who died testate; contents

A. When it is not necessary in accordance with the provisions of Article 3431 to open judicially a small succession, all of the heirs and legatees of the deceased, including the surviving spouse, if any, may execute one or more multiple originals of an affidavit, duly sworn before any officer or person authorized to administer oaths in the place where the affidavit is executed, setting forth all of the following:

(1) The date of death of the deceased, and his domicile at the time thereof.

(2) The fact that the deceased died testate.

(3) The marital status of the deceased, the location of the last residence of the deceased, and the name of the surviving spouse, if any, and the surviving spouse's address, domicile, and location of last residence, together with the names and last known addresses of the heirs of the deceased, and identifying those of the heirs who are also forced heirs of the deceased.

(4) The names and last known addresses of the legatees of the deceased.

(5) A description of the movable property left by the deceased, including whether the property is community or separate, and an affirmation that the deceased died owning no immovable property in Louisiana.

(6) A showing of the value of each item of property subject to the jurisdiction of the courts of Louisiana, and the aggregate value of the property, at the time of the death of the deceased.

(7) A statement describing the respective interests in the property that each legatee has inherited and whether a usufruct of the surviving spouse attaches to the property.

(8) An attachment consisting of a copy of the testament.

(9) An affirmation that, by signing the affidavit, the affiant, if a legatee, has accepted the legacy of the deceased.

(10) An affirmation that, by signing the affidavit, each affiant expressly waives any right to challenge the validity of the testament or any of its provisions.

(11) An affirmation that, by signing the affidavit, the affiants swear under penalty of perjury that the information contained in the affidavit is true, correct, and complete to the best of their knowledge, information, and belief.

B. In addition to the powers of a natural tutor or curator otherwise provided by law, a natural tutor may also execute the affidavit on behalf of a minor child without the necessity of filing a petition pursuant to Article 4061, and a curator may also execute the affidavit on behalf of an interdict without the necessity of court authorization.

Acts 2012, No. 618, §1, eff. June 7, 2012; Acts 2020, No. 173, §1; Acts 2024, No. 90, §1.

§3433. Affidavit for small succession for a person domiciled outside of Louisiana who died testate; contents

A. When it is not necessary in accordance with the provisions of Article 3431 to open judicially a small succession, at least two persons, including the surviving spouse, if any, and one or more legatees of the deceased, may execute one or more multiple originals of an affidavit, duly sworn before any officer or person authorized to administer oaths in the place where the affidavit is executed, setting forth all of the following:

(1) The date of death of the deceased, and his domicile at the time thereof.

(2) The fact that the deceased died testate.

(3) The marital status of the deceased, the location of the last residence of the deceased, and the name of the surviving spouse, if any, and the surviving spouse's address, domicile, and location of last residence, together with the names and last known addresses of the heirs of the deceased, and identifying those of the heirs who are also forced heirs of the deceased.

(4) The names and last known addresses of the legatees of the deceased, and the statement that a legatee not signing the affidavit was given thirty days' notice by United States mail of the affiants' intent to execute an affidavit for small succession and did not object.

(5) A description of the property left by the deceased in Louisiana, including whether the property is community or separate, and which, in the case of immovable property, shall be sufficient to identify the property for purposes of transfer.

(6) A showing of the value of each item of property subject to the jurisdiction of the courts of Louisiana, and the aggregate value of the property, at the time of the death of the deceased.

(7) A statement describing the respective interests in the property that each legatee has inherited and whether a usufruct of the surviving spouse attaches to the property.

(8) An attachment consisting of a copy of the testament and a certified copy of the probate order of the court of another jurisdiction or the equivalent thereof.

(9) An affirmation that, by signing the affidavit, the affiant, if a legatee, has accepted the legacy of the deceased.

(10) An affirmation that, by signing the affidavit, the affiants swear under penalty of perjury that the information contained in the affidavit is true, correct, and complete to the best of their knowledge, information, and belief.

B. If the deceased had no surviving spouse, the affidavit shall be signed by at least two persons who have actual knowledge of the matters stated in the affidavit.

C. In addition to the powers of a natural tutor or curator otherwise provided by law, a natural tutor may also execute the affidavit on behalf of a minor child without the necessity of filing a petition pursuant to Article 4061, and a curator may also execute the affidavit on behalf of an interdict without the necessity of court authorization.

Acts 2024, No. 90, §1.

Art. 3434. Endorsed copy of affidavit authority for delivery of property

A. A multiple original of the affidavit or a certified copy thereof authorized by Article 3432, 3432.1, or 3433 shall be full and sufficient authority for the payment of any money or the delivery of any property of the deceased described in the affidavit to the heirs or legatees of the deceased and the surviving spouse in community, if any, in the percentages listed in the affidavit, by any federally insured depository institution, financial institution, trust company, warehouseman, depositary, domestic or foreign corporation, or by any person having the property in his possession or under his control.

B. The receipt of the persons named in the affidavit as heirs or legatees of the deceased, or surviving spouse in community thereof, constitutes a full release and discharge for the payment of money or delivery of property made in accordance with the provisions of this Article. Any creditor, heir, legatee, succession representative, or other person shall have no right or cause of action against the person paying the money or delivering the property in accordance with the provisions of this Article on account of the payment or delivery.

C.(1) A multiple original of the affidavit or a certified copy thereof and any required attachments in accordance with Article 3433 shall be recorded in the conveyance records of the parish where any immovable property described in the affidavit is situated.

(2) An affidavit so recorded, or a certified copy thereof, shall be admissible as evidence in any action involving immovable property to which the affidavit relates or which is affected by the affidavit and shall be prima facie evidence of the facts stated in the affidavit, including the relationship to the deceased of the parties recognized as heir, legatee, surviving spouse in community, or usufructuary as the case may be, and of their rights in the immovable property of the deceased.

(3) An action by a person who claims to be a successor of a deceased person but who has not been recognized in an affidavit authorized by Article 3432 or 3433 to assert an interest in immovable property formerly owned by the deceased against a third person who has acquired an interest in the property by onerous title, or against his successors, is prescribed two years from the date of the recording of the affidavit and required attachments in accordance with this Article.

Amended by Acts 1974, No. 524, §1; Acts 2009, No. 81, §1, eff. June 18, 2009; Acts 2011, No. 323, §1, eff. June 29, 2011; Acts 2021, No. 44, §2, eff. June 1, 2021; Acts 2022, No. 44, §1; Acts 2024, No. 90, §1.

Art. 3443. Sale of succession property; publication of notice of sale

A. Notice of the public sale of property, movable or immovable, by the succession representative of a small succession shall be published once and only in the parish where the

succession is pending, and the property shall be sold no less than ten days nor more than fifteen days after publication.

B. Notice of the application of the succession representative of a small succession to sell succession property, movable or immovable, at private sale shall be published once and only in the parish where the succession proceeding is pending and shall state that any opposition to the proposed sale shall be filed within ten days of the date of publication.

Acts 2024, No. 90, §1.

Art. 3601. Injunction; grounds for issuance; preliminary injunction; temporary restraining order

A. An injunction shall be issued in cases where irreparable injury, loss, or damage may otherwise result to the applicant, or in other cases specifically provided by law; provided, however, that no court shall have jurisdiction to issue, or cause to be issued, any temporary restraining order, preliminary injunction, or permanent injunction against any state department, board, or agency, or any officer, administrator, or head thereof, or any officer of the state of Louisiana in any suit involving the expenditure of public funds under any statute or law of this state to compel the expenditure of state funds when the director of such department, board, or agency or the governor shall certify that the expenditure of such funds would have the effect of creating a deficit in the funds of said agency or be in violation of the requirements placed upon the expenditure of such funds by the legislature.

B. No court shall issue a temporary restraining order in cases where the issuance shall stay or enjoin the enforcement of a child support order when the Department of Children and Family Services is providing services, except for good cause shown by written reasons made a part of the record.

C. During the pendency of an action for an injunction the court may issue a temporary restraining order, a preliminary injunction, or both, except in cases where prohibited, in accordance with the provisions of this Chapter.

D. Except as otherwise provided by law, an application for injunctive relief shall be by petition.

E. The irreparable injury, loss, or damage enumerated in Paragraph A of this Article may result from:

(1) The isolation of an individual over the age of eighteen years by any other individual, curator, or mandatary, including but not limited to violations of Article 4566 (J) or Civil Code Article 2995.

(2) A person being denied the use or enjoyment of immovable property in which the person has an ownership, possessory, or lease interest by a person who does not have a legal interest in the property.

F.(1) Notwithstanding the provisions of Article 3610, security shall not be required for a temporary restraining order or preliminary injunction seeking removal of a person from immovable property in which the person does not have a legal interest.

(2) Nothing in this Section shall prohibit a petitioner from pursuing any other remedy provided by law.

Amended by Acts 1969, No. 34, §2; Acts 2004, No. 765, §1, eff. July 6, 2004; Acts 2016, No. 110, §2, eff. May 19, 2016; Acts 2024, No. 652, §2.

Art. 3603. Temporary restraining order; affidavit or affirmation of irreparable injury and notification efforts

A. A temporary restraining order shall be granted without notice from the court when all of the following occur:

(1) It clearly appears from specific facts shown by a verified petition, by supporting affidavit, or by affirmation as provided in Article 3603.1(C)(3) that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or his attorney can be heard in opposition.

(2) The applicant's attorney certifies to the court in writing the efforts that have been made to give notice or the reasons supporting the applicant's claim that notice should not be required.

B. The verification or the affidavit may be made by the plaintiff, or by his counsel, or by his agent.

C. No court shall issue a temporary restraining order in cases where the issuance shall stay or enjoin the enforcement of a child support order when the Department of Children and Family Services is providing services, except for good cause shown by written reasons made a part of the record.

D. The plaintiff's assertion by affidavit that the plaintiff is being denied the use or enjoyment of immovable property in which the plaintiff has an ownership, possessory, or lease interest by a person without a legal interest in the property shall be sufficient to justify the issuance of a temporary restraining order without notice.

Acts 1997, No. 1156, §2; Acts 1999, No. 1200, §4, Acts 2001, No. 430, §1; Acts 2003, No. 750, §1; Acts 2004, No. 502, §1; Acts 2021, No. 394, §1; Acts 2023, No. 5, §1; Acts 2024, No. 652, §2.

Art. 4269.1. Placement of minor's property in trust

At any time during his administration, a tutor may apply to the court for authorization to place some or all of the minor's property in trust in accordance with the Louisiana Trust Code or, for a beneficiary who is disabled as defined in 42 U.S.C. 1382c(a)(3), in a trust qualified under 42 U.S.C. 1396p(d)(4)(C) in accordance with the law of any state. The trust instrument shall name the minor as sole beneficiary of the trust, shall name a trustee, shall impose maximum spendthrift restraints, and may allow the trust to last for the lifetime of the beneficiary. Except for trusts qualified under 42 U.S.C. 1396p(d)(4)(A) or 1396p(d)(4)(C), the trust shall, however, be subject to termination at the option of the beneficiary upon attaining the age of majority. If the minor fails to attain majority, the trust shall be subject to termination at the option of his heirs or legatees. The court may, upon application, make such changes in the trust instrument as may be advisable. Upon creation of the trust, the tutor shall be entitled to no further commissions with respect to the trust property.

Added by Acts 1980, No. 276, §1; Acts 2024, No. 163, §1.

Art. 4521. Payments to minor

A. In approving any proposal by which a minor is to be paid funds as the result of a judgment or settlement, the court may order:

(1) That the funds be paid directly into the registry of the court for the minor's account, to be withdrawn only upon approval of the court. Withdrawn funds shall be invested directly in an interest-bearing investment as approved by the court unless the court for good cause approves another disposition.

(2) That the funds be invested directly in an interest-bearing investment approved by the court, unless the court for good cause approves another disposition.

(3) That the funds be placed in trust in accordance with the Louisiana Trust Code or, for a beneficiary who is disabled as defined in 42 U.S.C. 1382c(a)(3), in a trust qualified under 42 U.S.C. 1396p(d)(4)(C) in accordance with the law of any state. The trust instrument shall name the minor as sole beneficiary of the trust, shall name a trustee, shall impose maximum spendthrift restraints, and may allow the trust to last for the lifetime of the beneficiary. Except for trusts qualified under 42 U.S.C. 1396p(d)(4)(A) or 1396p(d)(4)(C), the trust shall, however, be subject to termination at the option of the beneficiary upon attaining the age of majority. If the minor fails to attain majority, the trust shall be subject to termination at the option of his heirs or legatees. The court shall not order funds that will be paid to an unemancipated minor who is in the legal custody of the Department of Children and Family Services to be placed in trust if the amount of the judgment or settlement is less than fifty thousand dollars.

(4) That the funds be paid under a structured settlement agreement as approved by the court that provides for periodic payments and is underwritten by a financially responsible entity that assumes responsibility for future payments.

(5) Any combination of Subparagraphs (1) through (4) of this Paragraph.

B. In determining whether a proposed periodic payment schedule is in the best interest of the minor, the court shall consider the following factors:

(1) Age and life expectancy of the minor.

(2) Current and anticipated financial needs of the minor.

(3) Income and estate tax implications.

(4) Impact on eligibility for government benefits.

(5) Present value of the proposed payment arrangement and the method by which the value is calculated.

Added by Acts 1984, No. 296, §1; Acts 2008, No. 716, §1; Acts 2015, No. 260, §2, eff. Jan. 1, 2016; Acts 2018, No. 607, §1; Acts 2019, No. 17, §§1, 2, eff. May 24, 2019; Acts 2024, No. 163, §1.

Art. 4552. Recordation of notice of suit and judgment

A. The clerk of court shall cause to be recorded a notice of the filing of the interdiction suit in the conveyance and mortgage records of the parish in which the interdiction action is pending. The clerk of court shall record every judgment granting, modifying, or terminating interdiction in the conveyance and mortgage records of the parish in which the judgment was rendered.

B. Within fifteen days of his qualification, the curator shall cause the judgment of interdiction to be recorded in the conveyance and mortgage records of every other parish in which the interdict owns immovable property. Within fifteen days from the signing of a judgment modifying or terminating interdiction, the curator shall cause it to be recorded in the conveyance and mortgage records of every other parish in which the interdict owns immovable property.

C.(1) Within fifteen days of his qualification, the curator shall mail a certified copy of a judgment of full interdiction, or limited interdiction for mental incompetence which specifically suspends the right to register and vote, to the registrar of voters of the parish in which the interdict is registered to vote, or otherwise eligible but for the interdiction, by certified mail or commercial courier.

(2) Within fifteen days from the signing of a judgment modifying or terminating such an interdiction, the curator shall mail a copy of the modification or termination to the registrar of voters of the parish in which the interdict resides by certified mail or commercial courier.

(3) The curator shall also provide to the registrar of voters the date of birth of the interdict and the last four digits of the social security number of the interdict to ensure that the proper person is removed from the voting records.

D. A clerk or curator whose failure to perform his duties causes damage is liable only to those who contract with the interdict and who neither knew nor should have known of the interdiction proceedings or judgment.

Acts 2000, 1st Ex. Sess., No. 25, §3, eff. July 1, 2001; Acts 2003, No. 1008, §2; Acts 2024, No. 25, §1.

Art. 4566. Management of affairs of the interdict

A. Except as otherwise provided by law, the relationship between interdict and curator is the same as that between minor and tutor. The rules provided by Articles 4261 through 4269, 4270 through 4274, 4301 through 4342, and 4371 apply to curatorship of interdicts. Nevertheless, provisions establishing special rules for natural tutors and parents shall not apply in the context of interdiction.

B. A curator who owns an interest in property with the interdict or who holds a security interest or lien that encumbers the property of the interdict may acquire the property, or any interest therein, from the interdict upon compliance with Article 4271, with prior court authorization, and when it would be in the best interest of the interdict. Except for good cause shown, the court shall appoint an independent appraiser to value the interest to be acquired by the curator.

C. A curator may accept donations made to the interdict. A curator shall not make donations of the property of the interdict except as provided by law.

D. A curator may place the property of the interdict in trust in accordance with the provisions of Article 4269.1. Except for trusts qualified under 42 U.S.C. 1396p(d)(4)(A) or 1396p(d)(4)(C), the trust shall be subject to termination at the option of the interdict upon termination of the interdiction. If the interdict dies during the interdiction, the trust shall be subject to termination at the option of his heirs or legatees.

E. A curator shall inform the undercurator reasonably in advance of any material changes in the living arrangements of the interdict and any transactions materially affecting his person or affairs.

F. A curator shall not establish or move the place of dwelling of the interdict outside this state without prior court authorization.

G. A curator may not consent to an abortion or sterilization of the interdict without prior court authorization.

H. Neither a curator nor a court shall admit or commit an interdict to a mental health treatment facility except in accordance with the provisions of R.S. 28:50 through 64.

I. A curator appointed in an order of temporary interdiction shall have no authority to admit the defendant to a residential or long- term care facility in the absence of good cause shown at a contradictory hearing.

J. A curator shall allow communication, visitation, and interaction between an interdict who is over the age of eighteen years and a relative of the interdict by blood, adoption, or affinity within the third degree, or another individual who has a relationship with the interdict based on or productive of strong affection if it would serve the best interest of the interdict.

K. Notwithstanding the requirements of Article 4270 or any other provision of law to the contrary, a curator shall have authority to access deposit accounts held in the name of the interdict and authority to establish and maintain deposit accounts in the name of the "curator on behalf of the interdict", unless the letters of curatorship expressly limit such authority.

Acts 2000, 1st Ex. Sess., No. 25, §3, eff. July 1, 2001; Acts 2016, No. 110, §2, eff. May 19, 2016; Acts 2021, No. 163, §1; Acts 2022, No. 22, §1; Acts 2024, No. 163, §1.

Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or political subdivision

A. Except as otherwise provided for in this Article, the civil jurisdiction of a city court is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed fifteen thousand dollars.

B. The civil jurisdiction of a city court in which the population of the territorial jurisdiction is greater than fifty thousand is concurrent with the district court in cases or proceedings instituted by the state, a parish, a municipality, or other political subdivision of the state for injunctive relief or other civil relief for the cessation or abatement of any acts or practices which may violate a parish or municipal ordinance or state law. In such case, the court has jurisdiction regardless of the amount in dispute or the value of the property involved.

C. In the City Court of Bossier City, and any city court in which the population of the territorial jurisdiction is less than fifty thousand, except as otherwise specifically provided by law, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed fifteen thousand dollars.

D. In the City Court of Bastrop, City Court of Bogalusa, the City Court of Bunkie, the City Court of Eunice, the City Court of Marksville, the City Court of Natchitoches, a city court in New Orleans, the City Court of Opelousas, the City Court of Port Allen, the City Court of Ville Platte, and the City Court of Winnsboro, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed twenty-five thousand dollars..

E. In the City Court of Breaux Bridge, the City Court of Hammond, the City Court of Houma, the City Court of Jeanerette, the City Court of Jennings, the City Court of Monroe, the City Court of New Iberia, the City Court of Oakdale, and the City Court of Winnfield, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed thirty thousand dollars.

F. In the City Court of Abbeville, the City Court of Baker, the City Court of Baton Rouge, the City Court of Crowley, the City Court of Kaplan, the City Court of Lafayette, the City Court of Leesville, the City Court of Minden, the City Court of Plaquemine, the City Court of Rayne, the City Court of Shreveport, the City Court of Springhill, and the City Court of Zachary, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed thirty-five thousand dollars.

G. In the City Court of Alexandria, the City Court of East St. Tammany, the City Court of Lake Charles, the City Court of Pineville, the City Court of Ruston, the City Court of Sulphur, and the Third Ward City Court of Franklin, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed fifty thousand dollars.

H. Repealed by Acts 2024, No. 57, §2.

Acts 1986, No. 539, §1; Acts 1986, No. 924, §1; Acts 1988, No. 75, §1; Acts 1988, No. 314, §1; Acts 1990, No. 186, §1; Acts 1990, No. 504, §1, eff. July 18, 1990; Acts 1992, No. 10, §1; Acts 1992, No. 939, §1; Acts 1993, No. 541, §1; Acts 1995, No. 126, §1; Acts 1995, No. 204, §1; Acts 1995, No. 311, §1, eff. June 16, 1995; Acts 1995, No. 466, §1; Acts 1997, No. 193, §1, eff. Jan. 1, 1998; Acts 1997, No. 323, §1; Acts 1997, No. 407, §1; Acts 1999, No. 504, §1, eff. Jan. 1, 2000; Acts 1999, No. 644, §1; Acts 1999, No. 694, §1; Acts 2001, No. 255, §1; Acts 2001, No. 343, §1, eff. Jan. 1, 2001; Acts 2001, No. 357, §1; Acts 2001, No. 762, §1, eff. June 25, 2001; Acts 2002, 1st Ex. Sess., No. 58, §1; Acts 2003, No. 153, §1; Acts 2003, No. 276, §1; Acts 2003, No. 435, §1; Acts 2003, No. 436, §1; Acts 2003, No. 601, §1; Acts 2003, No. 905, §2; Acts 2003, No. 1213, §1; Acts 2004, No. 205, §1; Acts 2004, No. 487, §1; Acts 2004, No. 511, §1; Acts 2004, No. 538, §1; Acts 2004, No. 539, §1; Acts 2004, No. 714, §1; Acts 2005, No. 31, §1; Acts 2005, No. 109, §1; Acts 2005, No. 349, §1; Acts 2005, No. 353, §1; Acts 2006, No. 365, §1; Acts 2006, No. 379, §1; Acts 2006, No. 575, §1; Acts 2006, No. 680, §1; Acts 2006, No. 681, §1; Acts 2008, No. 44, §1; Acts 2010, No. 161, §1; Acts 2010, No. 180, §1; Acts 2010, No. 228, §1; Acts 2011, No. 88, §1; Acts 2011, No. 103, §1, eff. June 20, 2011; Acts 2012, No. 166, §1; Acts 2012, No. 331, §1; Acts 2013, No. 68, §1; Acts 2014, No. 363, §1; Acts 2014, No. 843, §1; Acts 2015, No. 367, §1; Acts 2015, No. 461, §1, eff. July 1, 2015; Acts 2019, No. 135, §1; Acts 2020, No. 205, §3, eff. June 11, 2020; Acts 2021, No. 251, §1; Acts 2022, No. 98, §1; Acts 2024, No. 57, §§ 1, 2; Acts 2024, No. 105, §1.

Art. 4844. Amount in dispute; eviction proceedings

Notwithstanding Articles 4842(A) and 4843, a parish court or city court shall, within its territorial jurisdiction, have jurisdiction, concurrent with the district court, over the following matters, regardless of the amount of daily, monthly, or yearly rent or the rent for the unexpired term of the lease or the annual value of the right of occupancy:

(1) Suits by owners and landlords for the possession of leased premises.

(2) Suits by landowners or lessors for eviction of occupants or tenants of leased residential premises.

(3) Suits to evict an occupant as defined by Article 4704.

(4) Suits by landowners or lessors for the eviction of occupants or tenants of leased commercial premises and leased farmlands.

Acts 1986, No. 156, §1; Acts 1995, No. 204, §1; Acts 1999, No. 102, §1; Acts 2010, No. 219, §1; Acts 2020, No. 205, §3, eff. June 11, 2020; Acts 2022, No. 361, §1; Acts 2024, No. 129, §1.

Art. 5094. Duties; notice to nonresident or absentee

A. When an attorney at law is appointed by the court to represent a defendant who is a nonresident or an absentee, the attorney shall use reasonable diligence to communicate with the defendant and inform him of the pendency and nature of the action or proceeding, and of the time available for the filing of an answer or the assertion of a defense otherwise.

B. For purposes of this Article, an attorney is deemed to have acted with reasonable diligence when the attorney sends an absentee a letter by certified mail or commercial courier to the last known address of the absentee in an effort to locate the absentee and notify him of the appointment of the attorney to represent the absentee defendant.

Acts 2024, No. 183, §2.