



Supreme Court
STATE OF LOUISIANA
New Orleans

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BERNETTE J. JOHNSON Seventh District
JUSTICES
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SCOTT J. CRICHTON Second District
JAMES T. GENOVESE Third District
MARCUS R. CLARK Fourth District
JEFFERSON D. HUGHES III Fifth District
JOHN L. WEIMER Sixth District

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March 30, 2020

Re: Affidavit Requirement for Petition for Protection from Abuse Filings

Dear Louisiana District Court Judges,

We have received many inquiries regarding the continued necessity of a notarized affidavit in connection with petitions for protection from abuse filings. We understand that during this global pandemic, petitioners are not able to procure the services of a notary with the ease that they could in the past.

As a solution, I would like to first direct your attention to Governor John Bel Edwards' recent Proclamation Number 37 JBE 2020, a copy of which is attached to this correspondence. Section 6 of the Proclamation permits a notary to perform a notarization not in the physical presence of an individual as long as the notary, the individual and any witnesses can communicate simultaneously by sight and sound through electronic device at the time of the notarization. (The notary has additional requirements that are set forth in Section 6 of the Proclamation.) Please encourage your clerk's offices to utilize this remote procedure to assist with the filing of these petitions.

In the event that remote notary services are still not able to be procured, judges must use their discretion as to whether to accept pleadings that do not contain all of the statutory requirements. You might consider taking steps to cure deficiencies by requiring that the petition be executed under the penalty of perjury or placing the parties under oath at the hearing and asking them to affirm that all information provided in the filing is true and correct to the best of their knowledge, under penalty of perjury. Of course we cannot guarantee that these actions will not result in legal challenges, but these challenging times will undoubtedly involve novel legal solutions.

We appreciate all of your dedication and hard work to solve the myriad of issues that continue to arise during this unprecedented crisis.

Sincerely,


Chief Justice Bernette J. Johnson