
DIGEST

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Greene

HB No. 830

Abstract: Provides for a judgment of separation of property upon motion of either spouse and provides for the effect of the judgment.

Present law provides that when a petition for divorce is filed, either spouse may obtain a separation of property decree by a rule to show cause and proof of living separate and apart.

Proposed law retains present law and provides that, upon the motion of either spouse, a judgment of separation of property may be obtained.

Present law provides that if a separation of property judgment is rendered on the ground that the spouses were living separate and apart after filing for divorce, the judgment shall be effective retroactively to the filing date of the original divorce petition.

Proposed law changes present law to provide that if a judgment is rendered on the ground the spouses were living separate and apart for at least 30 days from the date of, or prior to, the filing of the petition for divorce, the judgment shall be retroactive to the date the petition for divorce was filed.

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

(Amends C.C. Arts. 2374(C) and 2375(C))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Made the termination date of the community consistent with the date the petition for divorce is filed regardless of whether the spouses lived separate and apart 30 days from the date of, or prior to, the filing of the petition.