
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)]

HB 125 Original

2018 Regular Session

Jefferson

Abstract: Provides for the grounds for divorce and time periods for spousal support.

Present law (C.C. Art. 103) provides for the grounds for divorce.

Proposed law retains present law but deletes the requirement that abuse occur during the marriage for a divorce under Article 103(4).

Present law (C.C. Art. 112) provides for the determination of final periodic support when a spouse is not at fault and is in need of support.

Proposed law retains present law and adds a presumption of entitlement to support if the divorce is granted on fault-based grounds or the court finds that a party or a child of one of the spouses is a victim of domestic abuse.

Present law (C.C. Art. 113) provides for an award of interim spousal support and provides for termination six months after the judgment of divorce if a party is a victim of domestic abuse.

Proposed law changes present law to provide for the termination of interim spousal support six months after the judgment of divorce in all cases.

Present law (C.C. Art. 114) provides for the modification and termination of an award of support.

Proposed law retains present law and clarifies that both interim and final support awards may be modified and terminated.

Present law (C.C. Art. 115) provides for the extinguishment of the obligation of spousal support upon remarriage, death, or cohabitation.

Proposed law retains present law and clarifies that both interim and final support awards may be extinguished for those reasons.

Present law (C.C. Art. 118) provides that the failure to bring an action for divorce or support under domestic abuse grounds does not affect the rights of parties to seek other remedies provided by law.

Proposed law repeals present law.

(Amends C.C. Arts. 103(4) and (5), 112, 113, 114, and 115; Repeals C.C. Art. 118)