

2020 Regular Session

HOUSE RESOLUTION NO. 49

BY REPRESENTATIVE ROBBY CARTER

DIVORCE: Directs the Louisiana State Law Institute to study and make recommendations relative to divorce by authentic act

1 A RESOLUTION

2 To urge and request the Louisiana State Law Institute to study and make specific
3 recommendations for revisions to Louisiana laws in order to implement divorce by
4 authentic act.

5 WHEREAS, although some Louisiana residents may wish to divorce, the expenses
6 associated with seeking a divorce under present law can make a divorce cost prohibitive; and

7 WHEREAS, being unable to incur the cost of seeking a divorce, some Louisiana
8 residents may instead separate and continue their lives by having children with someone
9 other than their spouse, thereby creating a presumption of paternity that must be overcome;
10 and

11 WHEREAS, for a couple who is married without children or immovable property,
12 there is no legal or practical need to involve the court in the termination of the matrimonial
13 regime; and

14 WHEREAS, in certain limited circumstances, it is prudent to enable Louisiana
15 residents to secure a divorce without incurring the legal fees and court costs associated with
16 a divorce under present law; and

17 WHEREAS, when judicial proceedings are unnecessary, the same legal effects may
18 be achieved by authentic act; and

19 WHEREAS, in recognition of the value of providing a means to avoid judicial
20 proceedings in certain limited circumstances, the legislature enabled small succession by
21 affidavit in Code of Civil Procedure Articles 3431 through 3434; and

1 WHEREAS, for a couple who is married without children or immovable property,
2 the law should enable the couple to achieve a divorce through an authentic act.

3 THEREFORE, BE IT RESOLVED that the House of Representatives of the
4 Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to
5 study divorce by affidavit and make recommendations, if any, of specific revisions in state
6 law to authorize divorce by affidavit when the married couple have no children and own no
7 immovable property.

8 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
9 director of the Louisiana State Law Institute and that the Louisiana State Law Institute report
10 its findings and recommendations to the Legislature of Louisiana on or before March 1,
11 2021.

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)]

HR 49 Engrossed

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Requests the La. State Law Institute to study specific revisions in state law to authorize divorce by affidavit and to report its findings and recommendations to the legislature no later than March 1, 2021.

Summary of Amendments Adopted by House

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

1. Change "authorize and direct" to "urge and request".
2. Change the La. State Law Institute's reporting requirement from Jan. 1, 2021, to March 1, 2021.