
DIGEST

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Greene

HB No. 92

Abstract: Clarifies that the issuance of Executive Orders KBB 2005-32, 48, and 67 do not stop the calculation of waiting periods for a judgment of divorce.

Present law (C.C. Art. 102) requires that the spouses live separate and apart for 180 days prior to filing a rule to show cause for a final judgment of divorce.

Present law (C.C. Art. 103(1)) requires that the spouses have been living separate and apart for six months before filing a petition for divorce.

Present law (R.S. 9:307) provides that parties to a covenant marriage may obtain a divorce if the other spouse has abandoned the matrimonial domicile for a period of one year, the spouses have been living separate and apart for two years, or if there are minor children, the spouses have been living separate and apart for one year and six months.

Proposed law provides that the issuance of Executive Orders KBB 2005-32, 48, and 67 do not affect the required waiting periods for obtaining a judgment of divorce in accordance with present law.

Proposed law provides that if a judgment of divorce was rendered during the effect of Executive Orders KBB 2005-32, 48, and 67, it shall be a valid judgment if no appeal or request for new trial has been filed within the delays provided by the C.C.P. or by January 3, 2006.

Present law (C.C.P. Art. 3954) provides that a divorce action is abandoned if the rule to show cause is not filed within two years of the service of the petition or waiver thereof.

Proposed law provides that notwithstanding C.C.P. Art. 3954, if the two-year abandonment period would have accrued during the suspension of all legal deadlines due to Hurricanes Katrina and Rita, the parties shall have 30 days from the effective date of this Act to file a rule to show cause.

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

(Adds R.S. 9:304)

Summary of Amendments Adopted by House

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

original bill.

1. Changes the date for a party to contest a judgment of divorce obtained during the time periods affected by Executive Orders KBB 2005-32, 48, and 67 from December 31, 2005, to January 3, 2006.
2. Adds emergency effective date.