
DIGEST

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HB 136 Engrossed

2017 Regular Session

Jefferson

Abstract: Provides for a 180-day waiting period to obtain a divorce and provides for the award of interim spousal support.

Present law (C.C. Art. 103.1) provides that when there are minor children of the marriage, spouses must live separate and apart for 365 days, with some exceptions, prior to obtaining a divorce.

Proposed law repeals present law and provides that all married couples, regardless of whether there are children of the marriage, must live separate and apart for 180 days prior to the rule to show cause to obtain a no-fault divorce in accordance with present law (C.C. Art. 102), or may live separate and apart for 180 days prior to the filing of the petition for a no-fault divorce pursuant to present law (C.C. Art. 103).

Present law (C.C. Art. 113) provides for the termination of interim spousal support upon the judgment of divorce or upon a judgment awarding final spousal support.

Proposed law changes present law and provides for the termination of interim spousal support 180 days after the judgment of divorce.

Present law (C.C. Arts. 114 and 115) provide for the modification and extinguishment of spousal support.

Proposed law maintains present law and clarifies that both interim spousal support and final periodic support may be modified and will extinguish in certain circumstances.

Proposed law changes present law (C.C.P. Arts. 3952, 3953, and 3956 and R.S. 13:3491 and 3492) to delete references to the 365-day waiting period to obtain a divorce when there are children of the marriage.

(Amends C.C. Arts. 102, 103(1), 113, 114, and 115 and C.C.P. Arts. 3952, 3953(1) and (2), and 3956(5) and R.S. 13:3491(A)(5)(a) and (B) and 3492(A)(6)(b) and (B); Repeals C.C. Art. 103.1)