

2021 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 92

BY REPRESENTATIVE DAVIS

PROPERTY/COMMUNITY: Requests the Louisiana State Law Institute to study provisions of law on partition of community property

1 A CONCURRENT RESOLUTION

2 To request the Louisiana State Law Institute to study provisions of law on partition of
3 community property and report its findings to the Louisiana Legislature no later than
4 February 1, 2022.

5 WHEREAS, the laws of this state provide that property held in community can be
6 partitioned following a divorce; and

7 WHEREAS, during divorce proceedings, one spouse may hold financial advantage
8 over the other spouse; and

9 WHEREAS, advances of community property to the spouse with fewer resources
10 to complete a partition are customarily limited to twenty-five percent or less of the total
11 community to ensure fairness in final partitions; and

12 WHEREAS, a spouse with a financial advantage may adversely drain the assets of
13 the other spouse prior to arriving at a final partition judgment; and

14 WHEREAS, the proceedings to partition the community property may render one
15 spouse at a significant financial disadvantage due to extended litigation prior to the final
16 judgment; and

17 WHEREAS, disadvantaged spouses may have been subject to domestic abuse even
18 when not asserted to the court; and

19 WHEREAS, the extended litigation may be used as a continuation of domestic abuse
20 by way of "litigation abuse"; and

1 WHEREAS, both parties and the court may benefit from equitable, expedient, and
2 efficient partitions of community property.

3 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
4 urge and request the Louisiana State Law Institute to study community property partition
5 laws and to report its findings and recommendations to the Louisiana Legislature no later
6 than February 1, 2022.

7 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge
8 and request the Louisiana State Law Institute to include representatives of the Louisiana
9 Appleseed Center for Law and Justice, the Louisiana Coalition Against Domestic Violence,
10 the Domestic Violence Clinic at Tulane Law School, the New Orleans Family Justice Center,
11 and the United Way of Southeast Louisiana, to the extent not already included in the study
12 group.

13 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
14 director of the Louisiana State Law Institute.

15 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
16 one print copy and one electronic copy of any report produced pursuant to this Resolution
17 to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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)]

HCR 92 Engrossed

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Davis

Requests the La. State Law Institute to study community partition laws and report its findings and recommendations to the La. Legislature no later than Feb. 1, 2022.