

2021 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 92

BY REPRESENTATIVE DAVIS

A CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE