## SLS 24RS-245

## ORIGINAL

2024 Regular Session

SENATE BILL NO. 29

BY SENATOR MILLER (On Recommendation of the Louisiana State Law Institute)

DIVORCE. Provides for the allocation of community property following a petition for divorce. (8/1/24)

1	AN ACT		
2	To amend and reenact R.S. $9:374(G)(2)$ and to enact R.S. $9:375(C)$ , relative to the allocation		
3	of community property; to provide for factors for consideration in allocating		
4	community property; to provide for attorney fees; and to provide for related matters.		
5	Be it enacted by the Legislature of Louisiana:		
6	Section 1. R.S. 9:374(G)(2) is hereby amended and reenacted and R.S. 9:375(C) is		
7	hereby enacted to read as follows:		
8	§374. Possession and use of family residence or community movables or		
9	immovables		
10	* * *		
11	G. (1) * * *		
12	(2) The court shall determine allocation of community property after		
13	considering:		
14	(a) The custody of the children and exclusive use and occupancy of the		
15	family residence.		
16	(b) The total community property, including the liquidity of community		
17	assets, and spousal management rights in community assets and liabilities.		
	$P_{ace} 1 \text{ of } 2$		

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	(c) The need of a spouse for funds to maintain a household prior to partition.	
2	(d) The need of a spouse to receive legal representation during the course of	
3	the proceedings.	
4	(e) The history of domestic abuse during the marriage.	
5	(f) The history of financial control by one of the spouses during the	
6	marriage.	
7	* * *	
8	§375. Award of attorney fees	
9	* * *	
10	C. In an action in accordance with R.S. 9:374, the court may award	
11	attorney fees and costs when it determines that either party has caused	
12	unreasonable delay.	
13	Revision Comments – 2024	
14	A party's failure to respond to a court order amounts to contempt of court and	
14 15	is punishable under the provisions of Louisiana law. See, e.g., Code of Civil	
16	Procedure Article 221 et seq. This revision extends the availability of attorney fees	
17	and costs beyond acts involving contempt of court to frivolous filings and purposeful	
18	unreasonable delay. Attorney fees and costs are not available for delays that are	
19	intentional but reasonable.	

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Hanna Gettys.

	DIGEST	
SB 29 Original	2024 Regular Session	Miller

<u>Present law</u> (R.S. 9:374) authorizes the court to award the use and occupancy of community movables or immovables to either spouse, after a petition for divorce is filed, and prior to partition.

<u>Proposed law</u> retains <u>present law</u> and requires the court to consider certain factors in determining the allocation of community property, including the liquidity of community assets, the history of domestic violence, and the history of financial control.

<u>Present law</u> (R.S. 9:375) authorizes the award of attorney fees in support, contribution, and visitation actions.

<u>Proposed law</u> retains <u>present law</u> and additionally authorizes an award of attorney fees in actions allocating the use of community property if either party causes unreasonable delay.

Effective August 1, 2024.

(Amends R.S. 9:374(G)(2); adds R.S. 9:375(C))