

SENATE BILL NO. 29

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

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.**

18 (c) The need of a spouse for funds to maintain a household prior to partition.

19 (d) The need of a spouse to receive legal representation during the course of
20 the proceedings.

21 **(e) The history of domestic abuse during the marriage.**

22 **(f) The history of financial control by one of the spouses during the**
23 **marriage.**

24 * * *

25 §375. Award of attorney fees

26 * * *

27 **C. In an action in accordance with R.S. 9:374, the court may award**

1 attorney fees and costs when it determines that either party has caused
2 unreasonable delay.

3 Revision Comments – 2024

4 A party's failure to respond to a court order amounts to contempt of court and
5 is punishable under the provisions of Louisiana law. See, e.g., Code of Civil
6 Procedure Article 221 et seq. This revision extends the availability of attorney fees
7 and costs beyond acts involving contempt of court to frivolous filings and purposeful
8 unreasonable delay. Attorney fees and costs are not available for delays that are
9 intentional but reasonable.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____