

Regular Session, 2014

HOUSE BILL NO. 300

BY REPRESENTATIVE GREENE

FAMILY LAW: Provides with respect to interim and final spousal support

1 AN ACT

2 To amend and reenact Civil Code Articles 112(B)(2) and 113, relative to spousal support;
3 to provide for consideration of an interim allowance or final child support obligation
4 in the determination of interim and final spousal support; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Articles 112(B)(2) and 113 are hereby amended and reenacted
8 to read as follows:

9 Art. 112. Determination of final periodic support

10 * * *

11 B. The court shall consider all relevant factors in determining the amount
12 and duration of final support. Those factors may include:

13 * * *

14 (2) The financial obligations of the parties, including any interim allowance
15 or final child support obligation.

16 * * *

17 Art. 113. Interim spousal support allowance pending final spousal support award

18 Upon motion of a party or when a demand for final spousal support is
19 pending, the court may award a party an interim spousal support allowance based on
20 the needs of that party, the ability of the other party to pay, any interim allowance

1 or final child support obligation, and the standard of living of the parties during the
2 marriage, which award of interim spousal support allowance shall terminate upon the
3 rendition of a judgment of divorce. If a claim for final spousal support is pending
4 at the time of the rendition of the judgment of divorce, the interim spousal support
5 award shall thereafter terminate upon rendition of a judgment awarding or denying
6 final spousal support or one hundred eighty days from the rendition of judgment of
7 divorce, whichever occurs first. The obligation to pay interim spousal support may
8 extend beyond one hundred eighty days from the rendition of judgment of divorce,
9 but only for good cause shown.

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)]

Greene

HB No. 300

Abstract: Provides for consideration of any interim allowance or final child support order in determining an award for interim or final spousal support.

Present law (C.C. Art. 112) authorizes the court to award final spousal support and provides certain factors to consider in determining the amount and duration, including financial obligations of the parties.

Proposed law retains present law and clarifies that financial obligations includes any interim allowance or final child support obligation.

Present law (C.C. Art. 113) authorizes the court to award interim spousal support when a demand for final spousal support is pending and provides factors to consider.

Proposed law retains present law and adds any interim allowance or final child support obligations as factors to consider in awarding interim spousal support.

(Amends C.C. Arts. 112(B)(2) and 113)