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 DIGEST

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Morrell

SB No. 292

Present law (C.C. Art. 103) provides grounds for immediate divorce.

Proposed law adds the following as grounds for immediate divorce:

- (1) When a spouse or child has been physically or sexually abused by the other spouse.
- (2) When a protective order or injunction has been issued against the other spouse.

Present law (C.C. Art. 103.1) provides required time delays for certain grounds of divorce.

Proposed law deletes the following as grounds for divorce after 180 days have passed:

- (1) When a spouse or child has been physically or sexually abused by the other spouse.
- (2) When a protective order or injunction has been issued against the other spouse.

Present law (C.C. Art. 112) authorizes the court to award final spousal support and provides a list of considerations for the court in determining the amount of the final award. Further limits a final award to an amount not greater than one-third of the obligor's net income.

Proposed law retains present law and requires the court to consider the existence, effect, and duration of domestic abuse during the marriage in determining a final award amount.

Proposed law requires the payment of interim spousal support for 180 days after the rendition of the judgment of divorce unless a final spousal support award exceeds the interim amount. Further provides that the obligation to pay the final spousal support award does not begin until the interim spousal support award has terminated.

Proposed law provides for rights to seek other remedies.

Proposed law requires the court to award final spousal support when the court finds that the spouse seeking divorce was the victim of domestic abuse committed by the other spouse during the marriage. Further authorizes the court to award a final award in an amount greater than one-third of the obligor's net income when the final award is made pursuant to C.C. Art. 112(B).

Proposed law (R.S. 9:327) requires the court to consider all criminal convictions of the obligor spouse committed against the obligee spouse during the course of the marriage in determining whether the obligee was the victim of acts of domestic abuse of the obligor. Further provides that in the absence of a criminal conviction, the court may order an evaluation of both parties which may be used to assist the court in determining the existence and nature of the alleged domestic abuse. Such evaluation shall be conducted by an independent mental health professional who is an expert in the field of domestic abuse.

Effective August 1, 2014.

(Amends C.C. Arts. 103, 103.1, 112, and 113; adds C.C. Art. 118 and R.S. 9:327)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Technical.
2. Changes "shall order" to "may order" in court's authority to order an evaluation of both parties to assist the court in determining the existence of domestic abuse.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill.

1. Deleted provision barring a spouse who receives a final spousal support award from asserting any other claim relative to the domestic abuse for which the spouse receives the final spousal support award.
2. Clarified that an obligation to pay interim spousal support and final spousal support pursuant to C.C. Arts. 103(4) and (5) shall not overlap.