

**ACT No. 265**

2018 Regular Session

HOUSE BILL NO. 125

BY REPRESENTATIVE JEFFERSON

(On Recommendation of the Louisiana State Law Institute)

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AN ACT

To amend and reenact Civil Code Articles 103(5), 112, 113, 114, and 115, and to repeal Civil Code Article 118, relative to marriage; to provide for grounds for divorce; to provide for interim spousal support; to provide for final periodic support; to provide for modification of support; to provide for extinguishment of support; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Articles 103(5), 112, 113, 114, and 115 are hereby amended and reenacted to read as follows:

Art. 103. Judgment of divorce; other grounds

Except in the case of a covenant marriage, a divorce shall be granted on the petition of a spouse upon proof that:

\* \* \*

(5) After a contradictory hearing or consent decree, a protective order or an injunction was issued during the marriage, ~~in accordance with law~~, against the other spouse to protect the spouse seeking the divorce or a child of one of the spouses from abuse.

Revision Comments - 2018

The protective order referenced in Subparagraph (5) of this Article may be either a criminal or civil protective order. See, e.g., R.S. 14:40.2, R.S. 46:2136, and Children's Code Articles 618 and 1570.

\* \* \*

1 Art. 112. Determination of final periodic support

2 A. When a spouse has not been at fault prior to the filing of a petition for  
 3 divorce and is in need of support, based on the needs of that party and the ability of  
 4 the other party to pay, that spouse may be awarded final periodic support in  
 5 accordance with Paragraph ~~E~~ B of this Article.

6 ~~B. When a spouse has not been at fault prior to the filing of a petition for  
 7 divorce and the court determines that party was the victim of domestic abuse  
 8 committed during the marriage by the other party, that spouse shall be awarded final  
 9 periodic support or a lump sum award, at the discretion of the court, in accordance  
 10 with Paragraph C of this Article.~~

11 ~~E~~: The court shall consider all relevant factors in determining the amount  
 12 and duration of final support, including:

13 (1) The income and means of the parties, including the liquidity of such  
 14 means.

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

17 (3) The earning capacity of the parties.

18 (4) The effect of custody of children upon a party's earning capacity.

19 (5) The time necessary for the claimant to acquire appropriate education,  
 20 training, or employment.

21 (6) The health and age of the parties.

22 (7) The duration of the marriage.

23 (8) The tax consequences to either or both parties.

24 (9) The existence, effect, and duration of any act of domestic abuse  
 25 committed by the other spouse upon the claimant or a child of one of the spouses,  
 26 regardless of whether the other spouse was prosecuted for the act of domestic  
 27 violence.

28 C. When a spouse is awarded a judgment of divorce pursuant to Article  
 29 103(2), (3), (4), or (5), or when the court determines that a party or a child of one of





1 Revision Comments - 2018

2 The 2018 revision makes it clear that awards of both interim spousal support  
3 and final periodic support are modifiable in accordance with the modification  
4 standards provided by law.

5 Art. 115. Extinguishment of ~~spousal~~ support obligation

6 The obligation of ~~spousal~~ interim spousal support or final periodic support  
7 is extinguished upon the remarriage of the obligee, the death of either party, or a  
8 judicial determination that the obligee has cohabited with another person of either  
9 sex in the manner of married persons.

10 Revision Comments - 2018

11 The 2018 revision is not intended to change the law. The language of this  
12 Article has always been broad enough to cover awards of both interim spousal  
13 support and final periodic support. This revision simply makes the domain of the  
14 Article more clear.

15 Section 2. Civil Code Article 118 is hereby repealed in its entirety.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_