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## DIGEST

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HB 236 Original

2020 Regular Session

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**Abstract:** Provides for divorce upon the execution and filing of an authentic act establishing that there are no children of the marriage, that there is no immovable property subject to the community of acquets and gains, and that the spouses suffer irreconcilable differences.

Present law provides for various grounds for divorce, including proof of the following:

- (1) The spouses have been living separate and apart continuously for the requisite period of time, in accordance with present law (Article 103.1), or more on the date the petition is filed.
- (2) The other spouse has committed adultery.
- (3) The other spouse has committed a felony and has been sentenced to death or imprisonment at hard labor.
- (4) During the marriage, the other spouse physically or sexually abused the spouse seeking divorce or a child of one of the spouses, regardless of whether the other spouse was prosecuted for the act of abuse.
- (5) After a contradictory hearing or consent decree, a protective order or an injunction was issued during the marriage against the other spouse to protect the spouse seeking the divorce or a child of one of the spouses from abuse.

Proposed law retains present law, and provides for a divorce by the execution and filing of an authentic act declaring the divorce of the spouses, provided that at the time of execution of the authentic act declaring the divorce between the spouses, there are no children of the marriage, there is no immovable property subject to the community of acquets and gains, and the spouses suffer irreconcilable differences.

Proposed law provides that execution of an authentic act by both spouses alleging the requirements of proposed law shall constitute full proof of those requirements, and, if the authentic act is filed with the central vital records registry pursuant to present law (R.S. 40:33 et seq.) within 15 days of its execution, the filing of the authentic act shall be deemed a final divorce of the spouses.

Proposed law provides that an action to partition community property subsequent to the filing of the authentic act shall be subject to the procedures set forth in present law (R.S. 9:2801 et seq).

(Amends C.C. Art. 103)