

2026 Regular Session

SENATE RESOLUTION NO. 22

BY SENATOR FOIL

MATRIMONIAL REGIMES. Requests the Louisiana State Law Institute to study and recommend legislation relative to the division of retirement benefits of a former spouse in the partition of community property.

1 A RESOLUTION

2 To urge and request the Louisiana State Law Institute to study and recommend legislation  
3 relative to the division of retirement benefits of a former spouse in the partition of  
4 community property.

5 WHEREAS, R.S. 9:2801 provides for the partition of community property and  
6 settlement claims arising from matrimonial regimes; and

7 WHEREAS, the Louisiana Supreme Court in *Sims v. Sims*, 358 So.2d 919 (La. 1978)  
8 determined in a partition of community assets following the dissolution of the community  
9 property regime as the result of a divorce, a divorced spouse has an interest in a former  
10 spouse's pension rights, insofar as the benefits are attributable to his employment during the  
11 existence of the community; and

12 WHEREAS, in *Sims*, the Louisiana Supreme Court held that the divorced spouse was  
13 entitled to have recognized an interest in the pension funds or rights of the former spouse,  
14 when the benefits become actually payable to, or for the other, in the proportion that they  
15 are attributable to the former spouse's employment during the community; and

16 WHEREAS, the Louisiana Supreme Court determined that the following formula by  
17 fraction, known as the "Sims Formula" is the proper formula to apply for the division of  
18 retirement benefits attributable to employment during the existence of the community, the

1 numerator of which is the years of creditable service during the existence of the community,  
2 divided by the denominator of which is the total years of creditable service, multiplied by  
3 one-half; and

4 WHEREAS, the Sims Formula is established by jurisprudence and applies to the  
5 division of retirement benefits, as the result of a divorce, in all retirement systems in the state  
6 of Louisiana; and

7 WHEREAS, the Louisiana State Law Institute has the capability and expertise to  
8 study and make recommendations for potential changes relative to the laws governing the  
9 division of retirement benefits and applicable to the partition of community property as the  
10 result of a divorce.

11 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana  
12 does hereby urge and request the Louisiana State Law Institute to study and recommend  
13 legislation relative to the division of retirement benefits of a former spouse in the partition  
14 of community property as the result of a divorce.

15 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
16 director of the Louisiana State Law Institute.

17 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit  
18 one printed copy and one electronic copy of any report produced pursuant to this Resolution  
19 to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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#### DIGEST

SR 22 Original

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