Divorce proposal draws some opposition

By JOHN LAPLANTE
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More liberal divorce laws proposed by a prestigious legal agency would hasten the downfall of marriage as an institution, some lawmakers said Wednesday.

The Louisiana Law Institute wants to abolish legal separations, allow a spouse to file a six-month divorce suit even if the couple is still living together, and end all fault as grounds for divorce.

Fault factors - adultery, cruelty and other acts that "violate a spouse's marital duties" - would be used only to set child custody or alimony payments, which would expire after a set term instead of continuing indefinitely.

Some lawmakers reviewing the proposed law, which was rejected by the Legislature last year, said some provisions promote a lax attitude toward marriage and divorce.

Sen. Fritz Windhorst, R-Gretna, an attorney, said "the law would be winking" at "all the bouncing around that's going on" in society.

"We're not only winking at it. We're downright encouraging it and inviting it," said Sen. Lawson Swearingen, D-Monroe, also an attorney, and chairman of the family law committee.

"We're just toasting it (marriage) out and saying it doesn't mean anything," Swearingen said. "We're going too far when we say it doesn't matter if you're living together."

He said the proposed divorce law encourages a "free-for-all."

Spokesmen for the Law Institute, the legal agency in charge of reviewing such laws, said they are not encouraging divorce. They said lawyers are not encouraging social realities in their efforts to streamline the divorce process.

A six-month cooling period before divorce is granted. Fault factors would apply only to requests for alimony.

Alimony would last three to 10 years, depending on the duration of the marriage.

The proposed law would end legal separations, typically granted after a couple is apart for six months.

Rigby said separations are a relic of past religious values that discouraged estranged couples from seeking a full divorce.

Family Court Judge Tony Graphe of Baton Rouge agreed.

"Making it simpler, Mr. Rigby," Graphe said. "Alimony does not increase the divorce rate," Graphe said. However, he asked the Legislature to adopt a more specific definition of fault factors that would be used to award or deny alimony.