

## Memorandum 83-20

Subject: Study D-312 - Liability of Marital Property for Debts

Assemblyman McAlister has agreed to introduce the Commission recommended bill on the liability of marital property for debts. He has two reservations concerning the bill:

(1) The provision relating to liability of the spouses when a debt is assigned to one spouse upon dissolution of marriage causes him concern. He believes that this provision will be very controversial and is unlikely to be accepted by the Legislature.

(2) He does not want the bill to deal with the liability of the earnings of the nondebtor spouse on a premarital support obligation of the other spouse. He would like the bill to include a provision that the bill has no effect on such liability and the liability is whatever it was under prior law. He is basically opposed to the concept of a nondebtor spouse having earnings garnished to pay a premarital support obligation of the other spouse. However, if the family support enforcers (District Attorney representatives and others) believe they have such authority now, he believes that the problem should be dealt with in another bill.

Respectfully submitted,

John H. DeMouilly  
Executive Secretary