

RÉSUMÉ DIGEST**ACT 434 (HB 449)****2016 Regular Session****Gregory Miller**

Existing law (Ch.C. Art. 1122) provides the form for the surrendering of parental rights. New law deletes the outdated reference to a notarial act of legitimation; otherwise, retains existing law.

Existing law (Ch.C. Art. 1142) provides for the order declaring parental rights terminated. New law deletes the outdated reference to a notarial act of legitimation; otherwise, retains existing law.

New law (R.S. 9:410) requires that notice and an opportunity to object be given to the state registrar of vital records prior to the signing of a judgment of filiation which amends a birth certificate.

Existing law (R.S. 40:34) provides for the vital records forms to be completed upon the birth and death of a person. New law reorganizes existing law and resolves the conflicts between the laws relative to birth certificates and the laws relative to filiation.

New law (R.S. 40:34.1-34.9) provides for the contents of a birth certificate.

New law (40:34.3, 34.4, and 34.6-34.9) retains existing law requiring that the following information be listed on a birth certificate: sex of the child; time, date, and place of birth; name of the mother; age, race, birthplace, and residence of parents; certification of the attending physician, midwife, or other person in attendance at the birth; exact date of filing with the local registrar.

New law (R.S. 40:34.10) retains existing law regarding the contents of a death certificate and modernizes the language therein.

New law (R.S. 40:34.11-34.13) retains existing law requiring the state registrar to develop an affidavit for the voluntary acknowledgment of paternity and to provide certain information to the Dept. of Children and Family Services. Also retains existing law requiring all acknowledgments of paternity to be filed with the state registrar in a central repository.

Existing law (R.S. 40:46) provides for the issuance of a new birth certificate when a judgment of filiation is obtained. New law reorganizes existing law and resolves the conflicts between the laws relative to amending a birth certificate and the laws relative to filiation.

New law (R.S. 40:46.1) provides that if the filiation of a child changes after the issuance of an original birth certificate, the state registrar shall amend the birth certificate in accordance with new law.

New law (R.S. 40:46.2) provides for the amendment of an original birth certificate upon a judgment of maternal filiation pursuant to existing law (C.C. Art.184) when no mother had been identified originally.

New law (R.S. 40:46.3) provides for the amendment of an original birth certificate upon a judgment of maternal filiation pursuant to existing law (C.C. Art.184) when a different mother had been identified originally.

New law (R.S. 40:46.4) provides for the amendment of an original birth certificate upon a change in paternal filiation due to the disavowal of paternity in accordance with existing law (C.C. Art. 185, 186, or 195).

New law (R.S. 40:46.5) provides for the amendment of an original birth certificate when there has been a change in paternal filiation due to a contestation and establishment of paternity in accordance with existing law (C.C. Art. 185 or 186).

New law (R.S. 40:46.6) provides for the amendment of an original birth certificate when there has been a change in paternal filiation due to marriage and formal acknowledgment of paternity in accordance with existing law (C.C. Art. 195).

New law (R.S. 40:46.7) provides for the amendment of an original birth certificate when there has been a change in paternal filiation due to a formal acknowledgment of paternity in accordance with existing law (C.C. Art. 196).

New law (R.S. 40:46.8) provides for the amendment of an original birth certificate when there has been a change in paternal filiation due to a judgment of paternity in accordance with existing law (C.C. Art. 197 or 198).

Existing law (R.S. 40:34) and new law (R.S. 40:46.9) provide relative to birth certificates in circumstances in which the mother of the child and her husband have lived separate and apart for 180 days prior to the conception of the child and the biological father of the child is a man other than the husband of the mother. New law provides for the amendment of the birth certificate in such cases, and retains existing law requiring the Dept. of Health and Hospitals to develop a form to facilitate implementation of this law.

New law (R.S. 40:46.9) provides an exception to the laws governing the surname of the child when the mother shows good cause. Provides that good cause may include the fact that the father is no longer involved in the child's life, does not pay support, or does not communicate with the child.

New law (R.S. 40:46.10-46.13) retains existing law relative to the following: Birth certificates for children born as a result of a surrogacy agreement; authorization for the district attorney to review a child's request to change his birth certificate; hospital-based paternity programs; and paternity establishment services.

Existing law (R.S. 40:75) provides for notarial acts of adoption and resulting name changes. New law deletes outdated references and corrects cross references to adult adoptions; otherwise, retains existing law.

Prior law (Ch.C. Art. 1142(C)) provided relative to a legitimation by authentic act. New law repeals prior law.

Effective August 1, 2016.

(Amends Ch.C. Arts. 1122(F)(2) and (G)(2) and 1142(B) and R.S. 40:34, 46, 46.1, 46.2, and 75(A); Adds R.S. 9:410, R.S. 40:34.1-34.13, and 46.3-46.13; Repeals Ch.C. Art. 1142(C))