

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

---

## DIGEST

Present law uses the terms "party or parties" and "affiant."

Proposed law changes the terms to "mother and alleged father" and "alleged father."

Present law required only the alleged father who executed the acknowledgment to be a party to this action.

Proposed law changes present law to make it consistent with federal law which requires both the mother and father to sign the acknowledgment.

Present law provides that a judgment establishing paternity may be set aside or vacated if genetic testing indicated that the adjudicated father is not the biological father.

Proposed law provides that if the court finds there is a substantial likelihood that the adjudicated father is not the biological father, it shall order genetic testing and if the results show a 99.9% statistical probability of paternity, a rebuttable presumption of paternity shall be established.

Proposed law provides that the burden of proof shall be upon the party seeking to set aside or vacate the judgment.

Proposed law provides that the court shall not suspend any legal obligations during the pendency of this proceeding, except for good cause shown.

Proposed law provides that if the judgment of paternity is set aside, vacated, or dismissed, the court shall dismiss any obligation of child support.

Present law provides that present law does not apply to a child presumed to be a child of a marriage.

Proposed law provides that present law does not apply to a child presumed to be a child of a marriage between the mother and the adjudicated father.

Effective August 15, 2010.

(Amends R.S. 9:392(A)(intro. para.), (7)(a) and (b), and (B) and 399.1(A)(intro.para.), (B), (C), and (D); Adds R.S. 9:399.1(E) and (F))