
The original instrument was prepared by Jerry G. Jones. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle Broussard-Johnson.

DIGEST

Quinn (SB 322)

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 and proceedings shall be brought within two years from judgment or initiation of action.

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 legal 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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill.

1. Changed from not applying to a child presumed to be a child of a marriage between the mother and the adjudicated father to not applying to a child presumed to be a child of a marriage between the mother and the legal father.

Senate Floor Amendments to engrossed bill.

1. Clarifies the two year prescriptive period that exist in which the adjudicated father knew or should have known of a judgment establishing paternity.
2. Technical amendments with clarifying language.