

Prior law, relative to paternity, uses the terms "party or parties" and "affiant."

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

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

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

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

New 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.

New 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.

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

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

Prior law provided that prior law does not apply to a child presumed to be a child of a marriage.

New law provides that prior 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)