## HOUSE SUMMARY OF SENATE AMENDMENTS

## HB 388 2016 Regular Session Jefferson

CHILDREN: Provides for the filiation of children

## **Synopsis of Senate Amendments**

- 1. Removes the <u>proposed law</u> procedures for identifying the father of a child born outside of marriage.
- 2. Makes technical amendments to reflect the elimination of <u>proposed law</u> (R.S. 9:408).

## Digest of Bill as Finally Passed by Senate

<u>Present law</u> (C.C. Art. 189) provides for the time period for disavowal of paternity and provides that prescription runs from the day the husband learns or should have learned of the birth of the child. <u>Proposed law</u> changes the commencement of the prescription <u>from</u> the day the husband learns or should have learned of the birth of the child <u>to</u> the birth of the child or the day the husband knew or should have known that he may not be the biological father of the child, whichever occurs later.

<u>Present law</u> (C.C. Art. 191) provides for the contestation and establishment of paternity by the mother. <u>Proposed law</u> retains present law but deletes the outdated reference to "signing the birth certificate".

<u>Present law</u> (C.C. Art. 195) provides a presumption of paternity when a man marries the mother and the child is not filiated to another man and he acknowledges the child. <u>Present law</u> also provides for the disavowal of paternity of a child who was acknowledged by authentic act. <u>Proposed law</u> retains <u>present law</u> and provides that a revocation of the authentic act of acknowledgment alone is not sufficient to rebut the presumption.

<u>Present law</u> (C.C. Art. 196) provides for the presumption of paternity by formal acknowledgment. <u>Proposed law</u> retains <u>present law</u> but deletes the outdated reference to "signing the birth certificate".

<u>Present law</u> (R.S. 9:406) provides for the revocation of authentic acts of acknowledgment and provides for a two-year prescriptive period. <u>Proposed law</u> deletes the two-year prescriptive period to bring the law into compliance with Succession of Robinson, 654 So.2d. 682 (La. 1995).

<u>Proposed law</u> also requires the petitioner's testimony to be corroborated by other evidence.

<u>Proposed law</u> (R.S. 9:409) provides for the necessary joinder of parties to a filiation and paternity proceeding, modifying the provisions of R.S. 40:34.

<u>Proposed law</u> provides for the prospective application of C.C. Art. 196.

(Amends C.C. Arts. 189, 191, 195, and 196 and R.S. 9:406(B), (C), (D)(2), and (E)(2); Adds R.S. 9:408)