

2017 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 10

BY REPRESENTATIVE DWIGHT

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations regarding Louisiana laws governing paternity and birth certificates.

WHEREAS, while it is of the utmost importance to ensure that Louisiana children are supported, there is also a need to protect men who are not biological fathers from the obligations of paternity and child support; and

WHEREAS, Civil Code Article 185 provides that the husband of the mother is presumed to be the father of a child born during the marriage or within three hundred days from the date of the termination of the marriage; and

WHEREAS, R. S. 40:34.5(A) provides that if the child is born to a mother who either is married or was married within three hundred days prior to the birth of the child, the full name of the father shall be recorded in the same manner provided for the recordation of the surname of the child under Louisiana law; and

WHEREAS, given these two legal principles, there are circumstances which would mandate that a mother falsely and knowingly identify an ex-husband as the biological father on a child's birth certificate.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that the Louisiana State Law Institute study the laws governing paternity and birth certificates to establish procedures to protect those husbands and ex-husbands who are not the biological fathers of children.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the director of the Louisiana State Law Institute and that the Louisiana State Law Institute report its findings and recommendations to the Legislature of Louisiana on or before January 1, 2018.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE