
DIGEST

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HB 110 Original

2019 Regular Session

Pope

Abstract: Provides for written notice to a husband or former husband who is being named as the father of a child who is born when the father and mother are divorced, when the husband and wife are living separate and apart, or when an action for divorce is pending.

Present law provides that if a child is born to a mother who either is married or was married within 300 days prior to the birth of the child, the full name of the father shall be recorded on the birth certificate, unless otherwise provided by law.

Proposed law retains present law but provides that the full name of the husband or former husband shall be recorded as provided by present law only after the husband or former husband is notified in writing, by certified mail, that his name will be recorded as the father of the child when the child is born to a mother who was divorced, when the mother was living separate and apart from her husband within 180 days prior to the birth of the child, or when an action for divorce is pending at the time of the birth of the child.

Present law provides that the action for disavowal of paternity is subject to a liberative prescription of one year.

Present law provides that if the husband lived separate and apart from the mother continuously during the 300 days immediately preceding the birth of the child, prescription does not commence to run until the husband is notified in writing that a party has asserted that the husband is the father of the child.

Proposed law changes the time period from 300 days to 180 days and adds that if an action for divorce is pending or a judgment of divorce has been rendered at the time of the birth of the child, notice to the husband or former husband shall be provided by certified mail.

Proposed law provides for retroactive application to August 1, 2016.

(Amends C.C. Art. 189 and R.S. 40:34.5(A))