

2026 Regular Session

SENATE BILL NO. 400

BY SENATOR SELDERS

CIVIL PROCEDURE. Provides relative to prescriptive periods for disavowal of paternity actions. (8/1/26)

1 AN ACT

2 To amend and reenact Civil Code Arts. 189 and 198, relative to paternity; to provide relative  
3 to disavowal of paternity actions; to provide relative to prescriptive periods; to  
4 provide relative to an action to establish paternity; to provide relative to certain time  
5 limits and time periods; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Arts. 189 and 198 are hereby amended and reenacted to read  
8 as follows:

9 Art. 189. Time limit for disavowal by the husband

10 The action for disavowal of paternity is subject to a liberative prescription of  
11 ~~one year~~ **twelve years**. This prescription commences to run from the day of the birth  
12 of the child, or the day the husband knew or should have known that he may not be  
13 the biological father of the child, whichever occurs later, **but shall not extend**  
14 **beyond when the child attains twelve years of age.**

15 Nevertheless, if the husband lived separate and apart from the mother  
16 continuously during the three hundred days immediately preceding the birth of the  
17 child, this prescription does not commence to run until the husband is notified in

1 writing that a party in interest has asserted that the husband is the father of the child.

2 \* \* \*

3 Art. 198. Father's action to establish paternity; time period

4 A man may institute an action to establish his paternity of a child at any time  
5 except as provided in this Article. The action is strictly personal.

6 If the child is presumed to be the child of another man, the action shall be  
7 instituted within ~~one year~~ **twelve years** from the day of the birth of the child.  
8 Nevertheless, if the mother in bad faith deceived the father of the child regarding his  
9 paternity, the action shall be instituted within one year from the day the father knew  
10 or should have known of his paternity, or within ~~ten~~ **twelve** years from the day of the  
11 birth of the child, whichever first occurs.

12 In all cases, the action shall be instituted no later than one year from the day  
13 of the death of the child.

14 The time periods in this Article are preemptive.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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#### DIGEST

SB 400 Original

2026 Regular Session

Selders

Present law (C.C. Art. 189) provides that the action for disavowal of paternity is subject to a liberative prescription of one year. Provides that this prescription commences to run from the day of 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.

Proposed law provides that the action for disavowal of paternity is subject to a liberative prescription of 12 years. Provides that this prescription commences to run from the day of 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, but shall not extend beyond when the child attains 12 years of age.

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, this prescription does not commence to run until the husband is notified in writing that a party in interest has asserted that the husband is the father of the child.

Proposed law retains present law.

Present law (C.C. Art. 198) provides that a man may institute an action to establish his paternity of a child at any time except as provided in present law, and provides that the action is strictly personal. Provides that if the child is presumed to be the child of another

man, the action shall be instituted within one year from the day of the birth of the child. Further provides that if the mother in bad faith deceived the father of the child regarding his paternity, the action shall be instituted within one year from the day the father knew or should have known of his paternity, or within 10 years from the day of the birth of the child, whichever first occurs. Provides that in all cases the action shall be instituted no later than one year from the day of the death of the child. Provides that the time periods in present law are preemptive.

Proposed law provides that a man may institute an action to establish his paternity of a child at any time except as provided in proposed law, and provides that the action is strictly personal. Provides that if the child is presumed to be the child of another man, the action shall be instituted within 12 years from the day of the birth of the child. Further provides that if the mother in bad faith deceived the father of the child regarding his paternity, the action shall be instituted within one year from the day the father knew or should have known of his paternity, or within 12 years from the day of the birth of the child, whichever first occurs. Provides that in all cases the action shall be instituted no later than one year from the day of the death of the child. Provides that the time periods in proposed law are preemptive.

Effective August 1, 2026.

(Amends C.C. Arts. 189 and 198)