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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 peremptive.

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 peremptive.

Effective August 1, 2026.

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