

2026 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 19

BY REPRESENTATIVE CHASSION

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study filiation proceedings and the presumption of paternity and to report its findings to the Legislature of Louisiana no later than February 1, 2027.

WHEREAS, Civil Code Article 178 provides that filiation is the legal relationship between a child and his parent; and

WHEREAS, Civil Code Article 179 provides that filiation is established by proof of maternity or paternity or by adoption; 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, Civil Code Article 187 provides that the husband may disavow paternity of the child by clear and convincing evidence that he is not the father; and

WHEREAS, Civil Code Article 190.1 provides that if blood or tissue sampling indicates that the biological father is the father of the child and not the former husband, the mother, biological father, and former husband may execute a three-party acknowledgment; and

WHEREAS, if a three-party acknowledgment is executed, the former husband is not presumed to be the father of the child and the biological father who has acknowledged the child is the presumed father; and

WHEREAS, there is no presumption of parentage if the mother is unmarried at the time the child is born; and

WHEREAS, R.S. 9:392(A)(3) provides that if the alleged father does not acknowledge the child, the mother has the right to file a paternity suit to establish paternity; and

WHEREAS, the presumption of paternity could cause harm to families; and

WHEREAS, many families cannot afford court costs to establish paternity and suing to establish paternity could be an undue burden; and

WHEREAS, it may be in the best interest of Louisiana families to not have a presumption of paternity.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study filiation and the presumption of paternity to determine if it is feasible to remove the presumption of paternity and to report its findings to the Legislature of Louisiana no later than February 1, 2027.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one printed copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE