

RÉSUMÉ DIGEST

ACT 309 (HB 388)

2016 Regular Session

Jefferson

Prior law (C.C. Art. 189) provided for the time period for disavowal of paternity and provided that prescription runs from the day the husband learns or should have learned of the birth of the child. New law changes the commencement of the prescription from the day the husband learns or should have learned of the birth of the child to 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.

Existing law (C.C. Art. 191) provides for the contestation and establishment of paternity by the mother. Prior law provided that this action is instituted if the present husband acknowledged the child by authentic act or by signing the birth certificate. New law retains prior law except it deletes the outdated reference to "signing the birth certificate".

Existing law (C.C. Art. 195) provides a presumption of paternity when a man marries the mother and the child is not filiated to another man and he acknowledges the child. Existing law also provides for the disavowal of paternity of a child who was acknowledged by authentic act. New law retains existing law and provides that a revocation of the authentic act of acknowledgment alone is not sufficient to rebut the presumption.

Existing law (C.C. Art. 196) provides for the presumption of paternity by formal acknowledgment. Prior law allows the acknowledgment either by authentic act or by signing the birth certificate. New law retains prior law but deletes the outdated reference to "signing the birth certificate" and provides for the prospective application of new law (C.C. Art. 196).

Prior law (R.S. 9:406) provided for the revocation of authentic acts of acknowledgment and provided for a two-year prescriptive period. New law deletes the two-year prescriptive period to bring the law into compliance with Succession of Robinson, 654 So.2d. 682 (La. 1995).

New law also requires the petitioner's testimony to be corroborated by other evidence.

New law (R.S. 9:408) provides for the necessary joinder of parties to a filiation and paternity proceeding, modifying the provisions of R.S. 40:34.

Effective August 1, 2016.

(Amends C.C. Arts. 189, 191, 195, and 196 and R.S. 9:406(B), (C), (D)(2), and (E)(2); Adds R.S. 9:408)