

RÉSUMÉ DIGEST

ACT 266 (HB 410)

2020 Regular Session

LaCombe

Existing law (C.C. Art. 185) provides that the husband of the mother is presumed to be the father of a child born during the marriage or within 300 days from the date of the termination of the marriage.

Existing law provides that the husband or former husband of the mother is not presumed to be the father of the child if the mother, presumed father, and biological father execute a three-party acknowledgment regarding the paternity of the child and a DNA test confirms the paternity of the biological father.

New law provides that the execution of a three-party acknowledgment terminates the obligation to pay child support by the husband or former husband and revokes any court order enforcing that obligation. However, it does not affect any child support payment or arrearages paid, due, or owing prior to the date the three-party acknowledgment was executed.

Prior law provided that the child's mother, the husband of the mother, and the biological father were required to be joined in a filiation or paternity proceeding.

New law requires that in a filiation or paternity proceeding, the child's mother, the biological father, and any man presumed to be the father pursuant to existing law shall be joined as a party.

Directs the Louisiana State Law Institute to prepare comments to the provisions of new law.

Effective Aug. 1, 2020.

(Amends R.S. 9:408; Adds R.S. 9:402.1)