HLS 24RS-1201 ENGROSSED

2024 Regular Session

1

HOUSE CONCURRENT RESOLUTION NO. 28

BY REPRESENTATIVE TURNER

CHILDREN/SUPPORT: Requests the La. State Law Institute to study procedures for establishing child support and paternity for minor parents

A CONCURRENT RESOLUTION

2	To urge and request the Louisiana State Law Institute to study and recommend legislation
3	for implementation of procedures establishing child support and paternity for minor
4	parents and to submit a report of its findings and recommendations to the legislature
5	no later than February 1, 2025.
6	WHEREAS, Civil Code Article 178 defines filiation as the legal relationship between
7	a child and his or her parent; and
8	WHEREAS, Civil Code Article 196 allows a man to filiate to a minor child not
9	filiated to another man by executing an authentic act; and
0	WHEREAS, Civil Code Articles 197 and 198 allow a child or putative father to
1	establish filiation through a judicial action; and
12	WHEREAS, the state of Wisconsin prohibits minors from signing an
13	acknowledgment of paternity; and
4	WHEREAS, the state of California allows minor parents to execute an
15	acknowledgment of paternity with a delayed effective date; and
16	WHEREAS, in Michigan and Minnesota an acknowledgment of paternity signed by
17	a minor parent creates a presumption of paternity; and
18	WHEREAS, the Uniform Interstate Family Support Act allows a minor parent to
9	maintain a proceeding on behalf of or for the benefit of the minor's child: and

1	WHEREAS, the Colorado Supreme Court held in Schierenbeck v. Minor, 367 P.2d
2	333 (Col. 1961), that a minor father's youth has nothing to do with assent as relating to
3	progeny; and
4	WHEREAS, parents are responsible for the support of their children pursuant to Civil
5	Code Article 224; and
6	WHEREAS, the Louisiana Fifth Circuit Court of Appeals in State v. Tantillo, 620
7	So.2d 346 (La. App. 5 Cir. 1993) declined to determine whether a minor parent should be
8	held liable for child support; and
9	WHEREAS, Illinois recognizes the right of a child to support from both parents
10	regardless of whether a parent is a minor; and
11	WHEREAS, the Kansas Supreme Court in State ex rel. Hermesmann v. Seyer, 847
12	P.2d 1273 (Kan. 1993) maintained that a minor father was obligated to support his child
13	even if the child was conceived through a criminal act; and
14	WHEREAS, the Arkansas Supreme Court in Kibler v. Kibler, 24 S.W.2d 867 (Ark.
15	1930) determined that a minor who entered into an absolutely null marriage still had an
16	obligation to support his child; and
17	WHEREAS, in the states of Alaska, Arizona, Idaho, North Carolina, Ohio, and
18	Washington, a minor child's support obligation may be shared or delegated to the minor's
19	parents; and
20	WHEREAS, Louisiana law does not explicitly address the establishment of filiation
21	or a support obligation when one of the parents is a minor.
22	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
23	urge and request the Louisiana State Law Institute to study and recommend legislation for
24	implementation of procedures establishing child support and paternity for minor parents and
25	to submit a report of its findings and recommendations to the legislature no later than
26	February 1, 2025.
27	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
28	director of the Louisiana State Law Institute.

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BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit

- 2 one print copy and one electronic copy of any report produced pursuant to this Resolution
- 3 to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HCR 28 Engrossed

2024 Regular Session

Turner

Requests the La. State Law Institute to study and recommend legislation for implementation of procedures establishing child support and paternity for minor parents and to submit a report of its findings and recommendations to the legislature no later than Feb. 1, 2025.