

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 140

BY REPRESENTATIVE ABRAMSON

A CONCURRENT RESOLUTION

To authorize and request the Louisiana State Law Institute to study the potential impact of creating a child support calculation system in cases of "dual paternity" on other areas of the law and to report its findings and recommendations in the form of specific proposed legislation at least sixty days prior to the convening of the 2013 Regular Session of the Legislature of Louisiana.

WHEREAS, in accordance with the provisions of R.S. 9:315.16, the child support guidelines were reviewed by the Child Support Review Committee; and

WHEREAS, the committee considered the subject matter of the application of the guidelines to instances of dual paternity, now legislatively provided for in Articles 197 and 198 of the Civil Code; and

WHEREAS, as part of the research memorandum on the subject, the committee examined and discussed the few appellate cases in which the court applied the guidelines when the child had two legally recognized fathers; and

WHEREAS, the committee was satisfied that the judiciary properly applied the guidelines by considering the income of all three parents resulting in a proportionate responsibility for each, as in *State v. Wilson*, 855 So.2d 913 (La. App. 2nd Cir. 2003); and

WHEREAS, issues presented by "dual paternity" extend beyond child support to such areas of the law as parental authority, tutorship, alimentary obligation owed by ascendants to descendants over the age of eighteen, wrongful death and survival actions, immunity from suit, bars to suit, and successions; and

WHEREAS, the impact of providing specifically by statute for "dual paternity" in child support cases but not in other areas of the law could create results by implication; and

WHEREAS, since the charge of the Child Support Review Committee is to study the child support guidelines and make recommendations for modification and the charge of the Marriage and Persons Committee is to consider all other areas of the law impacted by "dual paternity", the review and consideration of both committees is desirable.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby request that the Louisiana State Law Institute Marriage and Persons Advisory Committee consider statutory proposals in the areas of the law in which "dual paternity" may have an impact not otherwise resolvable and to make specific recommendations for legislation.

BE IT FURTHER RESOLVED that the Marriage and Persons Advisory Committee report its findings to the Child Support Review Committee at least sixty days prior to presentation of the Marriage and Persons Committee report to the legislature.

BE IT FURTHER RESOLVED that the committee report its findings and recommendations in the form of specific proposed legislation to the legislature at least sixty days prior to the beginning of the 2013 Regular Session of the Legislature of Louisiana.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the Marriage and Persons Advisory Committee of the Louisiana State Law Institute.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE