

2016 Regular Session

HOUSE BILL NO. 93

BY REPRESENTATIVE GREGORY MILLER

CIVIL/LAW: Revises language in the tutorship articles of the Civil Code

1 AN ACT

2 To amend and reenact Civil Code Articles 256(A) and (C) and 261, relative to terminology;
3 to provide for updated language; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Civil Code Articles 256(A) and (C) and 261 are hereby amended and
6 reenacted to read as follows:

7 Art. 256. ~~Hlegitimate children~~ Children born outside of marriage

8 A. The mother is of right the tutrix of her ~~illegitimate~~ child born outside of
9 marriage not acknowledged by the father, or acknowledged by him alone without her
10 concurrence.

11 * * *

12 C. If both parents have acknowledged their ~~illegitimate~~ child born outside
13 of marriage, the judge shall appoint as tutor the one by whose care the best interests
14 of the child will be served. However, if the parents are awarded joint custody of
15 such acknowledged ~~illegitimate~~ child born outside of marriage, then the cotutorship
16 of such child shall belong of right to both parents, with equal authority, privileges,
17 and responsibilities, unless modified by order of the court or by an agreement of the
18 parents, approved by the court awarding joint custody.

19 * * *

1 Art. 261. ~~Illegitimate child~~ Child born outside of marriage
2 The father or mother who is entitled to the tutorship of the ~~illegitimate~~ child
3 born outside of marriage, according to the provisions of Article 256, can choose a
4 tutor for him, whose appointment, to be valid, must be approved by the judge.

DIGEST

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HB 93 Original

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Gregory Miller

Abstract: Removes the term "illegitimate child" found in tutorship articles.

Present law uses the term "illegitimate child" to refer to a child born outside of marriage.

Proposed law replaces the term "illegitimate child" with "child born outside of marriage".

(Amends C.C. Arts. 256(A) and (C) and 261)