

2017 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 10

BY REPRESENTATIVE DWIGHT

FAMILY LAW: Requests the Louisiana State Law Institute to study the laws governing paternity and birth certificates

1 A CONCURRENT RESOLUTION

2 To urge and request the Louisiana State Law Institute to study and make recommendations
3 regarding Louisiana laws governing paternity and birth certificates.

4 WHEREAS, while it is of the utmost importance to ensure that Louisiana children
5 are supported, there is also a need to protect men who are not biological fathers from the
6 obligations of paternity and child support; and

7 WHEREAS, Civil Code Article 185 provides that the husband of the mother is
8 presumed to be the father of a child born during the marriage or within three hundred days
9 from the date of the termination of the marriage; and

10 WHEREAS, R. S. 40:34.5(A) provides that if the child is born to a mother who either
11 is married or was married within three hundred days prior to the birth of the child, the full
12 name of the father shall be recorded in the same manner provided for the recordation of the
13 surname of the child under Louisiana law; and

14 WHEREAS, given these two legal principles, there are circumstances which would
15 mandate that a mother falsely and knowingly identify an ex-husband as the biological father
16 on a child's birth certificate.

17 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that the Louisiana
18 State Law Institute study the laws governing paternity and birth certificates to establish
19 procedures to protect those husbands and ex-husbands who are not the biological fathers of
20 children.

1 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
2 to the director of the Louisiana State Law Institute and that the Louisiana State Law Institute
3 report its findings and recommendations to the Legislature of Louisiana on or before January
4 1, 2018.

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 10 Original

2017 Regular Session

Dwight

Requests the La. State Law Institute to study the laws of paternity and birth certificates, particularly with regard to the requirement that a husband or ex-husband be listed as the biological father on a child's birth certificate and to report its findings and recommendations to the legislature no later than Jan. 1, 2018.