

2018 Regular Session

HOUSE BILL NO. 559

BY REPRESENTATIVE JAMES

FAMILY LAW: Provides with regard to voiding acknowledgment of paternity

1 AN ACT

2 To amend and reenact R.S. 9:392(A)(7)(b), relative to paternity; to provide for voiding an
3 acknowledgment of paternity under no circumstances; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:392(A)(7)(b) is hereby amended and reenacted to read as follows:

7 §392. Acknowledgment; requirements; content

8 A.

9 * * *

10 (7)

11 * * *

12 (b) Thereafter, the acknowledgment of paternity may be voided only upon
13 proof, by clear and convincing evidence, that such act was induced by fraud, duress,
14 material mistake of fact, or error, or that the alleged father who executed the
15 authentic act of acknowledgment is not the biological father. However, in cases of
16 assisted conception, when the alleged father has executed an authentic act of
17 acknowledgment, the acknowledgment can be voided only by clear and convincing
18 evidence that such act was induced by fraud, duress, material mistake of fact, or
19 error.

20 * * *

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)]

HB 559 Original

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James

Abstract: Creates an exception for acknowledgment of paternity in cases of assisted conception.

Present law allows for an acknowledgment of paternity to be voided under certain circumstances, including clear and convincing evidence that the alleged father who executed the authentic act is not the biological father.

Proposed law provides that in cases of assisted conception, an acknowledgment of paternity can be voided only upon clear and convincing evidence that the act was induced by fraud, duress, material mistake of fact, or error.

(Amends R.S. 9:392(A)(7)(b))