

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 in cases involving assisted reproductive technology;
4 and to provide for related 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 reproductive technology when the alleged father is not the presumed father
17 as provided by Civil Code Articles 185, 186, or 195 and the alleged father has
18 executed an authentic act of acknowledgment, the acknowledgment can be voided
19 only by clear and convincing evidence that such act was induced by fraud, duress,
20 material mistake of fact, or error.

21 * * *

1 Section 2. The provisions of this Act shall apply to authentic acts of
2 acknowledgment executed on or after August 1, 2016.

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 Engrossed

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Abstract: Creates an exception for acknowledgment of paternity in cases involving assisted reproductive technology.

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 reproductive technology when the alleged father is not the presumed father, 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.

Provides that the proposed law exception applies to authentic acts of acknowledgment executed on or after Aug. 1, 2016.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Change the phrase "assisted conception" to "assisted reproductive technology"
2. Add restriction that the proposed law exception shall apply to cases when the alleged father is not the presumed father.
3. Provide that the proposed law exception applies to authentic acts of acknowledgment executed on or after Aug. 1, 2016.