

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 Civil Code Article 136(C), relative to visitation rights; to provide for  
3 extraordinary circumstances; to provide for a definition; to provide for a burden of  
4 proof; to provide for cases of assistive reproductive technology; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 136(C) is hereby amended and reenacted to  
8 read as follows:

9 Art. 136. Award of visitation rights

10 \* \* \*

11 C. ~~Under extraordinary circumstances, any~~ (1) Any other relative, by blood  
12 or affinity, or a former stepparent or stepgrandparent may be granted reasonable  
13 visitation rights if the court finds by clear and convincing evidence that it is in the  
14 best interest of the child and extraordinary circumstances exist.

15 (2) Extraordinary circumstances shall include, but are not limited to, either  
16 of the following:

17 (a) A a determination by a court that a parent is abusing a controlled  
18 dangerous substance.

19 (b) A case of assistive reproductive technology when the alleged father has  
20 executed an authentic act of acknowledgment.



The House Floor Amendments to the engrossed bill:

1. Remove provisions creating an exception to rebutting an acknowledgment of paternity in cases of assistive reproductive technology.
2. Include an alleged father who signs an authentic act of acknowledgment of paternity in cases of assistive reproductive technology as a candidate for visitation rights.
3. Impose the clear and convincing evidence burden of proof in cases to award visitation rights.
4. Provide a definition of "former stepparent".