

RÉSUMÉ DIGEST

ACT 21 (HB 147)

2018 Regular Session

Dwight

Existing law (C.C. Arts. 185-190) provides that the husband of the mother is presumed to be the father of the child born during the marriage or within 300 days from the date of termination of the marriage and provides for the disavowal of paternity.

New law provides that the husband or former husband of the mother is not presumed to be the father of the child if the mother, presumed father, and biological father execute a three-party acknowledgment regarding the paternity of the child and a DNA test confirms the paternity of the biological father. New law further provides that the person acknowledging that he is the biological father of the child is presumed to be the father if confirmed by a DNA test and the parties execute a three-party acknowledgment of paternity.

New law provides a ten-year preemptive period from the day of the birth of the child and a one-year preemptive period from the day of the death of the child for the execution of this acknowledgment.

Existing law provides for the contents of the birth certificate of a child. New law provides for the surname of a child born to a married mother in cases involving a properly executed three-party acknowledgment and a DNA test confirming the paternity of the biological father.

Existing law provides for the name of the father on the birth certificate of a child. New law provides for the name of the father of a child born to a married mother in cases involving a properly executed three-party acknowledgment and directs the state registrar to record the biological father's information on the birth certificate of the child.

New law requires the La. Dept. of Health to develop a form for the three-party acknowledgment.

Existing law provides for the amendment of a birth certificate of a child when there is a change of paternal filiation. New law further provides for the amendment of a birth certificate upon the execution of a three-party acknowledgment and directs the state registrar to record the biological father's information on the birth certificate of the child.

Prior law authorized the amendment of a birth certificate of a child if the husband and the mother lived separate and apart for 180 days prior to conception and did not reconcile and the biological father is someone other than the husband of the mother. New law repeals prior law.

Effective upon signature of governor (May 7, 2018).

(Amends R.S. 40:34.2(2)(a)(intro. para.), 34.5(A), and 46.4(A); Adds C.C. Art. 190.1 and R.S. 40:34.5.1 and 34.5.2; Repeals R.S. 40:46.9)