



1           WHEREAS, Act No. 192 of the 2005 Regular Session did not expressly renounce,  
2 interrupt, or suspend preempted and extinguished filiation claims under former Civil Code  
3 Article 209, relative to putative heirs who had attained the age of nineteen prior to the  
4 effective date of Act No. 192; and

5           WHEREAS, preempted and extinguished filiation claims under former Civil Code  
6 Article 209 is a vested property right of the alleged father, which is a heritable right  
7 transferred to the decedent's estate, along with all other property rights; and

8           WHEREAS, the state has a strong interest in the orderly disposition of property upon  
9 the death of persons.

10          THEREFORE, the House of Representatives of the Legislature of Louisiana requests  
11 the House Committee on Civil Law and Procedure, or a subcommittee thereof, to study the  
12 provisions relative to filiation, and to report its findings to the House of Representatives  
13 prior to December 15, 2023.

14          BE IT FURTHER RESOLVED that the House of Representative of the Legislature  
15 of Louisiana does hereby request the House Civil Law and Procedure Committee, or a  
16 subcommittee thereof, to specifically include in its report a review and analysis of the  
17 following:

18           (1) Whether the time limits under former Civil Code Article 209 were held to be  
19 constitutionally valid and enforceable.

20           (2) Whether the provisions of Act No. 192 of the 2005 Regular Session (relative to  
21 Civil Code Article 197) provide that Act No. 192 shall be applied retroactively.

22           (3) Whether filiation claims under former Civil Code Article 209 were subject to the  
23 exception of preemption prior to the effective date of Act No. 192 of the 2005 Regular  
24 Session.

25           (4) Whether the provisions of Act No. 192 of the 2005 Regular Session clearly and  
26 unequivocally revived filiation claims previously preempted and extinguished under former  
27 Civil Code Article 209.

28           (5) Whether Act No. 192 of the 2005 Regular Session (relative to Civil Code Article  
29 197) creates a new filiation cause of action in proceedings for putative heirs of all ages,

1 regardless if such claim was previously preempted and extinguished under former Civil  
2 Code Article 209.

3 BE IT FURTHER RESOLVED that one print copy and one electronic copy of any  
4 report produced pursuant to this Resolution be submitted to the David R. Poynter Legislative  
5 Research Library as required by R.S. 24:772.

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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)]

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HSR 3 Original

2023 Regular Session

Gregory Miller

Requests the House Committee on Civil Law and Procedure to study the provisions relative to filiation and report its findings prior to Dec. 15, 2023.