
DIGEST

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HB 81 Original

2024 Regular Session

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Abstract: Provides that a man may institute an action to establish paternity even though the child is presumed to be the child of another man.

Present law (C.C. Art. 196) provides that a man may acknowledge a child not filiated to another man.

Proposed law repeals present law.

Present law (C.C. Art. 198) provides that a man may institute an action to establish paternity of a child at any time. If the child is presumed to be the child of another man, the action shall be instituted within one year of the birth of the child. If the mother in bad faith deceived the father of the child, the action shall be instituted within one year from the day the father knew or should have known of his paternity, or within 10 years from the day of the birth of the child, whichever occurs first.

Present law (C.C. Art. 198) provides that in all cases the action shall be instituted no later than one year from the day of death of the child.

Present law (C.C. Art. 198) provides that the time periods in present law are preemptive.

Proposed law provides that a man may institute an action to establish his paternity of a child even though the child is presumed to be the child of another man. This action is subject to a preemptive period of one year which commences to run from the day of death of the child.

Proposed law provides for retroactive and prospective application.

(Amends C.C. Art. 198; Repeals C.C. Art. 196)