
DIGEST

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HB 449 Reengrossed

2016 Regular Session

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Abstract: Pursuant to HCR No. 189 of the 2010 Regular Session, resolves conflicts between laws relative to birth certificates and laws relative to filiation.

Present law (Ch.C. Art. 1122) provides the form for the surrendering of parental rights. Proposed law deletes the outdated reference to a notarial act of legitimation; otherwise, retains present law.

Present law (Ch.C. Art. 1142) provides for the order declaring parental rights terminated. Proposed law deletes the outdated reference to a notarial act of legitimation; otherwise, retains present law.

Proposed law (R.S. 9:410) requires that notice and an opportunity to object be given to the state registrar of vital records prior to the signing of a judgment of filiation which amends a birth certificate.

Present law (R.S. 40:34) provides for the vital records forms to be completed upon the birth and death of a person. Proposed law reorganizes present law and resolves the conflicts between the laws relative to birth certificates and the laws relative to filiation.

Proposed law (R.S. 40:34.1-34.9) provides for the contents of a birth certificate.

Proposed law (40:34.3, 34.4, and 34.6-34.9) retains present law requiring that the following information be listed on a birth certificate: sex of the child; time, date, and place of birth; name of the mother; age, race, birthplace, and residence of parents; certification of the attending physician, midwife, or other person in attendance at the birth; exact date of filing with the local registrar.

Proposed law (R.S. 40:34.10) retains present law regarding the contents of a death certificate and modernizes the language therein.

Proposed law (R.S. 40:34.11-34.13) retains present law requiring the state registrar to develop an affidavit for the voluntary acknowledgment of paternity and to provide certain information to the Dept. of Children and Family Services. Also retains present law requiring all acknowledgments of paternity to be filed with the state registrar in a central repository.

Present law (R.S. 40:46) provides for the issuance of a new birth certificate when a judgment of filiation is obtained. Proposed law reorganizes present law and resolves the conflicts between the laws relative to amending a birth certificate and the laws relative to filiation.

Proposed law (R.S. 40:46.1) provides that if the filiation of a child changes after the issuance of an original birth certificate, the state registrar shall amend the birth certificate in accordance with proposed law.

Proposed law (R.S. 40:46.2) provides for the amendment of an original birth certificate upon a judgment of maternal filiation pursuant to present law (C.C. Art.184) when no mother had been identified originally.

Proposed law (R.S. 40:46.3) provides for the amendment of an original birth certificate upon a judgment of maternal filiation pursuant to present law (C.C. Art.184) when a different mother had been identified originally.

Proposed law (R.S. 40:46.4) provides for the amendment of an original birth certificate upon a change in paternal filiation due to the disavowal of paternity in accordance with present law (C.C. Art. 185, 186, or 195).

Proposed law (R.S. 40:46.5) provides for the amendment of an original birth certificate when there has been a change in paternal filiation due to a contestation and establishment of paternity in accordance with present law (C.C. Art. 185 or 186).

Proposed law (R.S. 40:46.6) provides for the amendment of an original birth certificate when there has been a change in paternal filiation due to marriage and formal acknowledgment of paternity in accordance with present law (C.C. Art. 195).

Proposed law (R.S. 40:46.7) provides for the amendment of an original birth certificate when there has been a change in paternal filiation due to a formal acknowledgement of paternity in accordance with present law (C.C. Art. 196).

Proposed law (R.S. 40:46.8) provides for the amendment of an original birth certificate when there has been a change in paternal filiation due to a judgment of paternity in accordance with present law (C.C. Art. 197 or 198).

Present law and proposed law (R.S. 40:46.9) provide relative to birth certificates in circumstances in which the mother of the child and her husband have lived separate and apart for 180 days prior to the conception of the child and the biological father of the child is a man other than the husband of the mother. Proposed law provides for the amendment of the birth certificate of such cases, and retains present law requiring the Dept. of Health and Hospitals to develop a form to facilitate implementation of this law.

Proposed law (R.S. 40:46.9) provides an exception to the laws governing the surname of the child when the mother shows good cause. Provides that good cause may include the fact that the father is no longer involved in the child's life, does not pay support, or does not communicate with the child.

Proposed law (R.S. 40:46.10-46.13) retains present law relative to the following: Birth certificates

for children born as a result of a surrogacy agreement; authorization for the district attorney to review a child's request to change his birth certificate; hospital-based paternity program; paternity establishment services.

Present law (R.S. 40:75) provides for notarial acts of adoption and resulting name changes. Proposed law deletes outdated references and corrects cross references to adult adoptions; otherwise, retains present law.

Present law (Ch.C. Art. 1142(C)) provides relative to a legitimation by authentic act. Proposed law repeals present law.

(Amends Ch.C. Arts. 1122(F)(2) and (G)(2) and 1142(B) and R.S. 40:34, 46, 46.1, 46.2, and 75(A); Adds R.S. 9:410, R.S. 40:34.1-34.13, and 46.3-46.13; Repeals Ch.C. Art. 1142(C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Clarifies that in order for the state registrar to amend a birth certificate pursuant to either Civil Code Articles 195 or 196, the mother must provide an affidavit concurring in the formal acknowledgment only if the mother did not sign the act of acknowledgement.
2. Eliminates the requirement that on a birth certificate prepared in accordance with present law (R.S. 40:34.2(B)), information about the biological father such as age, race, ethnicity, residence, birthplace, and social security number be included.
3. Amends the proposed law provisions relative to the state registrar's authority to object to a filiation judgment.