
DIGEST

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HB 559 Reengrossed

2018 Regular Session

James

Abstract: Imposes a heightened burden of proof on cases to award visitation rights, extends visitation rights to alleged fathers in cases of assistive reproductive technology, and includes unmarried parents as stepparents eligible for visitation rights.

Present law provides that in extraordinary circumstances, relatives and former stepparents or stepgrandparents may be granted visitation rights if the court finds it is in the best interest of the child. Provides that extraordinary circumstances include a determination by a court that a parent is abusing a controlled dangerous substance.

Proposed law requires that the showing that visitation rights are in the best interest of the child and that extraordinary circumstances exist be made by clear and convincing evidence. Proposed law further includes as an extraordinary circumstance a case of assistive reproductive technology when the alleged father has executed an authentic act of acknowledgment. Proposed law includes as a former stepparent an unmarried party who has lived in concubinage with the parent and assumed an active role in parenting the child.

(Amends C.C. Art. 136(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Change the phrase "assisted conception" to "assisted reproductive technology"
2. Add restriction that the proposed law exception shall apply to cases when the alleged father is not the presumed father.
3. Provide that the proposed law exception applies to authentic acts of acknowledgment executed on or after Aug. 1, 2016.

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".