
DIGEST

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HB 410 Engrossed

2020 Regular Session

LaCombe

Abstract: Provides for the child support obligation of a husband or former husband who is no longer presumed to be the father pursuant to a three-party acknowledgment and provides that a husband or former husband presumed to be the father shall be joined in a filiation or paternity proceeding.

Present law (C.C. Art. 185) provides that the husband of the mother is presumed to be the father of a child born during the marriage or within 300 days from the date of the termination of the marriage. Proposed law retains present law.

Present 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.

Proposed law retains present law and provides that the execution of a three-party acknowledgment terminates the obligation to pay child support by the husband or former husband and revokes any court order enforcing that obligation. However, it does not affect any child support payment or arrearages paid, due, or owing prior to the date the three-party acknowledgment was executed.

Present law provides that the child's mother, the husband of the mother, and the biological father shall be joined in a filiation or paternity proceeding.

Proposed law requires that in a filiation or paternity proceeding, the child's mother, the biological father, and any man presumed to be the father pursuant to present law shall be joined as a party.

(Amends R.S. 9:408 and C.C. Art. 190.1)