HLS 23RS-2672 ORIGINAL

A STUDY REQUEST

2023 Regular Session

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HOUSE STUDY REQUEST NO. 3

BY REPRESENTATIVE GREGORY MILLER

CHILDREN: Requests a study of provisions relative to filiation

2	To request the House Committee on Civil Law and Procedure, or a subcommittee thereof,
3	to study the provisions relative to filiation, and to report its findings to the House of
4	Representatives prior to December 15, 2023.
5	WHEREAS, Act No. 549 of the 1980 Regular Session enacting former Civil Code
6	Article 209, provided that filiation actions may be brought within nineteen years after birth
7	of the putative heir or six months of the death of the alleged father, whichever occurs first;
8	and
9	WHEREAS, Act No. 549 of the 1980 Regular Session further provided that putative
10	heirs nineteen years or older shall have one year from the effective date of Act No. 549 to
11	bring a civil proceeding to establish filiation, and if no such proceeding was instituted within
12	such time, the filiation claim would be forever barred; and
13	WHEREAS, Act No. 720 of the 1981 Regular Session amended former Civil Code
14	Article 209 to provide that filiation actions may be brought within nineteen years after birth
15	of the putative heir or one year of the death of the alleged father, whichever occurs first; and
16	WHEREAS, Act No. 720 of the 1981 Regular Session further provided a one year
17	period within which to bring a filiation action for any person whose time period has
18	otherwise accrued pursuant to this Act; and
19	WHEREAS, Act No. 192 of the 2005 Regular Session did not provide a grace period
20	for the filing of previously perempted and extinguished filiation claims after the effective
21	date of Act No. 192; and

1	WHEREAS, Act No. 192 of the 2005 Regular Session did not expressly renounce,
2	interrupt, or suspend perempted 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, perempted 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 peremption 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 perempted 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,

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1 regardless if such claim was previously perempted 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.

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)]

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.