

# ACT No. 439

HOUSE BILL NO. 5

BY REPRESENTATIVES FRIEMAN, AMEDEE, BACALA, CREWS, EDMONDS, EMERSON, GAROFALO, HARRIS, HILFERTY, HORTON, JEFFERSON, KNOX, LAFLEUR, MACK, MCFARLAND, SEABAUGH, STAGNI, THOMAS, AND WHITE

1 AN ACT

2 To amend and reenact the heading of Part 1-B of Chapter 1 of Code Title VII of Book I of  
3 Title 9 of the Louisiana Revised Statutes of 1950 and to enact R.S. 9:399.2, relative  
4 to paternal obligations; to provide relative to pregnancy-related medical expenses;  
5 to provide relative to evidence of paternity; to provide for peremption; and to provide  
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The heading of Part 1-B of Chapter 1 of Code Title VII of Book I of Title  
9 9 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted and R.S.  
10 9:399.2 is hereby enacted to read as follows:

11 PART I-B. ESTABLISHMENT OF ~~CHILD~~ SUPPORT  
12 IN PATERNITY PROCEEDING

13 \* \* \*

14 §399.2. Effect of paternity on pregnancy-related medical expenses

15 A. The biological mother of a child may institute an action against the  
16 biological father of the child to recover fifty percent of documented out-of-pocket  
17 pregnancy-related medical expenses. The biological mother may institute the action  
18 if the father has executed an authentic act of acknowledgment or after the paternity  
19 of the child has been proven upon proof by clear and convincing evidence as  
20 provided in Part I-A of this Title.

21 B. Only the following out-of-pocket pregnancy-related medical expenses  
22 may be recovered by the biological mother from the biological father:

1                   (1) Actual medical expenses, including hospital, testing, nursing,  
2                   pharmaceutical, travel, or other expenses, incurred by the biological mother for  
3                   prenatal care and those medical expenses incurred by the biological mother and child  
4                   incident to birth.

5                   (2) Any additional expense authorized by order of the court upon a specific  
6                   finding that the expense is reasonable and necessary.

7                   C. The action to prove paternity for reimbursement of pregnancy-related  
8                   expenses by the biological mother shall be instituted within a peremptive period of  
9                   two years from the day of the birth of the child.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_