
DIGEST

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HB 796 Original

2024 Regular Session

Wilford Carter

Abstract: Provides relative to the presumption of paternity in same sex relationships.

Present law (R.S. 40:34.2(2)(c)) provides that in the case of a child born to a mother who is married or married within 300 days prior to the birth of the child, the surname of the father shall be the surname of the child.

Proposed law changes present law to provide that the provisions of present law shall not apply to same sex relationships.

Present law (R.S. 40:34.5(A)) provides that if the child is born to a mother who is either married or married within 300 days prior to the birth of the child, the full name of the father shall be recorded in the same manner provided for the recordation provided for the recordation of the surname of the child in 40:34.2(2)(a) and (c) unless otherwise provided by law.

Proposed law (R.S. 40:34.5(F)) provides that the provisions of R.S. 40:34.5 shall not apply to same sex relationships.

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

Proposed law retains present law but provides that present law shall not apply to same sex relationships.

Present law (C.C. Art. 186) provides that if a child born within 300 days from the day of the termination of a marriage and his mother has married again before his birth, the first husband is presumed to be the father.

Proposed law retains present law but provides that present law shall not apply to same sex relationships.

(Amends R.S. 40:34.2(2)(c) and C.C. Arts. 185 and 186; Adds R.S. 40:34.5(F))