
DIGEST

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HB No. 271

Abstract: Provides an exception to the general provisions of prescription in disavowal of paternity actions and revocations of authentic acts for instances where the father learns he is not the biological father.

Present law (C.C. Art. 189) provides that prescription begins to run in actions for disavowal one year from the day the husband learned or should have learned of the birth of the child. Further provides that prescription does not begin to run against a husband who was living separate and apart from the mother until he is notified that someone has asserted that he is the father.

Proposed law retains present law and provides that prescription does not begin to run until the father learns that he is not the biological father.

Present law provides procedures for revocations for acts of acknowledgment. Authorizes a party to revoke an authentic act within 60 days of execution without cause. Further authorizes a party who has executed an act of acknowledgment to petition the court for revocation within two years of execution of the authentic act for certain causes.

Proposed law retains present law and extends the time period within which a party may petition the court to two years from the day the mover learns he is not the biological father.

(Amends C.C. Art. 189 and R.S. 9:406(B)(2))