

Regular Session, 2014

HOUSE CONCURRENT RESOLUTION NO. 179

BY REPRESENTATIVE THIERRY

CHILDREN/LEGITIMATION: Requests the Louisiana State Law Institute to study the prescriptive periods established for disavowal of paternity and revocations of authentic acts of acknowledgment

1 A CONCURRENT RESOLUTION

2 To urge and request the Louisiana State Law Institute to study the prescriptive periods
3 established for disavowal of paternity actions and revocations of authentic acts of
4 acknowledgment and make specific recommendations for revisions to Louisiana
5 laws.

6 WHEREAS, it is the policy of the state of Louisiana, in matters pertaining to
7 children, to take action that is in the best interests of the child; and

8 WHEREAS, in an effort to limit circumstances in a child's life that may cause
9 significant disruption or trauma, the Legislature of Louisiana has limited the time within
10 which a father may disavow his paternity or revoke an authentic act of acknowledgment; and

11 WHEREAS, with advances in science and technology, determining biological
12 paternity through DNA testing has become a routine procedure; and

13 WHEREAS, societal and cultural norms are ever changing and questions of
14 biological paternity as it relates to a child support obligation are occurring more frequently;
15 and

16 WHEREAS, obligating a presumed father, who is outside of the time limitation
17 within which he has to contest his paternity, to provide child support to a child who he learns
18 is not biologically his may result in inequities.

19 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
20 urge and request the Louisiana State Law Institute to study the prescriptive periods

1 established for disavowal of paternity actions and revocations of authentic acts of
2 acknowledgment, whether a father of a child who learns that he is not the biological father
3 of the child should be allowed an exception to the established prescriptive periods, and make
4 specific recommendations for revisions to Louisiana law if necessary.

5 BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its
6 findings and recommendations to the Legislature of Louisiana at least thirty days prior to the
7 convening of the 2015 Regular Session of the Legislature of Louisiana.

8 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
9 director of the Louisiana State Law Institute.

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)]

Thierry

HCR No. 179

Urges and requests the Louisiana State Law Institute to study the prescriptive periods relative to disavowals of paternity and revocation of acts of acknowledgment and to report its findings at least 30 days prior to the 2015 R.S.