

2016 Regular Session

HOUSE BILL NO. 996

BY REPRESENTATIVE AMEDEE

VITAL STATS/BIRTH CERT: Updates provisions in the Vital Records Law regarding allegations of paternity for child support purposes

1 AN ACT

2 To amend and reenact R.S. 40:34(E)(1), (2), (4), and (5), relative to proof of paternity for
3 child support purposes; to update provisions in the Vital Records Law to allow DNA
4 tests to prove paternity for child support purposes; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:34(E)(1), (2), (4), and (5) are hereby amended and reenacted to
7 read as follows:

8 §34. Vital records forms

9 * * *

10 E.(1) If the child is a child born outside of marriage and the father is known
11 to the mother, she shall complete and sign a paternity information form issued by the
12 Vital Records Registry which shall include the name and date of birth of the child,
13 full name of the father, his mailing address, his street address or the location where
14 he can be found, his date of birth, and the name of his parent or guardian if he is a
15 minor, his state and city of birth, his social security number, and his place of
16 employment, if known. Within fifteen days after the date of admission, the hospital
17 or birthing facility shall forward the form to the child support enforcement section,
18 office of children and family services, Department of Children and Family Services,
19 with ~~such~~ the information as the mother has provided. If the birth occurred at a
20 location other than a licensed hospital or birthing facility, the form shall be

1 completed at the time the home birth is recorded by the Vital Records Registry and
2 submitted to support enforcement services within fifteen days thereafter. If the
3 natural father has not executed an acknowledgment of paternity, the mother shall
4 sign as the informant unless she is medically unable or mentally incompetent in
5 which case her guardian or legal representative shall sign.

6 (2) The department shall serve notice on the alleged father that he has been
7 named as the father of the child. If the alleged father is a minor, service shall be
8 made upon his parent or guardian. The notice shall be served by certified mail,
9 return receipt requested. The notice shall include the name of the child and the name
10 of the mother of the child and shall advise the alleged father how the allegation of
11 paternity can be contested. The notice shall also advise the alleged father that he can
12 request that ~~blood tests~~ a DNA test be conducted, and that the alleged father can sign
13 an acknowledgment of paternity.

14 * * *

15 (4) If the alleged father contests paternity at the hearing for support, the court
16 may order ~~blood tests~~ a DNA test.

17 (5) If the results of the ~~blood~~ DNA test indicate by a probability of ~~99.9%~~
18 ninety-nine percent or higher that the alleged father is in fact the father of the child,
19 or if the alleged parent fails to appear for the court-ordered ~~blood tests~~, DNA test, the
20 court shall rule that he is the father of the child, for purposes of support only, and
21 shall issue an order for support in accordance with state law.

22 * * *

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)]

HB 996 Original 2016 Regular Session Amedee

Abstract: Updates provisions in the Vital Records Law to allow DNA tests to prove paternity for child support purposes.

Present law establishes a procedure for a mother to allege the paternity of a child born outside of marriage for child support purposes. If the father is known to the mother, present

law requires her to complete and sign a paternity information form issued by the Vital Records Registry. Present law further requires the Dept. of Children and Family Services (DCFS) to serve notice on the alleged father of the child, who then has 90 days to contest the allegation that he is the father.

Proposed law requires the alleged father to contest the allegation of paternity by advising DCFS in writing that he is not the father. If the alleged father fails to contest the allegation in writing within 90 days, present law provides that he shall be presumed to be the father of the child, for support purposes only, and the agency or the custodial parent can use this presumption in an action to seek a support order.

Present law authorizes the use of a blood test to determine the paternity of the child if the alleged father contests the allegation of paternity.

Proposed law updates present law to authorize the use of a DNA test to determine the paternity of the child.

(Amends R.S. 40:34(E)(1), (2), (4), and (5))