



LOUISIANA STATE LAW INSTITUTE
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March 6, 2015

Representative Charles "Chuck" Kleckley
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804-9062

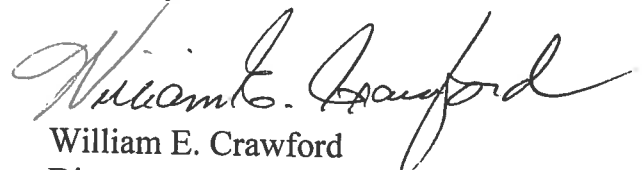
Senator John A. Alario, Jr.
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

RE: HCR 179 of 2014

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits herewith its report to the legislature in response to 2014 House Concurrent Resolution No. 179, relative to prescriptive periods established for disavowal of paternity actions and revocations of authentic acts of acknowledgment.

Sincerely,


William E. Crawford
Director

WEC/puc
Enclosure

cc: Representative Ledricka Thierry

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.us
Secretary of State, Mr. Tom Schedler
admin@sos.louisiana.gov

LOUISIANA STATE LAW INSTITUTE

INTERIM REPORT TO THE LEGISLATURE IN RESPONSE TO H.C.R. 179 OF THE 2014 REGULAR LEGISLATIVE SESSION

**Relative to prescriptive periods established for disavowal of paternity actions
and revocations of authentic acts of acknowledgment**

Prepared for the Louisiana Legislature on

**March 6, 2015
Baton Rouge, LA**

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March 6, 2015

To: Representative Charles "Chuck" Kleckley
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**INTERIM REPORT TO THE LEGISLATURE IN RESPONSE TO
HCR 179 OF THE 2014 REGULAR SESSION**

House Concurrent Resolution No. 179 of the 2014 Regular Session (attached) requested that the Louisiana State Law Institute study “the prescriptive periods established for disavowal of paternity actions and revocations of authentic acts of acknowledgment and make specific recommendations for revisions to Louisiana laws . . . (and) report its findings and recommendations to the Legislature of Louisiana at least thirty days prior to the convening of the 2015 Regular Session of the Legislature of Louisiana.”

The Louisiana State Law Institute assigned this project to the Marriage-Persons Committee and its Reporter, Professor Andrea B. Carroll. Immediately after this project had been assigned to Professor Carroll, she realized that this resolution was similar to an assignment from the Council of the Law Institute relative to revising the filiation law of Louisiana in light of modern conditions. Professor Carroll then directed her two staff attorneys to provide her with background information relative to key issues. She also added two new members to the Marriage-Persons Committee to help her and the committee. She has also indicated that she wants to seek advice from family-law judges and other groups.

Documents relative to HCR 179 of the 2014 Regular Session will be presented to the Marriage-Persons Committee in the spring of 2015.

Regular Session, 2014

HOUSE CONCURRENT RESOLUTION NO. 179

BY REPRESENTATIVE THIERRY

A CONCURRENT RESOLUTION

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study the prescriptive periods established for disavowal of paternity actions and revocations of authentic acts of acknowledgment, whether a father of a child who learns that he is not the biological father of the child should be allowed an exception to the established prescriptive periods, and make specific recommendations for revisions to Louisiana law if necessary.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE