



LOUISIANA STATE LAW INSTITUTE

PAUL M. HEBERT LAW CENTER, ROOM W127

1 EAST CAMPUS DRIVE

BATON ROUGE, LA 70803-1016

(225) 578-0200

FAX: (225) 578-0211

EMAIL: LAWINSTITUTE@LSLI.ORG

WWW.LSLI.ORG

January 31, 2025

Representative Phillip R. DeVillier
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator Cameron Henry
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

RE: HOUSE CONCURRENT RESOLUTION NO. 28 OF THE 2024 REGULAR SESSION

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits its interim report to the legislature relative to child support and paternity for minor parents.

Sincerely,

A handwritten signature in black ink, appearing to read "Guy Holdridge", with a checkmark to the right.

Guy Holdridge
Director

GH/pc

Enclosure

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.gov

Secretary of State, Ms. Nancy Landry
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
MARRIAGE-PERSONS COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE
IN RESPONSE TO HCR NO. 28 OF THE 2024 REGULAR SESSION**

Relative to child support and paternity for minor parents

Prepared for the
Louisiana Legislature on

January 31, 2025

Baton Rouge, Louisiana

**LOUISIANA STATE LAW INSTITUTE
MARRIAGE-PERSONS COMMITTEE**

Dawn Amacker, Covington

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Katherine S. Spaht, Baton Rouge

J. Randall Trahan, Paul M. Hebert Law Center

Frank Tranchina, Covington

Sandra Varnado, Loyola Law School

Monica H. Wallace, Loyola Law School

Lisa Woodruff-White, Baton Rouge

* * * * *

Andrea B. Carroll, Reporter

Josef P. Ventulan, Attorney

2024 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 28

BY REPRESENTATIVE TURNER

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and recommend legislation for implementation of procedures establishing child support and paternity for minor parents and to submit a report of its findings and recommendations to the legislature no later than February 1, 2025.

WHEREAS, Civil Code Article 178 defines filiation as the legal relationship between a child and his or her parent; and

WHEREAS, Civil Code Article 196 allows a man to filiate to a minor child not filiated to another man by executing an authentic act; and

WHEREAS, Civil Code Articles 197 and 198 allow a child or putative father to establish filiation through a judicial action; and

WHEREAS, the state of Wisconsin prohibits minors from signing an acknowledgment of paternity; and

WHEREAS, the state of California allows minor parents to execute an acknowledgment of paternity with a delayed effective date; and

WHEREAS, in Michigan and Minnesota an acknowledgment of paternity signed by a minor parent creates a presumption of paternity; and

WHEREAS, the Uniform Interstate Family Support Act allows a minor parent to maintain a proceeding on behalf of or for the benefit of the minor's child; and

WHEREAS, the Colorado Supreme Court held in *Schierenbeck v. Minor*, 367 P.2d 333 (Col. 1961), that a minor father's youth has nothing to do with assent as relating to progeny; and

WHEREAS, parents are responsible for the support of their children pursuant to Civil Code Article 224; and

WHEREAS, the Louisiana Fifth Circuit Court of Appeals in *State v. Tantilillo*, 620 So.2d 346 (La. App. 5 Cir. 1993) declined to determine whether a minor parent should be held liable for child support; and

WHEREAS, Illinois recognizes the right of a child to support from both parents regardless of whether a parent is a minor; and

WHEREAS, the Kansas Supreme Court in *State ex rel. Hermesmann v. Seyer*, 847 P.2d 1273 (Kan. 1993) maintained that a minor father was obligated to support his child even if the child was conceived through a criminal act; and

WHEREAS, the Arkansas Supreme Court in *Kibler v. Kibler*, 24 S.W.2d 867 (Ark. 1930) determined that a minor who entered into an absolutely null marriage still had an obligation to support his child; and

WHEREAS, in the states of Alaska, Arizona, Idaho, North Carolina, Ohio, and Washington, a minor child's support obligation may be shared or delegated to the minor's parents; and

WHEREAS, Louisiana law does not explicitly address the establishment of filiation or a support obligation when one of the parents is a minor.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and recommend legislation for implementation of procedures establishing child support and paternity for minor parents and to submit a report of its findings and recommendations to the legislature no later than February 1, 2025.

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

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

January 31, 2025

To: Representative Phillip R. DeVillier
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**INTERIM REPORT TO THE LEGISLATURE
IN RESPONSE TO HCR NO. 28 OF THE 2024 REGULAR SESSION**

House Concurrent Resolution No. 28 of the 2024 Regular Session requests the Louisiana State Law Institute to study and recommend legislation for implementation of procedures establishing child support and paternity for minor parents. In response to this request, the Law Institute assigned this project to its Marriage-Persons Committee, which operates under the direction of Professor Andrea B. Carroll as Reporter and is comprised of judges, lawyers, and law professors with expertise in this area of the law.

The Marriage-Persons Committee has reviewed relevant Louisiana law and conducted research with respect to the statutory frameworks of other states relative to the acknowledgment of paternity and child support collection regimes wherein the parent is a minor. The Committee noted inconsistency among the various state laws with respect to both issues and discussed additional areas of concern, including the contractual capacity of a minor to acknowledge paternity, the procedural capacity of a minor to initiate child support proceedings, and potential obligations as to the parent of a minor parent. The Committee's subsequent efforts aim to suggest statutory revisions to clarify rights and obligations relative to the execution of an acknowledgment of paternity and provide uniformity to the judiciary and various stakeholders relative to the collection of child support when a parent is also a minor.

A final report will be submitted to the Legislature once the Committee receives approval of its recommendations from the Law Institute's Council.