



LOUISIANA STATE LAW INSTITUTE

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January 21, 2026

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 report to the legislature relative to acknowledgment and child support for minor parents.

Sincerely,

A handwritten signature in blue ink, appearing to read "Guy Holdridge".
Guy Holdridge
Director

GH/pc
Enclosure

cc: Representative Christopher Turner

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**

**REPORT IN RESPONSE TO HOUSE CONCURRENT
RESOLUTION NO. 28 OF THE 2024 REGULAR SESSION**

Relative to acknowledgments of paternity and child support

Prepared for the
Louisiana Legislature on

January 21, 2026

Baton Rouge, Louisiana

LOUISIANA STATE LAW INSTITUTE MARRIAGE-PERSONS COMMITTEE

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* * * *

Andrea B. Carroll, Reporter

Josef P. Ventulan, Staff 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. Tantillo*, 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 21, 2026

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

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

**REPORT TO THE LEGISLATURE IN RESPONSE TO
HOUSE CONCURRENT RESOLUTION NO. 28 OF THE 2024 REGULAR SESSION**

House Concurrent Resolution No. 28 of the 2024 Regular Session urged and requested the Louisiana State Law Institute “to study and recommend legislation for implementation of procedures establishing child support and paternity for minor parents.” In fulfillment of this request, the Law Institute assigned the project to its Marriage-Persons Committee, which operates under the direction of Professor Andrea B. Carroll as Reporter.

After conducting thorough comparative research relative to paternity and child support, the Marriage-Persons Committee met with various stakeholders and discussed this resolution in detail over the course of several meetings. The Committee found that treatment of these issues across jurisdictions is inconsistent and, with respect to both issues, Louisiana law lacked clear statutory guidance. To address the issue of paternity, the Committee first explored whether, in light of limited contractual capacity, it would be appropriate for a minor to independently execute an acknowledgment of paternity. Various subject matter experts, however, expressed that the consequences resulting from the execution of the acknowledgment are substantial and long-lasting. Accordingly, the minor’s execution of an acknowledgment should occur only under guidance and supervision. While some experts suggested that consent of a parent or guardian should serve as a prerequisite to execution of an acknowledgment, the Law Institute ultimately determined that execution predicated upon judicial authorization is the more appropriate solution given the unique circumstances surrounding parenthood of a minor and since a court is best positioned to convey the legal consequences of an acknowledgement. The Law Institute further determined that it was appropriate to limit this ability to unemancipated minors who are sixteen or seventeen years of age, consistent with the age requirements set forth in Civil Code Article 2333 providing for the minor’s ability to enter into a matrimonial agreement and the age requirements set forth in Civil Code Article 90.1 providing for the minor’s ability to enter into the contract of marriage.

To address issues relative to the collection of child support, the Committee directed its efforts toward identifying the best avenue for ensuring financial support for the child of the minor parent. The Committee considered a variety of possibilities, including deferral of payment until the minor-payor reaches the age of majority and whether the child support obligation should be

expressly imposed upon the parents of the minor parent during the minority of the parent as an alimentary obligation (or form of “vicarious liability”). Concerns were raised with respect to the fairness and enforceability of those measures. After extensive discussions, the Law Institute, recognizing that judicial discretion would be the most appropriate and effective avenue in light of varying economic and social considerations, decided to address this issue through revision of R.S. 9:315.1 setting forth additional grounds for deviation from the child support guidelines.

The Law Institute plans to submit its proposals to the Legislature for introduction during the 2026 Regular Session.