

2024 Regular Session

HOUSE BILL NO. 81

BY REPRESENTATIVE MANDIE LANDRY

PATERNITY: Provides relative to paternity

1 AN ACT

2 To amend and reenact Civil Code Article 198 and to repeal Civil Code Article 196, relative
3 to paternity; to provide for the peremptive period for a father's action to establish
4 paternity; to provide for retroactive application; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Civil Code Article 198 is hereby amended and reenacted to read as
7 follows:

8 Art. 198. Father's action to establish paternity; time period

9 A man may institute an action to establish his paternity of a child ~~at any time~~
10 ~~except as provided in this Article~~ even though the child is presumed to be the child
11 of another man. The action is strictly personal and is subject to a peremptive period
12 of one year. This peremptive period commences to run from the day of death of the
13 child.

14 ~~If the child is presumed to be the child of another man, the action shall be~~
15 ~~instituted within one year from the day of the birth of the child. Nevertheless, if the~~
16 ~~mother in bad faith deceived the father of the child regarding his paternity, the action~~
17 ~~shall be instituted within one year from the day the father knew or should have~~
18 ~~known of his paternity, or within ten years from the day of the birth of the child,~~
19 ~~whichever first occurs.~~

1 ~~In all cases, the action shall be instituted no later than one year from the day~~
2 ~~of the death of the child.~~

3 ~~The time periods in this Article are preemptive.~~

4 Section 2. Civil Code Article 196 is hereby repealed in its entirety.

5 Section 3. The provisions of this Act shall be given prospective and retroactive
6 application.

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 81 Original

2024 Regular Session

Mandie Landry

Abstract: Provides that a man may institute an action to establish paternity even though the child is presumed to be the child of another man.

Present law (C.C. Art. 196) provides that a man may acknowledge a child not filiated to another man.

Proposed law repeals present law.

Present law (C.C. Art. 198) provides that a man may institute an action to establish paternity of a child at any time. If the child is presumed to be the child of another man, the action shall be instituted within one year of the birth of the child. If the mother in bad faith deceived the father of the child, the action shall be instituted within one year from the day the father knew or should have known of his paternity, or within 10 years from the day of the birth of the child, whichever occurs first.

Present law (C.C. Art. 198) provides that in all cases the action shall be instituted no later than one year from the day of death of the child.

Present law (C.C. Art. 198) provides that the time periods in present law are preemptive.

Proposed law provides that a man may institute an action to establish his paternity of a child even though the child is presumed to be the child of another man. This action is subject to a preemptive period of one year which commences to run from the day of death of the child.

Proposed law provides for retroactive and prospective application.

(Amends C.C. Art. 198; Repeals C.C. Art. 196)