 Department of Children & Family Services <i>Building a Stronger Louisiana</i>	Division/Section	Family Support
	Chapter No./Name	9 – Child Support Enforcement (CSE)
	Part No./Name	L – Legal
	Section No./Name	L-200 Establishment of Paternity
	Document No./Name	L-220 Minimum Requirements for Filing a Paternity Suit
	Effective Date	January 30, 2020

I. STATEMENT OF POLICY

The [Louisiana Code of Civil Procedure Article 863](#) provides for the imposition of sanctions against a party or an attorney who signs any false pleading filed. The signature of an attorney or party shall constitute a certification that he has read the pleading; that the pleading is well grounded in fact to the best of his knowledge, information, and belief formed after reasonable inquiry; that it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that the pleading is not interposed for any improper purpose.

II. PROCEDURES

In view of the sanction authorized by [C.C.P. Art. 863](#), the minimum evidence required before filing a suit *** may include: ****

- A. A sworn affidavit executed by the mother of the child attesting to the fact that the alleged father is the father of the child, that she and the alleged father had a sexual relationship during the period of conception, and there is no strong reason to believe otherwise; and
- B. ******* Tangible evidence which corroborates the payee's ******* testimony of such a relationship during the period of conception. Examples of such evidence are treasured cards, letters, photographs, written acknowledgments, SNAP (Food Stamps) or other application forms, tax return forms, employee records, etc., which indicate that the alleged has claimed the child as his, and which support the fact of the relationship of the parties during the period of conception; or
- C. At least one witness *** to **** confirm the relationship between the mother of the child(ren) and the alleged father, and is willing and able to testify in court; and

*** Note:** If the applicant fails to provide at least one witness, move forward with filing suit. If the attorney filing suit determines and documents that (s)he cannot proceed without a witness, consult the attorney supervisor or IV-D Administrator prior to deciding to FTC the case. ******


- D. The Louisiana court has subject matter or personal jurisdiction to hear the matter.

Note: Any exceptions to the above must have the prior written approval of the Supervisor. If the allegation of paternity does not appear to be well grounded in fact, the IV-D attorney should utilize the provisions of [LA R.S. 9:396](#) et seq. to secure scientific genetic testing.

Encourage voluntary genetic testing as described in [G-230](#), when the alleged father indicates willingness to acknowledge paternity should the genetic test results fail to exclude him as the father.

III. FORMS AND INSTRUCTIONS

There are no forms associated with this policy.

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IV. REFERENCES

[C.C.P. Art. 863](#)

[LA R.S. 9:396](#)

[G-230](#)