



Division/Section	Family Support
Chapter No./Name	Louisiana Child Support Enforcement (CSE) State Plan
Part No./Name	Attachments 3.3A List of Statutes and Regulations
Section No./Name	2 Establishment of Paternity
Document No./Name	2-2 Louisiana Revised Statutes
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R.S. 9§392: ACKNOWLEDGMENT; REQUIREMENTS; CONTENT

A. Prior to the execution of an acknowledgment of paternity, the notary shall apprise in writing, and orally, which may include directing them to video or audio presentations, the mother and alleged father making the acknowledgment of the following:

- (1) Either party has the right to request a genetic test to determine if the alleged father is the biological father of the child.
- (2) The alleged father has the right to consult an attorney before signing an acknowledgment of paternity.
- (3) If the alleged father does not acknowledge the child, the mother has the right to file a paternity suit to establish paternity.
- (4) After the alleged father signs an acknowledgment of paternity, he has the right to pursue visitation with the child and the right to petition for custody.
- (5) Once an acknowledgment of paternity is signed, the father may be obligated to provide support for the child.
- (6) Once an acknowledgment of paternity is signed, the child will have inheritance rights and any rights afforded children born in wedlock.
- (7) (a) An alleged father who executed an authentic act of acknowledgment may revoke the act, without cause, before the earlier of the following:
 - (i) Sixty days after the signing of the act, in a judicial hearing for the limited purpose of revoking the acknowledgment.
 - (ii) A judicial hearing relating to the child, including a child support proceeding, wherein the alleged father who executed the authentic act of acknowledgment is a party to the proceeding.
- (b) Thereafter, the acknowledgment of paternity may be voided only upon proof, by clear and convincing evidence, that such act was induced by fraud, duress, material mistake of fact, or error, or that the alleged father who executed the authentic act of acknowledgment is not the biological father.
- (c) Except for good cause shown, the court shall not suspend any legal responsibilities or obligations, including a support obligation, of the party or parties during the pendency of the proceeding authorized in this Section.
- (8) All parties to the action have any other rights and responsibilities which may be afforded by law now or in the future.

B. In addition to the general requirements of the Civil Code, an acknowledgment of a child born outside of marriage shall include the social security numbers of the father and mother, and, in accordance with the provisions of 42 U.S.C. 652(a)(7) and 42 U.S.C. 666 (a)(5)(D) shall include all minimum requirements specified by the secretary of the United States Department of Health and Human Services. Failure to recite a party's social security number as required herein shall not affect the validity of the declaration.

Acts 1997, No. 1243, §1; Acts 1998, 1st Ex. Sess., No. 6, §1, eff. July 1, 1998; Acts 2004, No. 26, §5; Acts 2006, No. 344, §4, eff. June 13, 2006; Acts 2006, No. 470, §1, eff. June 22, 2006; Acts 2010 No. 173, §1, eff. Aug 15, 2010.

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R.S. 9§392.1: ACKNOWLEDGMENT; OBLIGATION TO SUPPORT; VISITATION

In child support, custody, and visitation cases, the acknowledgment of paternity by authentic act is deemed to be a legal finding of paternity and is sufficient to establish an obligation to support the child and to establish visitation without the necessity of obtaining a judgment of paternity.

Acts 2006, No. 344, §4, eff. June 13, 2006.

R.S. 9§393: FULL FAITH AND CREDIT OF ACKNOWLEDGMENTS

Full faith and credit shall be given by Louisiana courts to an affidavit acknowledging paternity executed in any state in accordance with the laws and procedures of that state.

Acts 1997, No. 1243, §1.

R.S. 9§394: EVIDENCE OF HOSPITAL BILLS AND TESTS IN PATERNITY ACTION

In an action to establish paternity, originals or certified copies of bills for pregnancy, childbirth, and genetic testing shall be admissible as an exception to the hearsay rule and shall be prima facie evidence that the amounts reflected on the bills were incurred for such services or testing on behalf of the child. Extrinsic evidence of authenticity of the bills, or their duplicates, as a condition precedent to admissibility shall not be required.

Acts 1997, No. 1242, §1.

R.S. 9§395: PATERNITY PROCEEDINGS; SPECIAL REQUIREMENTS

A. Each party in a paternity proceeding shall advise the state case registry of his current address and telephone number, social security number, driver's license number, and the name, address, and telephone number of his current employer and of any change in this information during the pendency of the proceeding and thereafter. If any of this information is unavailable, the party shall submit a statement to this effect with the state case registry. Information submitted pursuant to this Section shall be available for inspection by the parties in the proceeding but shall otherwise be confidential except as provided in this Section.

B. Any order entered or judgment rendered shall require the parties to provide the state case registry with any change in the information required by this Section which occurs after the date of the entry or rendering.

C. Upon entry of an order or upon receipt of any change in this information during the pending proceeding, the clerk of court shall forward this information to the state case registry in accordance with R.S. 46:236.10.

Acts 1998, 1st Ex. Sess., No. 8, §1, eff. April 24, 1998.

R.S. 9§396: AUTHORITY FOR TEST; EX PARTE ORDERS; USE OF RESULTS



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A. (1) Notwithstanding any other provision of law to the contrary, in any civil action in which paternity is a relevant fact, or in an action en desaveu, the court may, on its own initiative, or shall, under either of the following circumstances, order the mother, child, and alleged father, or the mother's husband or former husband in an action en desaveu, to submit to the collection of blood or tissue samples, or both, and direct that inherited characteristics in the samples, including but not limited to blood and tissue type, be determined by appropriate testing procedures:

(a) Upon request made by or on behalf of any person whose blood or tissue is involved, provided that such request is supported by a sworn affidavit alleging specific facts which either tend to prove or deny paternity.


(b) Upon motion of any party to the action made at a time so as not to delay the proceedings unduly.

(2) If any party refuses to submit to such tests, the court may resolve the question of paternity against such party or enforce its order if the rights of others and the interests of justice so require.

B. (1) The district attorney, in assisting the Department of Children and Family Services in establishing paternity as authorized by R.S. 46:236.1.1 et seq., may file a motion with a court of proper jurisdiction and venue prior to and without the necessity of filing any other legal proceeding. Upon ex parte motion of the district attorney and sworn affidavit of the party alleging specific facts tending to prove paternity and other facts necessary to establish the jurisdiction and venue of the court, the court shall issue an ex parte order directing the mother, her husband or former husband, child, and alleged father to appear at a certain date and time to submit to the collection of blood or tissue samples, or both, and shall direct that inherited characteristics in the samples, including but not limited to blood and tissue type, be determined by appropriate testing procedures. The order shall be personally served upon the alleged father. If any party refuses to submit to such tests, the court, in a subsequent civil action in which paternity is a relevant fact, may resolve the question of paternity against such party or enforce its order if the rights of others and the interests of justice so require.

(2) If the written report of the results of the initial testing absolves a party from the allegation of paternity, the district attorney and the department shall be enjoined from initiating any subsequent civil action against that party to establish paternity of the same child. If the written report fails to absolve a party from the allegation of paternity, such report may be used by the district attorney or the department as evidence against the alleged father in any subsequent civil action for the establishment of paternity or by the alleged father in any subsequent proceeding in which filiation is an issue.

C. (1) Prior to ordering the alleged father to submit to paternity testing under the provisions of this Section, the court may, upon motion of the alleged father and after a contradictory hearing, order a person presumed to be the father of the child, pursuant to the provisions of the Civil Code, to produce the results of prior blood or tissue testing or to submit to the collection of blood or tissue samples, or both, and direct that inherited characteristics in the samples, including but not limited to blood and tissue type, be determined by appropriate testing procedures. If the written report of the results of the testing negates the presumption that this person is the father of the child, only then may the court order the alleged father to submit to paternity testing.

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(2) If a presumed father is unknown by the parties or unavailable to submit to testing, then the court shall resolve the matter in the interest of justice in chambers.

Acts 1990, No. 789, §1; Acts 1992, No. 407, §1; Acts 1998, 1st Ex. Sess., No. 6, §1, eff. July 1, 1998; Acts 1999, No. 922, §1; Acts 2003, No. 1068, §9, eff. July 2, 2003; Acts 2006, No. 344, §4, eff. June 13, 2006.

R.S. 9§397: SELECTION OF EXPERT

The tests shall be conducted by a court appointed expert or experts qualified as examiners of blood or tissue samples for inherited characteristics, including but not limited to blood and tissue type. The number and qualifications of such expert or experts shall be determined by the court.

Acts 1972, No. 521, §2; Acts 1985, No. 38, §1; Acts 1992, No. 407, §1.

R.S. 9§397.1: COMPENSATION OF EXPERT WITNESSES AND RECOVERY OF TESTING COSTS

A. The costs of the blood or tissue tests conducted by the expert witness appointed by the court shall be fixed at a reasonable amount. The costs shall be advanced by the party who requested that such tests be conducted. If the court orders the blood or tissue tests on its own motion, the petitioner shall advance the costs of the tests. In either case, the court shall tax the costs to the party against whom judgment is rendered. The compensation of each expert witness appointed by the court and called by a party shall be fixed at a reasonable amount. It shall be paid by the party against whom judgment is rendered, which shall be taxed as costs of court.


B. If the state, a political subdivision of the state, or the petitioner pays the initial costs of testing under this Part in a paternity action, the state, political subdivision, or petitioner may recover those costs from an individual only if he is found to be the father of the child in the action. If an income assignment order is issued, the reimbursement for the costs shall be ordered through the income assignment order. If an income assignment order has not been issued, the court shall determine the manner in which the reimbursement for the costs shall be made.

Acts 1988, No. 425, §1; Acts 1992, No. 406, §1; Acts 1992, No. 407, §1. Act 2008, No. 444 §1, eff. August 15, 2008.

R.S. 9§397.2: CHAIN OF CUSTODY OF BLOOD OR TISSUE SAMPLES

The chain of custody of blood or tissue samples taken under this Part may be established if documentation of the chain of custody is submitted with the expert's report and if such documentation was made at or near the time of the chain of custody and was made in the course of regularly conducted business activity.

Acts 1972, No. 521, §4; Acts 1985, No. 38, §1; Acts 1992, No. 407, §1; Acts 1999, No. 1127, §1.

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R.S. 9§397.3: ADMISSIBILITY AND EFFECT OF TEST RESULTS

A. (1) A written report of the results of the initial testing, certified by a sworn affidavit by the expert who supervised the tests, shall be filed in the suit record. The affidavit shall state in substance:

(a) That the affiant is qualified as an examiner of blood or tissue samples for inherited characteristics, including but not limited to blood and tissue types, to administer the test and shall give the affiant's name, address, telephone number, qualifications, education, and experience.

(b) How the tested individuals were identified when the samples were obtained.

(c) Who obtained the samples and how, when, and where the samples were obtained.

(d) The chain of custody of the samples from the time obtained until the tests were completed.

(e) The results of the test and the probability of paternity as calculated by an expert based on the test results.

(f) The procedures performed to obtain the test results.

(2) A notice that the report has been filed shall be mailed by certified mail to all parties by the clerk of court or shall be served in accordance with Code of Civil Procedure Article 1314.

(3) A party may challenge the testing procedure within thirty days of the date of receipt or service of the notice.

B. (1) If the court finds there has been a procedural error in the administration of the tests, the court shall order an additional test made by the same laboratory or expert.


(2) (a) If there is no timely challenge to the testing procedure or if the court finds there has been no procedural error in the testing procedure, the certified report shall be admitted in evidence at trial as prima facie proof of its contents, provided that the party against whom the report is sought to be used may summon and examine those making the original of the report as witnesses under cross-examination. The summons for the individual making the original of the report may be served through his employer's agent for service of process listed with the secretary of state or served pursuant to R.S. 13:3201 et seq.

(b) A certified report of blood or tissue sampling which indicates by a ninety-nine and nine-tenths percentage point threshold probability that the alleged father is the father of the child creates a rebuttable presumption of paternity.

C. Any additional testing ordered by the court pursuant to this Part shall be proved by the testimony of the expert.

D. If the court finds that the conclusions of all the experts as disclosed by the reports, based upon the tests, are that the alleged father is not the father of the child, the question of paternity shall be resolved accordingly. If the experts disagree in their findings or conclusions, the question shall be submitted upon all the evidence.

Acts 1972, No. 521, §5; Acts 1985, No. 38, §1; Acts 1988, No. 298, §1; Acts 1995, No. 1144, §1; Acts 1999, No. 1127, §1.

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R.S. 9§398: APPLICABILITY TO CRIMINAL ACTIONS

This part shall apply to criminal cases subject to the following limitations and provisions:

- (1) An order for the tests shall be made only upon application of a party or on the court's initiative;
- (2) The compensation of the experts shall be paid by the parish of the party's domicile under order of court;
- (3) The court may direct a verdict of acquittal upon the conclusions of all the experts under the provisions of R.S. 9:397.3(D), otherwise the case shall be submitted for determination upon all the evidence.

Acts 1972, No. 521, §6.

R.S. 9§398.1: AWARD OF ATTORNEY'S FEES IN ACTIONS TO ESTABLISH PATERNITY

When the court renders judgment in favor of a party seeking to establish paternity, it shall, except for good cause shown, award attorney's fees costs to the prevailing party. However, the provisions of this Section shall not apply to compensation of expert witnesses and recovery of blood or tissue testing costs in accordance with R.S. 9:397.1.


Acts 1991, No. 854, §2; Acts 1992, No. 407, §1.

R.S. 9§398.2: PETITION FOR ORDER TO SUBMIT TO BLOOD OR TISSUE TESTS PRIOR TO BRINGING FILIATION ACTION

A. (1) Notwithstanding any other provision of law to the contrary, the husband of the mother, prior to filing an action of disavowal of a child born or conceived during his marriage to the mother and prior to the expiration of the time required to file an action of disavowal, may petition a court of proper jurisdiction and venue for an order directing the mother, child, and petitioner to submit to the collection of blood or tissue samples, or both, for determination of paternity for the purpose of exercising rights relating to the child. The filing of the petition suspends the period for bringing the disavowal action for a period of one year from the date the petition is filed.

(2) Notwithstanding any other provision of law to the contrary, the alleged biological father of a child born outside of marriage, prior to filing any action to establish filiation of the child, may petition a court of proper jurisdiction and venue for an order directing the mother, child, and petitioner to submit to the collection of blood or tissue samples, or both, for determination of paternity for the purpose of exercising rights relating to the child.

B. The petition authorized in Paragraphs (1) and (2) of Subsection A of this Section shall name the mother as defendant and shall allege specific facts tending to prove the relationship or the circumstances of any physical relationship with the mother, or facts tending to prove paternity, and other facts necessary to establish the jurisdiction and venue of the court.

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C. The court, after contradictory hearing, may order the parties to submit to blood or tissue samples, or both, and direct that inherited characteristics in the samples, including but not limited to blood and tissue type, be determined by appropriate testing procedures as provided in this Part.

D. If the court issues an order directing blood or tissue tests, or both, the provisions of R.S. 9:397 through 397.2 and 397.3(A) and (B) shall be applicable to the selection and compensation of experts, payment of testing costs, establishment of chain of custody, filing of test results in the court record, and authority of the court to order additional tests if it finds there has been a procedural error in the administration of the tests.

E. The court shall not make a determination of paternity based on the test results and conclusions of the experts filed in the record; however, the test results shall be admissible in any subsequent action filed by any of the parties relating to filiation of the child.

F. The provisions of this Section shall not in any manner affect the status of a child whose legal father is the husband of the mother who does not timely disavow paternity of the child nor affect any right that a child may have to file an action of filiation as provided by law.

Acts 1995, No. 1206, §1; Acts 2004, No. 26, §5; Acts 2006, No. 344, §4, eff. June 13, 2006.

R.S. 9§400: PUTATIVE FATHER REGISTRY

A. The Department of Health and Hospitals, office of preventive and public health services, shall establish a putative father registry which shall record the names and addresses of the following:


- (1) Any person adjudicated by a court of this state to be the father of the child.
- (2) Repealed by Acts 2006, No. 344, §7, eff. June 13, 2006.
- (3) Any person adjudicated by a court of another state or territory of the United States to be the father of an out of wedlock child, where a certified copy of the court order has been filed with the registry by such person or any other person.
- (4) Any person who has filed with the registry an acknowledgment by authentic act.
- (5) Repealed by Acts 2004, No. 26, §15.
- (6) Any person who has filed with the registry a judgment of filiation rendered by a court which recognizes a father as having, either formally or informally, acknowledged a child born outside of marriage and in which the father is adjudged the parent of the child.

B. A person filing a declaration to claim paternity of a child or an acknowledgement of paternity shall include therein his current address and shall notify the registry of any change of address pursuant to procedures prescribed by rules and regulations of the Department of Health and Hospitals, office of preventive and public health services.

C. A declaration to claim paternity of a child may be introduced in evidence by any party, other than the person who filed such notice, in any proceeding in which such fact may be relevant.

D. The Department of Health and Hospitals, office of preventive and public health services, shall, upon request, provide the names and addresses of persons listed with the registry to any court or authorized agency, and such information shall not be divulged to any other person, except upon order of a court for good cause shown.

E. The Department of Health and Hospitals, office of preventive and public health services, shall promulgate all rules and regulations necessary to carry out the purposes of this Part.

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Acts 1989, No. 361, §1; Acts 1993, No. 634, §2, eff. June 15, 1993; Acts 2004, No. 26, §§5, 15; Acts 2006, No. 344, §§4 and 7, eff. June 13, 2006.

R.S. 9§401: DISAVOWAL ACTION UNDER CIVIL CODE ARTICLE 186; PARTIES

A. A person who will be presumed to be the father under Civil Code Article 186 if the plaintiff obtains a judgment of disavowal shall be made a party to the disavowal action and shall be served with process.

B. If the person cannot be served, an attorney shall be appointed to represent him.
Acts 2006, No. 344, §4, eff. June 13, 2006.

R.S. 9§402: EFFECT OF DISAVOWAL ACTION ON PRIOR CHILD SUPPORT ORDER

A judgment of disavowal terminates existing child custody and visitation orders in favor of the husband or former husband. The judgment also terminates the obligation to pay child support and revokes any court order enforcing that obligation. However, it does not affect any child support payment or arrearages paid, due, or owing prior to the date the disavowal action was filed.

Acts 2006, No. 344, §4, eff. June 13, 2006.

R.S. 9§403: MOTHER'S CONTESTATION ACTION; PROCEDURE

A. The mother of the child is the proper party plaintiff and her former husband and present husband are proper party defendants in the contestation action provided for in the Civil Code.

B. The hearing may be closed to the public.

C. (1) A judgment rendered in favor of the mother terminates existing child custody and visitation orders. However, the former husband in extraordinary circumstances may be granted reasonable visitation if the court finds it is in the best interest of the child in accordance with the Civil Code.

(2) A judgment rendered in favor of the mother terminates the obligation of the former husband to pay child support and revokes any court order enforcing that obligation.

(3) A judgment does not affect any child support payment or arrearages paid, due, or owing prior to the date the contestation action was filed.


D. An appeal from a judgment in the contestation action may only be taken within thirty days from the applicable date in accordance with Code of Civil Procedure Article 2087(A). The appeal shall suspend the execution of the judgment.

Acts 2006, No. 344, §4, eff. June 13, 2006.

R.S. 9§404: FATHER'S PATERNITY ACTION; TIME PERIOD; EXCEPTION

The preemptive periods in Civil Code Article 198 shall apply to the Department of Children and Family Services when providing services in accordance with 42 U.S.C. 666.

Acts 2006, No. 344, §4, eff. June 13, 2006.

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R.S. 9§405: LEGAL EFFECT OF ACKNOWLEDGMENT

In child support, custody, and visitation cases, the acknowledgment of paternity by authentic act is deemed to be a legal finding of paternity and is sufficient to establish an obligation to support the child and to establish visitation without the necessity of obtaining a judgment of paternity.

Acts 2006, No. 344, §4, eff. June 13, 2006.

R.S. 9§406: REVOCATION OR ANNULMENT OF AUTHENTIC ACT; WITH AND WITHOUT CAUSE; PROCEDURE

A. A person who executed an authentic act of acknowledgment may, without cause, revoke it within sixty days of the execution of the authentic act of acknowledgment:

(1) Upon the submission of a sworn statement refuting the named father. The state registrar, office of vital records, shall develop and make available a form and may impose a fee for the filing of revocation of the authentic act of acknowledgment. This form shall be filed in a central repository of the office of vital records of the Department of Health and Hospitals within sixty days of the date of the execution of the authentic act of acknowledgment. The registrar shall send a copy of the revoked acknowledgment to the other party in the original authentic act of acknowledgment. If the party requesting revocation of the authentic act of acknowledgment has been served with a petition for support for the child who is the subject of the act, the party shall also request that the registrar send a copy of the revoked acknowledgment to the agency charged with implementing a program of family support in accordance with R.S. 46:236.1.2; or

(2) In a judicial hearing for the limited purpose of revoking the acknowledgment or declaration.

(3) In a judicial hearing relating to the child, including a child support proceeding, wherein the affiant to the authentic act of acknowledgment is a party to the proceeding. If at any time during the hearing, the court has reasonable cause to believe that a party to the authentic act of acknowledgment is or was unable to understand the effects of executing that act, the court shall orally explain to the individual the effects of the execution and the right to revoke the authentic act of acknowledgment in accordance with Subsection A of this Section, and the right to genetic tests to determine paternity in accordance with the provisions of R.S. 9:396 in any proceeding relative to the paternity of the child.

B. (1) If the notarial act of acknowledgment has not been revoked within sixty days in accordance with the provisions of Subsection A of this Section, a person who executed an authentic act of acknowledgment may petition the court annul the acknowledgment only upon proof, by clear and convincing evidence, that such act was induced by fraud, duress, material mistake of fact or error, or that the person is not the biological parent of the child.

(2) The petitioner shall institute the annulment proceeding by ordinary process, in a court of competent jurisdiction upon notice to the other party who executed the notarial act of acknowledgment and other necessary parties including the Office of Children and Family Services, Child Support Enforcement section of the Department of Children and Family Services.

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(3) If the court finds based upon the evidence presented at the hearing that there is substantial likelihood that fraud, duress, material mistake of fact or error existed in the execution of the act or that the person who executed the authentic act of acknowledgment is not the biological father, then, and only then, the court shall order genetic tests pursuant to R.S. 9:396. Nothing herein shall preclude the petitioner from presenting any other evidence as a substitute for the genetic tests if it is not possible to conduct such tests.

(4) The test results certified under oath by an authorized representative of an accredited laboratory shall be filed with the court and shall be admissible on the issue of paternity pursuant to R.S. 9:397.3. If the test results show a statistical probability of ninety-nine point nine percent or greater, a rebuttable presumption of paternity shall be established. If the acknowledged father is found to be excluded by the tests, an action seeking support or an established order of support shall be dismissed and the acknowledgment of paternity shall be annulled. A judgment dismissing an established order of support does not affect any child support payment or arrearages paid, due or owing prior to the date the annulment was filed.

(5) The burden of proof in this proceeding shall be upon the party seeking to revoke the authentic act of acknowledgment. The testimony of the petitioner shall be corroborated by the other evidence.

C. (1) Except for good cause shown, the court shall not suspend during the pendency of this proceeding any legal obligations, including a support obligation, of the person who petitions the court to revoke or annul the authentic act of acknowledgment under this Section.


(2) Neither the state of Louisiana, its officers, employees, agents, contractors, nor the office of children and family services, child support enforcement section of the Department of Children and Family Services shall be liable to compensate any person for child support paid or any other costs as a result of the revocation of any authentic act of acknowledgment or the annulment of any judgment of paternity or support in accordance with this Section.

D. (1) The revocation of the authentic act of acknowledgment pursuant to Subsection A of this Section shall not preclude the initiation of a paternity action against any alleged putative father, or by a man against a mother to establish his paternity.

(2) However, if the voluntary acknowledgment is annulled by order of the court based upon genetic tests conducted in accordance with Subsection B of this Section which excluded a person as a parent and an order of support has not been established, no further action may be initiated against the excluded person.

E. (1) The original form revoking the authentic act of acknowledgment shall be sent by the person revoking it to the state registrar at the office of vital records of the Department of Health and Hospitals in accordance with the provisions of this Section. If the revocation is as a result of a judicial hearing, a certified copy of any judgment revoking an authentic act of acknowledgment shall be sent by the clerk of court to the state registrar at the Office of Vital Records of the Department of Health and Hospitals.

(2) Upon receipt of the form revoking the authentic act of acknowledgment which was executed and filed with the registrar within the sixty-day period or upon receipt of the judgment which shows that the voluntary acknowledgment has been revoked at the hearing which is held no later than the sixtieth day following the execution of the voluntary acknowledgment, or upon receipt of

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a certified copy of a judgment with a finding shown clearly in the judgment that the authentic act of acknowledgment was annulled due to fraud, duress, material mistake of fact or error that existed in the execution of the act or that the person who executed the authentic act of acknowledgment is not the biological father, the registrar shall make the appropriate amendments to the birth record of the child who was the subject of the order.

Acts 2006, No. 344, §4, eff. June 13, 2006. Act 2008, No. 533 §1, eff. August 15, 2008; Acts 2012, No. 255, §2, eff. August 1, 2012; Acts 2016, No. 309, §2, eff. August 1, 2016.

R.S. 9§408. FILIATION AND PATERNITY PROCEEDING; PARTIES

The child's mother, the husband of the mother, and the biological father, if known shall be joined in a filiation or paternity proceeding, except that joinder is not required of a person whose parental rights have been terminated, or who is deceased, or whose joinder is determined otherwise not to be feasible.

Acts 2016, No.309, §2, eff. August 1, 2016.

R.S. 9§410: FILIATION JUDGEMENT; NOTICE

A. Before rendition of any filiation judgment, including a judgment of disavowal of paternity, contestation and establishment of paternity, filiation, or paternity, that includes an order to amend a birth certificate, the mover shall send a copy of the pleadings, if any, and the proposed judgment to the state registrar by United States mail or electronic means. If the state registrar is of the opinion that the proposed order to amend the birth certificate is not in conformity with law, he may object to the order on that basis, provided he does so within thirty days of receipt of the pleadings and proposed judgment, after which the court shall rule on the merits of the objection. In the absence of any objection by the state registrar, the court shall grant the order if the mover is so entitled.

B. Nothing in this Section shall prohibit the state registrar from complying with a judgment ordering the amendment of a birth certificate when the order meets all legal requirements except the notification required by Subsection A of the Section.

Acts 2016, No. 434, §2, eff. August 1, 2016.

R.S. 9§572: UNCONTESTED PATERNITY PROCEEDINGS; PROOF BY AFFIDAVIT; ADOPTION OF COURT RULES

The court vested with jurisdiction may provide, by local rule, that in uncontested proceedings to establish paternity, proof may be submitted by affidavit.

Acts 1999, No. 524, §1.


R.S. 40§34: VITAL RECORDS FORMS

A. (1) The certificate forms prescribed by the state registrar shall include, as a minimum, birth certificates, death certificates, paternity acknowledgment affidavits, and any other

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forms recommended by the national office in charge of gathering vital statistics. Only these forms shall be used in registering, recording, and preserving the vital information required by this Chapter. These forms shall be typewritten in black type or written in jet black ink or transferred by electronic means. Additionally each certificate of a birth occurring in a licensed hospital shall be typewritten in black type or computer generated. Whenever a form is changed, the new form shall be furnished to the person charged with preparing it not less than thirty days prior to the date upon which the form shall be required to be used.

(2) The Department of Health and Hospitals shall promulgate rules and regulations in accordance with the Administrative Procedure Act to allow electronic registration in lieu of typewritten or written birth, death, fetal death, marriage, and divorce certificates.

B. The forms shall be printed and supplied or provided by electronic means by the state registrar.

Acts 1979, No. 776, §1. Amended by Acts 1983, No. 624, §1; Acts 1986, No. 621, §1; Acts 1986, No. 876, §1; Acts 1987, No. 343, §1; Acts 1987, No. 360, §1; Acts 1989, No. 819, §1; Acts 1990, No. 238, §1; Acts 1990, No. 349, §1, eff. Oct. 1, 1990; Acts 1991, No. 688, §1, eff. July 18, 1991; Acts 1991, No. 820, §1; Acts 1993, No. 740, §1; Acts 1993, No. 775, §1, eff. Aug. 15, 1994; Acts 1995, No. 954, §1; Acts 1997, No. 1252, §1, eff. July 15, 1997; Acts 1998, 1st Ex. Sess., No. 8, §4, eff. April 24, 1998; Acts 1999, No. 834, §1, eff. July 2, 1999; Acts 2000, 1st Ex. Sess., No. 136, §1; Acts 2001, No. 690, §1; Acts 2001, No. 1118, §1; Acts 2003, No. 1239, §1, eff. July 7, 2003; Acts 2003, No. 1251, §1; Acts 2004, No. 26, §13; Acts 2006, No. 344, §5, eff. June 13, 2006; Acts 2006, No. 377, §1. Act 2008, No. 561, §2, §3 eff. Aug. 15, 2008; Acts 2012, No. 255, §6, eff. August 1, 2012; Acts 2016, No. 217, §1, eff. August 1, 2016.

NOTE: SEE ACTS 1993, NO. 775, §3.

R.S. 40§34.1: ORIGINAL BIRTH CERTIFICATE; REQUIRED CONTENTS

An original birth certificate shall contain, as a minimum, the items provided in R.S. 40:34.2 through 34.9.

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§34.2: ORIGINAL BIRTH CERTIFICATE; REQUIRED CONTENTS; NAME OF CHILD


The name of the child shall be entered on the original birth certificate in accordance with the following provisions:

(1) First Name.

(a) If the child dies without a first name before the certificate is filed, enter the words "died unnamed" in this blank.

(b) If the living child has not yet been given a first name at the date of filing of the certificate, leave blank the space for the first name of the child and enter the name later when supplied by affidavit.

(2) Surname.

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(a) Unless otherwise provided by law and except as provided in Subparagraph (c) of this Paragraph, if the child is born to a mother who either is married or was married within three hundred days prior to the birth of the child, the surname of the child shall be recorded in accordance with the following requirements:

(i) If the mother is married at the time of the birth of the child, and if the mother was not married to another man within three hundred days prior to the birth of the child the surname of the child shall be the surname of the current husband of the mother.

(ii) If the mother, though married to one man at the time of the birth of the child, was married to another man within three hundred days prior to the birth of the child, the surname of the child shall be the surname of the former husband of the mother.

(iii) If the mother, though unmarried at the time of the birth of the child, was married to a man within three hundred days prior to the birth of the child, the surname of the child shall be the surname of the former husband of the mother.

(iv) In any of these cases, if both the man whose surname should be given to the child and the mother agree, the surname of the child may be the maiden name or surname of the mother or a combination of the surname of the man and the maiden name or surname of the mother.

(b) If the child is born to a mother who neither is married nor was married within three hundred days prior to the birth of the child, the surname of the child shall be the maiden name or surname of the mother, at her discretion. If the father has acknowledged his child by authentic act and if both the mother and the father agree, the surname of the child may be the maiden name or surname of the mother, the surname of the father, or a combination of the surname of the father and the maiden name or surname of the mother.

(c) In the case of a child born to a mother who either is married or was married within three hundred days prior to the birth of the child, including cases in which both a person presumed to be the father pursuant to the Civil Code and a biological father exist, the surname of the biological father who has been judicially declared to be the father of the child in a filiation or paternity proceeding shall be the surname of the child. If the biological father and the mother agree, the surname of the child shall be the maiden name or surname of the mother or a combination of the surname of the biological father and the maiden name or surname of the mother.

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§34.3: ORIGINAL BIRTH CERTIFICATE; REQUIRED CONTENTS; SEX OF CHILD

The sex of the child shall be entered on the original birth certificate.

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§34.4: ORIGINAL BIRTH CERTIFICATE; REQUIRED CONTENTS; CIRCUMSTANCES OF BIRTH

The circumstances of the birth of the child shall be entered on the original birth certificate. These circumstances shall include all of the following:

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- (1) Time of birth.
- (2) Date of birth, including the year.
- (3) Place of birth, address, including city or town and state; if in a hospital or other institution, its name.
- (4) Whether a plural birth. A separate certificate is required for each child in a plural birth.
- (5) If a plural birth, the number of each child in order of birth.

Acts 1979, No. 776, §1. Amended by Acts 1983, No. 624, §1; Acts 1986, No. 621, §1; Acts 1986, No. 876, §1; Acts 1987, No. 343, §1; Acts 1987, No. 360, §1; Acts 1989, No. 819, §1; Acts 1990, No. 238, §1; Acts 1990, No. 349, §1, eff. Oct. 1, 1990; Acts 1991, No. 688, §1, eff. July 18, 1991; Acts 1991, No. 820, §1; Acts 1993, No. 740, §1; Acts 1993, No. 775, §1, eff. Aug. 15, 1994; Acts 1995, No. 954, §1; Acts 1997, No. 1252, §1, eff. July 15, 1997; Acts 1998, 1st Ex. Sess., No. 8, §4, eff. April 24, 1998; Acts 1999, No. 834, §1, eff. July 2, 1999; Acts 2000, 1st Ex. Sess., No. 136, §1; Acts 2001, No. 690, §1; Acts 2001, No. 1118, §1; Acts 2003, No. 1239, §1, eff. July 7, 2003; Acts 2003, No. 1251, §1; Acts 2004, No. 26, §13; Acts 2006, No. 344, §5, eff. June 13, 2006; Acts 2006, No. 377, §1. Act 2008, No. 561, §2, §3 eff. Aug. 15, 2008; Acts 2012, No. 255, §6, eff. August 1, 2012; Acts 2016, No. 434, §3, eff. August 1, 2016.

NOTE: SEE ACTS 1993, NO. 775, §3.

R.S. 40§34.5: ORIGINAL BIRTH CERTIFICATE; REQUIRED CONTENTS; NAME OF FATHER

A. If the child is born to a mother who either is married or was married within three hundred days prior to the birth of the child, the full name of the father shall be recorded in the same manner provided for the recordation of the surname of the child in R.S. 40:34.2(2) (a) and (c), unless otherwise provided by law.


B. If the child is born to a mother who neither is married nor was married within three hundred days prior to the birth of the child, the full name of the father who has acknowledged his child by authentic act shall be included on the birth record of the child, but only if the father and mother agree.

C. In all other cases, the name of the father and other information pertaining to the father shall not appear on the birth certificate and the surname of the child shall be recorded as the maiden name or surname of the mother, at her discretion.

D. Nothing in this Section shall preclude the Department of Children and Family Services, Office of Children and Family Services, Child Support Enforcement section from obtaining an admission of paternity from the biological father for submission in a judicial proceeding, or prohibit the issuance of an order in a judicial proceeding which bases a legal finding of paternity on an admission of paternity by the biological father and on any other additional showing required by state law.

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§34.5.1. THREE-PARTY ACKNOWLEDGMENT OF PATERNITY; EFFECT

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Notwithstanding the provisions of R.S. 40:34.2(2)(a) and (c) and 34.5(A), the husband or former husband presumed to be the father of the child, the mother, and the biological father of the child may execute a three-party acknowledgment of paternity pursuant to Civil Code Article 190.1 on the form provided by the Louisiana Department of Health. Upon receipt of that form and a certified report of blood or tissue sampling which indicates by a ninety-nine and nine-tenths percentage point threshold probability that the biological father is the father of the child, the state registrar shall:

- (1) For the father of the child, record the full name of the biological father.
- (2) For the surname of the child, record the maiden name or surname of the mother, at her discretion. However, if the biological father and the mother agree, the state registrar shall record as the surname of the child the maiden name or surname of the mother, the surname of the biological father, or a combination of the surname of the biological father and the maiden name or surname of the mother.

Acts 2018, No. 21, §1, eff. May 7, 2018.

R.S. 40§34.5.2. FORM AND NOTICE FOR THREE-PARTY ACKNOWLEDGMENT OF PATERNITY

The Louisiana Department of Health, office of public health, shall develop a form, and a notice of consequences of executing the form, for the purposes of implementing R.S. 40:34.5.1. The form shall include the following:

- (1) A declaration in authentic form by the husband or former husband presumed to be the father of the child that he is not the father of the child,
- (2) A declaration in authentic form by the biological father that he is the father of the child and that a certified report of blood or tissue sampling indicated by a ninety-nine and nine-tenths percentage point threshold probability that he is the biological father of the child.
- (3) A declaration in authentic form by the mother, husband or former husband presumed to be the father of the child, and the biological father of the child that each understands the form and has executed it voluntarily, and that each has received written notice of the consequences of executing the form.

Acts 2018, No. 21, § 1, eff. May 7, 2018.

R.S. 40§34.6: ORIGINAL BIRTH CERTIFICATE; REQUIRED CONTENTS; NAME OF MOTHER

The full name of the mother of the child, including her maiden name and current surname, shall be entered on the original birth certificate.

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§34.7: ORIGINAL BIRTH CERTIFICATE; REQUIRED CONTENTS; OTHER INFORMATION REGARDING THE PARENTS


The following information regarding the parents shall also be entered on the original birth certificate:

- (1) Respective ages of parents on their last birthday, in years.

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- (2) Races of parents as reported by the parents.
- (3) Ethnicities of parents as reported by the parents.
- (4) Residences of parents.
- (5) Birthplaces of parents, at least the state or foreign country, if known
- (6) Number of children born to this mother.
- (7) Number of children born to this mother living.
- (8) Social security account numbers issued to the parents, if obtainable; however

these numbers shall not be printed on the birth certificate of the child, but shall be entered only as a part of vital records

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§34.8: ORIGINAL BIRTH CERTIFICATE; REQUIRED CONTENTS; CERTIFICATION OF ATTENDANT

The certification of the attending physician, midwife, or other person in attendance, including a statement of the year, month, day, and hour of birth, shall be entered on the original birth certificate. This certification shall be signed by the physician, midwife, or other person in attendance, with the address and date of signature.

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§34.9: ORIGINAL BIRTH CERTIFICATE; REQUIRED CONTENTS; ATTESTATION OF LOCAL FILING

The exact date of filing in the office of the local registrar, attested by his official signature, shall be entered on the original birth certificate.

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§34.10: DEATH CERTIFICATE; REQUIRED CONTENTS

The certificate of death shall contain, as a minimum, the following items:

- (1) Full name of the decedent.
- (2) The social security number issued to the decedent, unless a social security number cannot be obtained
- (3) Sex.
- (4) Race.
- (5) Ethnicity.
- (6) Conjugal status; single, married, widowed, or divorced. If married, name of spouse.
- (7) Age, in years, months, and days. If less than one day, in hours or minutes.
- (8) Occupation, including any remunerative employment; the trade, profession, or particular kind of work; the general nature of the industry, business, or establishment in which employed.



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- (9) Place of residence, address, including city or town and state.
 - (10) Date of birth, including year, month, and day.
 - (11) Place of birth; if of foreign birth, how long in the United States.
 - (12) Name and birthplace of father.
 - (13) Maiden name and birthplace of mother.
 - (14) Place of death, address, including city or town and state.
 - (15) Name and address of the informant of the above items. The informant may be any competent person acquainted with the facts, attesting to the accuracy of the above information.
 - (16) Official signature of the local registrar, with the date when the certificate containing the above items was filed and the registered number of the certificate.
 - (17) Date and place of burial, cremation, or removal.
 - (18) Signature and address of undertaker, or person acting as such, on the statement of facts required in Paragraph (17) of this Section.
 - (19) The medical certification of the physician, if any, last attending to the deceased, which certificate shall be made and signed by the physician within twenty-four hours after death with his name and address. In the absence of a physician, the parish coroner shall sign the certificate. In either event, the certification shall contain the following items:
 - (a) The fact and date of death, including year, month, day, and the time of the day.
 - (b) Time in attendance.
 - (c) Time he last saw the deceased alive,
 - (d) Cause of death, showing the course of the disease or the sequence of causes resulting in the death; and contributory or secondary causes, the duration of each, and whether any primary or secondary causes of death are attributed to dangerous or insanitary conditions of employment. If the cause of death was violent, the certificate shall show the determination of the coroner as to whether the death was probably accidental, suicidal, or homicidal.
- Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§34.11: PATERNITY ACKNOWLEDGEMENT AFFIDAVIT; REQUIRED CONTENTS

The state registrar shall develop an affidavit for the voluntary acknowledgement of paternity which includes the minimum requirements of the affidavit specified by the secretary of the United States Department of Health and Human Services under 42 U.S.C. 652(a)(7).
Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§34.12: PROVISION OF INFORMATION TO AID IMPLEMENTATION OF PROGRAM OF FAMILY SUPPORT

Upon request, the state registrar shall provide the information required in R.S. 40:34.9 and 34.10(1) and (2) to the agency charged with implementing a program of family support in accordance with R.S. 46:236.1.1 et seq.
Acts 2016, No. 434, §3, eff. August 1, 2016.

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R.S. 40§34.13: REGISTRATION OF ACKNOWLEDGEMENTS AND ADJUDICATIONS OF PATERNITY

All acknowledgments of paternity properly executed in accordance with Louisiana law and adjudications of paternity by a Louisiana court shall be filed with the state registrar, Office of Vital Records, in a central repository pursuant to 42 U.S.C 666(a)(5)(M).

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§46: AMENDMENTS TO CERTIFICATE OF BIRTH

A. The state registrar of vital records is authorized to amend an original birth certificate in accordance with Louisiana law.

B Any change in the surname of a child form that required or allowed in R.S. 40:34.2 shall be made by court order as provided in R.S. 13:4751 through 4755 or as otherwise provided in this Chapter or by rules promulgated thereunder.

Acts 2016, No. 434, § 3, eff. August 1, 2016.

R.S. 40§46.1: AMENDED BIRTH CERTIFICATES; CHANGE OF BIOLOGICAL FILIATION; GENERAL PRINCIPLE

If the biological filiation of a child changes after a birth certificate has been prepared for the child, the state registrar shall amend the birth certificate to reflect this change, in accordance with R.S. 40:46.2 through 46.11.

Acts 1995, No. 697, §1; Acts 1998, 1st Ex. Sess., No. 6, §2, eff. July 1, 1998; Acts 2001, No. 397, §1; Acts 2004, No. 26, §13; Acts 2012, No. 255, §6, eff. August 1, 2012; Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§46.2: CHANGE OF MATERNAL FILIATION; CHILD WITH UNIDENTIFIED MOTHER

A. Following a final and definitive judgment of maternal filiation, rendered pursuant to Civil Code Article 184, the effect of which is to recognize maternal filiation between a woman and a child whose birth certificate did not identify the mother of the child, the state registrar, upon receipt of a certified copy of that judgment, shall amend the birth certificate as follows:

(1) For the surname of the child:

(a) If the adjudged mother was married to a man at the time of the birth of the child, but was not married to another man within three hundred days prior to the birth of the child, enter the surname of her husband.

(b) If the adjudged mother was not married to a man at the time of the birth of the child, but was married to a man within three hundred days prior to the birth of the child, enter the surname of her former husband.



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(c) If the adjudged mother was married to one man at the time of the birth of the child, but was married to another man within three hundred days prior to the birth of the child, enter the surname of the latter.

(d) If the adjudged mother was married neither at nor within three hundred days prior to the birth of the child, enter her maiden name or surname, at her discretion.

(2) For the name of the mother of the child, her date of birth, race, ethnicity, residence, birthplace, and social security number, the number of children born to her, and the number of children born to her living, enter those of the adjudged mother.

(3) For the name of the father of the child, his age, race, ethnicity, and residence, birthplace, and social security number:

(a) If the adjudged mother was married to a man at the time of the birth of the child, but was not married to another man within three hundred days prior to the birth of the child, enter those of her husband.

(b) If the adjudged mother, though unmarried at the time of the birth of the child, was married to a man within three hundred days prior to the birth of the child, enter those of her former husband.

(c) If the adjudged mother was married to one man at the time of the birth of the child, but was married to another man within three hundred days prior to the birth of the child, enter those of the latter.

B. In any case to which the provisions of Paragraph (A) (1) of this Section apply, if the man whose surname should be given to the child and the adjudged mother agree that the surname of the child should be either the maiden name or surname of the mother or a combination of his surname and her maiden name or surname, the state registrar shall enter the surname upon which they have agreed.

C. Upon the petition of the mother of the child, a court may, for good cause shown, order the state registrar to enter, as the surname of the child, the maiden name or surname of the mother, whichever she may choose, even if that man does not concur.


Acts 1997, No. 388, §1, eff. July 1, 1997; Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§46.3: CHANGE OF MATERNAL FILIATION; CHILD WITH IDENTIFIED MOTHER

A. Following a final and definitive judgment of maternal filiation, rendered pursuant to Civil Code Article 184, the effect of which is to recognize maternal filiation between a child and a woman other than the woman identified in the birth certificate as the mother of the child, the state registrar, upon receipt of a certified copy of that judgment, shall amend the certificate as follows:

(1) Strikethroughs:

(a) Strike through the surname of the child, the name of the mother of the child, and all other information pertaining to the mother, in particular, her date of birth, race, ethnicity, residence, birthplace, and social security number, the number of children born to her, and the number of children born to her living.

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(b) If the name of the father of the child or other information pertaining to him, in particular, his age, race, ethnicity, residence, birthplace, and social security number, as it was previously entered on the birth certificate, was that to the man who, by virtue of his marriage to the woman previously identified in the birth certificate as the mother of the child, was presumed to be the father of the child under Civil Code Article 185 or 186, the state registrar shall strike through his name and his other information.

(2) Additions:

(a) For the surname of the child:

(i) If the adjudged mother was married to a man at the time of the birth of the child, but was not married to another man within three hundred days prior to the birth of the child, enter the surname of her husband.

(ii) If the adjudged mother, though unmarried at the time of the birth of the child, was married to a man within three hundred days prior to the birth of the child, enter the surname of her former husband.

(iii) If the adjudged mother was married to one man at the time of the birth of the child, but was married to another man within three hundred days prior to the birth of the child, enter the surname of the latter.

(iv) If the adjudged mother was married neither at nor within three hundred days prior to the birth of the child, enter her maiden name or surname, at her discretion.

(b) For the name of the mother of the child, her date of birth, race, ethnicity, residence, birthplace, and social security number, the number of children born to her, and the number of children born to her living, enter those of the adjudged mother.

(c) For the name of the father of the child, his age, race, ethnicity, residence, birthplace, and social security number:


(i) If the adjudged mother was married to a man at the time of the birth of the child, but was not married to another man within three hundred days prior to the birth of the child, enter those of her husband.

(ii) If the adjudged mother, though unmarried at the time of the birth of the child, was married to a man within three hundred days prior to the birth of the child, enter those of her former husband.

(iii) If the adjudged mother was married to one man at the time of the birth of the child, but was married to another man within three hundred days prior to the birth of the child, enter those of the latter.

B. In any case to which the provisions of Paragraph (A) (2) of this Section apply, if the man whose surname should be given to the child and the adjudged mother agree that the surname of the child should be either the maiden name or surname of the mother, the surname of the man, or a combination of his surname and her maiden name or surname, the state registrar shall enter surname upon which they have agreed.

C. Upon the petition of the mother of the child, a court may, for good cause shown, order the state registrar to enter, as the surname of the child, the maiden name or surname of the mother or a combination of the surname of the man whose surname should otherwise be given to the child

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under Paragraph (A) (2) of this Section and the maiden name or surname of the mother, whichever she may choose, even if that man does not concur.

Acts 2016, No. 434, § 3, eff. August 1, 2016.

R.S. 40§46.4: CHANGE OF PATERNAL FILIATION; DISAVOWAL OF PATERNITY OR THREE-PARTY ACKNOWLEDGMENT

A. If the surname of the child, the name of the father of the child, or other information pertaining to the father as it was entered on the birth certificate was that of the man who was presumed to be the father of the child under Civil Code Article 185, 186, or 195 and if the man or his successor, obtains a final and definitive judgment disavowing paternity of the child or the parties execute the three party acknowledgment provided in Civil Code Article 190.1, the state registrar, upon receipt of a certified copy of that judgment, or of the three-party acknowledgement and certified report of blood or tissue sampling which indicates by ninety-nine and nine-tenths percentage point threshold probability that the biological father is the father of the child, shall amend the birth certificate as follows:

(1) **Strike-throughs:** Strike through the surname of the child, the name of the father of the child, and all other information pertaining to him, in particular, his age, race, ethnicity, residence, birthplace, and social security number.

(2) **Additions:**

(a) If the judgment of disavowal does not trigger the presumption of paternity established in the first sentence of the second paragraph of Civil Code Article 186, the state registrar shall amend the birth certificate as follows: for the surname of the child, enter the maiden name or surname of the mother of the child, at her discretion.

(b) If the judgment of disavowal action triggers the presumption of paternity established in the first sentence of the second paragraph of Civil Code Article 186, the state registrar shall amend the birth certificate as follows:


(i) For the surname of the child, enter either that of the second husband of the mother of the child or, if both he and the mother agree, her maiden name or surname or a combination of his surname and her maiden name or surname.

(ii) For the name of the father of the child, his age, race, ethnicity, residence, birthplace, and social security number, enter those of the second husband of the mother.

(c) If the state registrar receives the three-party acknowledgment provided in R.S. 40:34.5.1, the state registrar shall amend the birth certificate as follows:

(i) For the surname of the child, enter the maiden name or surname of the mother, at her discretion. However, if the biological father and the mother agree, the state registrar shall enter as the surname of the child the maiden name or surname of the mother, the surname of the biological father, or a combination of the surname of the biological father and the maiden name or surname of the mother.

(ii) For the name of the father of the child, his race, ethnicity, residence, birthplace, and social security number, enter those of the biological father.

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B. Upon the petition of the mother of the child, a court may, for good cause shown, order the state registrar to enter, as the surname of the child, the maiden name or surname of the mother or a combination of the surname of the man whose surname should otherwise be given to the child under Subparagraph (A)(2)(b) of this Section and the maiden name or surname of the mother, whichever she may choose, even if that man does not concur.

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§46.5: CHANGE OF PATERNAL FILIATION; CONTESTATION AND ESTABLISHMENT OF PATERNITY

If the surname of the child, the name of the father of the child, or other information pertaining to the father as it was entered on the birth certificate was that of the man who was presumed to be the father of the child under Civil Code Article 185 or 186 and if the mother of the child, after the birth certificate was prepared, obtains a final and definitive judgment contesting and establishing paternity of the child, the state registrar, upon receipt of a certified copy of that final and definitive judgment, shall amend the birth certificate as follows:

(1) **Strikethroughs:** Strike through the surname of the child, the name of the father of the child, and the other information pertaining to the father, in particular his age, race, ethnicity, residence, birthplace, and social security number.

(2) **Additions:**

(a) For the surname of the child, enter either that of the present husband of the mother or, if both agree, her maiden name or surname or a combination of his surname and her maiden name or surname.


(b) For the name of the father and his age, race, ethnicity, residence, birthplace, and social security number, enter those of the present husband of the mother.

(c) Upon the petition of the mother of the child, a court may, for good cause shown, order the state registrar to enter, as the surname of the child, the maiden name or surname of the mother or a combination of the surname of the man whose surname should otherwise be given to the child under Subparagraph (a) of this Paragraph and the maiden name or surname of the mother, whichever she may choose, even if that man does not concur.

R.S. 40§46.6: CHANGE OF PATERNAL FILIATION; MARRIAGE AND FORMAL ACKNOWLEDGEMENT

Following the birth of a child, if Civil Code Article 195 applies, the state registrar, upon receipt of (i) a certified copy of the certificate of the marriage of the mother of the child, (ii) a certified copy of the act in which her husband formally acknowledged the child, and (iii) if the mother did not sign the act of acknowledgment, her affidavit that she concurs in the formal acknowledgment, shall amend the birth certificate as follows:

(1) **Strikethroughs:** If the mother and her husband have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the

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maiden name or surname of the mother, the surname of her husband, or a combination of his surname and her maiden name or surname, strike through the surname of the child.

(2) Additions:

(a) If the mother and her husband have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of her husband, or a combination of his surname and her maiden name or surname, enter the surname upon which they have agreed.

(b) For the name of the father, his age, race, ethnicity, residence, birthplace, and social security number, enter those of the husband of the mother.

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§46.7: CHANGE OF PATERNAL FILIATION; ACKNOWLEDGEMENT ALONE

A. In a case to which Civil Code Article 196 applies, the state registrar, upon receipt of (i) a certified copy of the act of formal acknowledgment and (ii) if the mother did not sign the act of acknowledgment, her affidavit that she concurs in this formal acknowledgment, shall amend the birth certificate as follows:

(1) Strikethroughs: If the mother and the man who made the acknowledgement have agreed that the surname of the child should be changed and, in addition, have agree that the new surname should be either the maiden name or surname of the mother, the surname of the man who made the acknowledgment, or a combination of his surname and her maiden name or surname, strike through the surname of the child.

(2) Additions:

(a) If the mother and her husband have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of her husband, or a combination of his surname and her maiden name or surname, enter the surname upon which they have agreed.

(b) For the name of the father, his age, race, ethnicity, residence, birthplace, and social security number, enter those of the man who made the acknowledgment.

B. If, after a birth certificate has been amended pursuant to Subsection A of this Section, the man who made the formal acknowledgment should revoke or annul it, the state registrar, upon receipt of the form described in R.S. 9:406(A)(1)(a) or a final and definitive judgment recognizing that a revocation or annulment has been accomplished, shall amend the birth certificate and restore any information that was struck through when it was amended.

Acts 2016, No. 434, §3, eff. August 1, 2016.


R.S. 40§46.8: CHANGE OF PATERNAL FILIATION; JUDGEMENT OF PATERNITY

A. Following a final and definitive judgment of paternal filiation, rendered pursuant to Civil Code Article 197 or 198, the effect of which is to establish paternal filiation between a man and a child whose birth certificate did not identify the father of the child, the state registrar, upon receipt of a certified copy of that judgment, shall amend the birth certificate as follows:

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(1) Strikethroughs: If the mother of the child and the adjudged father have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of the adjudged father, or a combination of his surname and her maiden name or surname, strike through the surname of the child.

(2) Additions:

(a) If the mother of the child and the adjudged father have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname, enter the surname upon which they have agreed.

(b) For the name of the father and his age, race, ethnicity, residence, birthplace, and social security number, enter those of the adjudged father.

B. Following a final and definitive judgment of paternal filiation, rendered pursuant to Civil Code Article 197 or 198, the effect of which is to establish paternal filiation between a child and a man other than the man identified in the birth certificate as the father of the child, the state registrar, upon receipt of a certified copy of the judgment, shall amend the birth certificate as follows:

(1) Strikethroughs: If the mother of the child and the adjudged father have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of the adjudged father, or a combination of his surname and her maiden name or surname, and if the man whom the birth certificate identified as the father of the child does not object, strike through the surname of the child.

(2) Additions:

(a) If the mother of the child and the adjudged father have agreed that the surname of the child should be changed and, in addition, have agreed that the new surname should be either the maiden name or surname of the mother, the surname of the adjudged father, or a combination of his surname and her maiden name or surname, and if the man whom the birth certificate identified as the father of the child does not object, enter the surname upon which they have agreed.


(b) For the name of the father and his age, race, ethnicity, residence, birthplace, and social security number, enter above the existing entries those of the adjudged father.

(3) Upon the petition of the mother or the adjudged father of the child, a court may, for good cause shown, order that the surname of the child as it appears on the birth certificate be changed in conformity with this Section despite the objection of the man whom the birth certificate identified as the father of the child.

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§46.10: CHILD BORN AS A RESULT OF SURROGACY AGREEMENT

A. In the case of a child born of a surrogate birth parent who is related by blood or affinity to a biological parent, the biological parents, proven to be so by DNA testing, shall be considered the parents of the child.

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B. In the case of a child born of a surrogate birth parent who is related by blood or affinity to a biological parent, the surname of the biological parents of the child shall be the surname of the child.

C. In the case of a child born of a surrogate birth parent who is related by blood or affinity to a biological parent, the birth certificate of the child shall be amended so that the full name of the biological parent who is proven to be the father by DNA testing shall be listed as the father.

D. In the case of a child born of a surrogate birth parent who is related by blood or affinity to a biological parent, the birth certificate of the child shall be amended so that the full name, including the maiden name and other surname, of the biological parent who is proved to be the mother by DNA testing shall be listed as the mother, and the name of the surrogate birth parent shall be struck through.

Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§46.11: REVIEW BY DISTRICT ATTORNEY

At the time at which the child requests the amendment of the existing birth certificate under R.S. 40:46 et seq., the state registrar shall require an affidavit to be obtained from the district attorney of the parish in which the child resides or is domiciled stating any objection to the name change. If the district attorney does not object, the state registrar shall prepare a new birth certificate for the major child. If there is an objection, the state registrar may not proceed to prepare a new birth certificate until the district attorney's objection has been resolved.


Acts 2016, No. 434, §3, eff. August 1, 2016.

R.S. 40§46.12: HOSPITAL BASED PATERNITY PROGRAM

A. Any hospital in the state which provides birthing services shall have a program that allows for the voluntary acknowledgment of paternity during the period immediately before or after the birth of a child.

B. During the period immediately before or after the birth of a child to an unmarried woman, a hospital-based program established in accordance with this Section shall, at a minimum:

- (1) Provide to both the mother and alleged father, if he is present in the hospital:
 - (a) Written materials about paternity establishment.
 - (b) The forms necessary to voluntarily acknowledge paternity.
 - (c) A written description of the rights, responsibilities, and alternatives as provided in R.S. 9:392(A) which are involved in acknowledging paternity.
 - (d) The opportunity to speak with hospital personnel, either by telephone or in person, who are trained to clarify information and answer questions about paternity establishment.
- (2) Provide the mother and alleged father, if he is present, the opportunity to voluntarily acknowledge paternity in the hospital in accordance with the Civil Code and R.S. 9:392.
- (3) Afford due process safeguards.
- (4) Forward completed acknowledgments to the state registrar.

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C. Hospital support personnel that provide birthing services shall possess notarial powers to administer oaths to and authenticate signatures of any persons in connection with execution of a formal acknowledgment of paternity in accordance with this Section. Any oaths administered or signatures authenticated pursuant to this Section shall have the same force and effect as if taken or signed before a duly commissioned notary public.

D. Hospital personnel shall forward an acknowledgment of paternity to the state registrar who shall forward copies of same to the Department of Children and Family Services, Office of Children and Family Services, Child Support Enforcement Section. A statewide database shall be maintained by the Department of Children and Family Services in accordance with federal regulations.

E. A voluntary acknowledgment executed in accordance with this Section shall be signed by both parents and the parents' signatures shall be authenticated by a person possessing notarial powers in accordance with state laws.

F. The Department of Children and Family Services, Office of Children and Family Services, Child Support Enforcement section shall provide to all birthing hospitals in the state:

- (1) Written materials about paternity establishment.
- (2) Forms necessary to voluntarily acknowledge paternity.
- (3) Copies of a written description of the rights, responsibilities, and alternatives as provided in R.S. 9:392(A) which are involved in acknowledging paternity.
- (4) Training, guidance, and written instructions relative to voluntary acknowledgment of paternity, as necessary to operate the hospital-based program.
- (5) An assessment of each birthing hospital's program on at least an annual basis.

G. Except in the case of intentional misconduct, no hospital or any agent or employee thereof shall be held civilly or criminally liable for any action or omission arising out of the performance of, attempted performance of, or failure or inability to perform the duties imposed herein.

Acts 1995, No. 697, §1; Acts 1998, 1st Ex. Sess., No. 6, §2, eff. July 1, 1998; Acts 2001, No. 397, §1; Acts 2004, No. 26, §13; Acts 2012, No. 255, §6, eff. August 1, 2012; Acts 2016, No. 434, §3, eff. August 01, 2016.

R.S. 40§46.13: PATERNITY ESTABLISHMENT SERVICES

The state registrar shall provide voluntary paternity establishment services in accordance with regulations prescribed by the secretary of the United States Department of Health and Human Services. The state registrar may designate specific employees in the offices of the vital records registry who shall possess notarial powers to administer an oath to any person in connection with any document required in the course of establishing paternity.

Acts 1997, No. 388, §1, eff. July 1, 1997; Acts 2016, No.434, §3, eff. August 1, 2016