Department of Children & Family Services Building a Stronger Louisiana	**Division/Section**	Family Support
	Chapter No./Name	9 – Child Support Enforcement (CSE)
	Part No./Name	G – Intake
	Section No./Name	G-200 Paternity
	Document No./Name	G-230 Acknowledgment of Paternity
	Effective Date	June 1, 2025

I. STATEMENT OF POLICY

Louisiana law allows for an alleged father to acknowledge paternity by signing a Vital Records Acknowledgment of Paternity Affidavit declaring that he is the father of the child in question.

The least complex and most expeditious way to establish paternity is through the acknowledgment process. All alleged fathers must have paternity testing explained to them and be told that paternity testing prior to signing an acknowledgment of paternity with * Child Support Enforcement (CSE) or District Attorney (DA) staff is strongly encouraged. The department's goal is to establish paternity on the correct father. To further this goal, the department will provide paternity testing at no charge through an administrative process. The CSE 99 (Request for Genetic Testing) must be signed by the alleged father prior to scheduling genetic testing. If both parties are present and refuse genetic testing, but paternity is acknowledged by both parties, they can sign the Vital Records Acknowledgment of Paternity Affidavit. If one party wants genetic testing and the other does not, issue an administrative order for genetic testing by following Chapter 9 policy G-240.

NOTE: When the administrative process for genetic testing is not used and the matter is referred to court to establish paternity, seek reimbursement when the alleged father is not excluded ** *** (refer to Chapter 9 policy B-420). If District Attorneys, Staff Attorneys, or DCFS files any petition to establish paternity, then DCFS has to pay the advance costs, but will seek reimbursement from the NCP if he is declared to be the father.

There are advantages to the alleged father, the child, and the State in having paternity testing done prior to an acknowledgment. First, the alleged father may be excluded. Since 30 percent of paternity tests exclude the man who was named as the father, there is a good chance that the alleged father may be excluded. Secondly, if the test shows that the alleged father is the biological father of the child, the man will know for certain that he is the father of the child. The advantage to the child is that they will know for certain whom their father is, and the father will have a legal obligation for support that will not be overturned by a subsequent paternity test. The advantage to the State is that we will not have to endure a situation in which the father later asks for paternity testing and the test excludes the man who signed the acknowledgment.

If an alleged father agrees that he is the father of the child, upon receipt of the paternity test results supporting this assertion, and agrees to acknowledge the child, he must then be advised orally and in writing of the rights and responsibilities of acknowledging paternity located on the Vital Records Acknowledgment of Paternity Affidavit. He may then acknowledge the child by signing the affidavit.

G-231 EFFECTS OF AN ACKNOWLEDGMENT

Civil Code Article 196 provides that a man may, by authentic act, acknowledge a child not affiliated to another man. The acknowledgment creates a presumption that the man who acknowledges the child is the father. A child whose mother is married at the time of birth would be "filiated" to the woman's husband. Filiation is the assignment of paternity to someone. The husband of the mother would be presumed to be the child's father and another man may not acknowledge the child as his. The

husband would be considered the child's father unless he obtains a court order disavowing paternity or signs a three-party acknowledgment of paternity. Signing the three-party acknowledgment corrects the legal presumption of the husband or former husband. The three-party acknowledgment releases the husband or former husband as the child's presumed legal father and it creates the presumption that the biological father who has acknowledged the child by three-party acknowledgment is the father of the child.

Note: Prior to the parties executing the three-party acknowledgment of paternity, the parties must schedule genetic testing privately. CSE Staff do not have the authority to complete the three-party acknowledgement because the Louisiana Department of Health (LDH) has to recognize the required genetic test results prior to the completion of the three-party acknowledgement.

LA R.S. 9:392.1 and LA R.S. 9:405 provide that 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.

G-232 THREE PARTY ACKNOWLEDGEMENT OF PATERNITY

The three-party acknowledgment completed after 8/1/2020 terminates the obligation to pay child support by the husband or former husband and revokes any court order enforcing that obligation. However, it does not affect any child support payment or arrearages paid, due, or owed prior to the date that the three-party acknowledgment was executed. In instances where a three-party acknowledgment was executed prior to 8/1/2020, the legal father (husband of the mother or former husband) will have the right to request a review of the order for a change in circumstance once a copy of the three-party acknowledgment is provided.

The parties executing the three-party acknowledgment of paternity must schedule genetic testing privately. CSE Staff do not have the authority to complete the three-party acknowledgement because the Louisiana Department of Health (LDH) has to recognize the required genetic test results prior to the completion of the three-party acknowledgement.

If there are other children included in the order, contact the parties involved to initiate a review and refer the case to court to remove the child(ren) affected by the three-party acknowledgement from the in-globo order. Support for the other children will not be affected. The child(ren) removed from the order should be non-participated in LASES.

II. PROCEDURES

* G-233 COMPLETING AN ACKNOWLEDGEMENT OF PATERNITY

In accordance with LA R.S. 9:392, prior to completing an Acknowledgement of Paternity (AOP), staff must inform and review with the mother and father their rights and responsibilities associated with

paternity establishment and the signing of the acknowledgement. Staff will need to review the document again after completing it with the parent(s).

While completing the AOP, staff must explain each individual field on the document to the parties.

If at any point in time, the father whose name will appear on the birth certificate is different from the man completing the AOP, **stop** the process.

Both parties must agree on the child's name and spelling of the name (as it will appear on the birth certificate). If the parties do not agree on changing the child's last name, then the name should be completed on that line as it appears on the birth certificate.

G-234 REVOKING AN ACKNOWLEDGMENT OF PATERNITY

LA R.S. 9:392 provides that a person who executes an authentic act of acknowledgment of paternity may revoke the acknowledgment within the earlier of:

- 60 days of signing the acknowledgment, or
- a court hearing relating to the child in which the person is a party.

If the alleged father petitions the court to revoke the acknowledgment, the action to revoke the acknowledgement should be done in a separate ordinary proceeding and should not take place during a child support proceeding. CSE should proceed with establishing an order for support until such time that a court actually orders the acknowledgment revoked. This is necessary as the alleged father who petitions the court to revoke the acknowledgment may abandon the petition.

G-235 ANNULLING AN ACKNOWLEDGMENT OF PATERNITY (LA R.S. 9:392)

After the period referenced in G-234 **, a person who has signed an acknowledgment of paternity may petition the court to annul the paternity only under certain conditions. Those conditions are:

- the person must provide the court with proof, by clear and convincing evidence, that the acknowledgment was induced by fraud, duress, or material mistake of fact, or error, or
- that the person who executed the authentic act of acknowledgement is not the biological father of the child.

The person shall begin the annulment process in a separate ordinary proceeding after notice to all parties involved including DCFS. Except for good cause, the court shall not suspend any order for support during the time the person is petitioning the court to annul an acknowledgment.

Annulling the acknowledgement does not affect any child support or arrearages paid, due, or owed prior to the date the annulment was filed.

G-* 236 FILING OF ACKNOWLEDGMENTS AND ADJUDICATIONS IN STATE REGISTRAR OF VITAL RECORDS

All acknowledgments of paternity properly executed in Louisiana and adjudications of paternity adjudged in Louisiana 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).

Staff should complete 1 originals of the AOP for Vital Records, and provide 3 copies **. ***. * The ** original AOP *** * for Vital Records is to add the NCP's name as putative father to the registry. Vital Records will only accept the form if it is completed in its entirety. Registration in the putative father registry has no effect on the child's birth certificate. The copies are for the custodial parent, NCP, and the last copy should be imaged into the case record **.

Note: Vital Records keeps the original copy of all acknowledgments of paternity. CSE only files acknowledgments of paternity with the court, if the ADA in that region requires them to be filed.

Paternity acknowledgments and judgments for filing in the central repository should be sent to:

Louisiana Vital Records
ATTN: Amendments Department
P.O. Box 60630
New Orleans, LA 70160
P: (504) 593-5100
Email: dhh-vitalweb@la.gov

Note: Once the person who executed the authentic act of acknowledgement is excluded from being the biological father, the parents should contact Vital Records in New Orleans for the appropriate procedure on how to amend the birth certificate of the child who was affected by the court order.

III. FORMS AND INSTRUCTIONS

CSE 99 Form / Instructions Request for Genetic Testing
Vital Records Acknowledgment of Paternity Affidavit

IV. REFERENCES

LA R.S. 9:392
42 U.S.C 666(a)(5)(M)
LA R.S. 9:406(B)(2)
LA R.S. 40:34.13
Civil Code Article 196
Civil Code Article 190.1