

2024 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 28

BY REPRESENTATIVE TURNER

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and recommend legislation for implementation of procedures establishing child support and paternity for minor parents and to submit a report of its findings and recommendations to the legislature no later than February 1, 2025.

WHEREAS, Civil Code Article 178 defines filiation as the legal relationship between a child and his or her parent; and

WHEREAS, Civil Code Article 196 allows a man to filiate to a minor child not filiated to another man by executing an authentic act; and

WHEREAS, Civil Code Articles 197 and 198 allow a child or putative father to establish filiation through a judicial action; and

WHEREAS, the state of Wisconsin prohibits minors from signing an acknowledgment of paternity; and

WHEREAS, the state of California allows minor parents to execute an acknowledgment of paternity with a delayed effective date; and

WHEREAS, in Michigan and Minnesota an acknowledgment of paternity signed by a minor parent creates a presumption of paternity; and

WHEREAS, the Uniform Interstate Family Support Act allows a minor parent to maintain a proceeding on behalf of or for the benefit of the minor's child; and

WHEREAS, the Colorado Supreme Court held in *Schierenbeck v. Minor*, 367 P.2d 333 (Col. 1961), that a minor father's youth has nothing to do with assent as relating to progeny; and

WHEREAS, parents are responsible for the support of their children pursuant to Civil Code Article 224; and

WHEREAS, the Louisiana Fifth Circuit Court of Appeals in *State v. Tantilillo*, 620 So.2d 346 (La. App. 5 Cir. 1993) declined to determine whether a minor parent should be held liable for child support; and

WHEREAS, Illinois recognizes the right of a child to support from both parents regardless of whether a parent is a minor; and

WHEREAS, the Kansas Supreme Court in *State ex rel. Hermesmann v. Seyer*, 847 P.2d 1273 (Kan. 1993) maintained that a minor father was obligated to support his child even if the child was conceived through a criminal act; and

WHEREAS, the Arkansas Supreme Court in *Kibler v. Kibler*, 24 S.W.2d 867 (Ark. 1930) determined that a minor who entered into an absolutely null marriage still had an obligation to support his child; and

WHEREAS, in the states of Alaska, Arizona, Idaho, North Carolina, Ohio, and Washington, a minor child's support obligation may be shared or delegated to the minor's parents; and

WHEREAS, Louisiana law does not explicitly address the establishment of filiation or a support obligation when one of the parents is a minor.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and recommend legislation for implementation of procedures establishing child support and paternity for minor parents and to submit a report of its findings and recommendations to the legislature no later than February 1, 2025.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE