

Regular Session, 2012

SENATE BILL NO. 90

BY SENATOR RISER

CHILDREN. Provides relative to legitimation of a child who has reached the age of majority. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 40:46(A), relative to legitimation; to provide for legitimation by
3 a major child and the biological parents; to provide for specific information required;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:46(A) is hereby amended and reenacted to read as follows:

7 §46. Legitimation

8 A. ~~If any child born in this state was legitimated by the subsequent marriage~~
9 ~~of its parents, the state registrar, upon receipt of a copy of the marriage certificate of~~
10 ~~the parents together with a notarized statement of the husband acknowledging the~~
11 ~~child's paternity, shall prepare a new certificate of birth in the new name of the child~~
12 ~~wherein the child's surname shall be that of his father or if both the father and mother~~
13 ~~agree, the surname may be the maiden name of the mother or a combination of the~~
14 ~~surname of the husband and the maiden name of the mother.~~ **The biological parents**
15 **of a child who has reached the age of majority may legitimize the child by a**
16 **notarized statement signed by the child and both biological parents**
17 **acknowledging the child's paternity and attaching DNA results confirming the**

1 **biological father's paternity. Upon receipt of this notarized statement, the state**
 2 **registrar shall prepare a new certificate of birth in the new name of the child.**
 3 **The child's surname may be that of his father or, if both the father and mother**
 4 **agree, the surname may be the maiden name of the mother or a combination of**
 5 **the surname of the biological father and the maiden name of the mother.**

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The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

Riser (SB 90)

Present law provides relative to legitimation of a child.

Present law provides that if any child born in this state was legitimated by the subsequent marriage of its parents, the state registrar, upon receipt of a copy of the marriage certificate of the parents together with a notarized statement of the husband acknowledging the child's paternity, shall prepare a new certificate of birth in the new name of the child wherein the child's surname shall be that of his father or if both the father and mother agree, the surname may be the maiden name of the mother or a combination of the surname of the husband and the maiden name of the mother.

Proposed law deletes present law.

Proposed law provides that a major child and the child's biological parents may legitimate such child by submitting notarized statements and DNA results.

Proposed law provides that upon receipt of the required information, the state registrar shall prepare a new certificate of birth.

Proposed law provides that the child's surname may be that of his father or, if both the father and mother agree, the surname may be the maiden name of the mother or a combination of the surname of the biological father and the maiden name of the mother.

Effective August 1, 2012.

(Amends R.S. 40:46(A))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill.

1. Added deletion of present law relative to new birth certificate due to legitimation by subsequent marriage of parents.