

100TH JUDICIAL DISTRICT COURT FOR THE PARISH OF BLACK ACRE
STATE OF LOUISIANA

NO. 123-456

DIVISION "A"

JANE DOE,
Petitioner,
-versus-
JOHN DOE,
Defendant.

FILED: _____

DEPUTY CLERK

**ANSWER AND DISAVOWAL OF PATERNITY PURSUANT TO LOUISIANA
REVISED STATUTES 9:305 WITH INCORPORATED MEMORANDUM¹**

NOW INTO COURT, in proper person, comes JOHN DOE, SR., and in answer to
Petitioner's Motion to Set Child Support, respectfully represents:

I.

That on _____ date a Motion for Child Support was filed by JANE DOE
requesting support for the minor child, JACOB DOE.

II.

Pursuant to Article 184 the JOHN DOE SR. is presumed to be the father of the minor
child JACOB DOE because he was born during the marriage.

III.

Defendant, JOHN DOE SR. avers that upon information and belief, that he is not the
father of the minor child and that JACOB DAVIS is the father of the minor child JACOB DOE,
born of an extramarital affair between the petitioner and JACOB DOE.

VI.

Defendant, JOHN DOE SR. desires that this Court order DNA paternity testing to
determine whether JOHN DOE SR. is the biological father of the minor child. If defendant is
determined not to be the biological father, petitioner respectfully requests his child support
obligation be terminated pursuant to Louisiana Revised Statutes 9:305 that mandates:

Notwithstanding the provisions of Civil Code Art. 189 and for the sole
purpose of determining the proper payor in child support cases, if the

¹ The United States Supreme Court has held that the allegations of a pro se litigant's pleadings are to be held "to less stringent standards than formal pleadings drafted by lawyers." *Haines v. Kerner*, 404 U.S. 519, 520, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972). Article 865 of the Louisiana Code of Civil Procedure mandates that every pleading shall be construed as to do substantial justice.

husband, or legal father who is presumed to be the father of the child, erroneously believed, because of misrepresentation, fraud, or deception by the mother, that he was the father of the child, then the time for filing suit for disavowal of paternity shall be suspended during the period of such erroneous belief or for ten years, whichever ends first.

WHEREFORE, Defendant, JOHN DOE SR. prays that after due proceedings are had, that this Honorable Court order that the parties submit to DNA Testing and that his child support obligation be terminated in the event that he is declared not to be the biological father of the minor child.

Respectfully Submitted,

JOHN DOE
123 Maple Leaf Drive
Black Acre, Louisiana 70000
(504) 555-1212

JOHN DOE
In Proper Person

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ORDER

Considering the foregoing Motion:

IT IS ORDERED that defendant in rule, JANE DOE, show cause on the ____ day of

_____, 2004, at _____ a.m., why:

- A. This Honorable Court should not order DNA paternity testing and of the parties to determine the biological father of JACOB DOE; and,
- B. This Honorable Court should not order that the child support for JACOB DOE be terminated if JOHN DOE SR is not the father of JACOB DOE.

Signed at Black Acre, Louisiana, this ____ day of _____, 2004.

JUDGE

PLEASE SERVE:

JANE DOE
Through her attorney of record
Support Inc.
Attorneys at Law
123 Canal Street
Black Acre, Louisiana 70000