

**FAMILY COURT FOR THE
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA**

JAMES WEATHERSPOON
Petitioner

Case No:
Division

vs

SHEILA EVANS
Respondent

PETITION TO TERMINATE CHILD SUPPORT

I, James Weatherspoon, the undersigned Petitioner, being under a Court Order to pay child support payments through a designated depository, request the Court to terminate the child support provision of the order dated the 1st day of February 1999.

The reason for this request is as follows:

1. Petitioner was never married to the respondent in this petition to terminate child support.

2. Under Louisiana Law, a father of a child born outside of marriage is not responsible for child support payments, until paternity has been established.

Article: 198 of the La. Code of Civil Procedures outlines the time period. "A man may institute an action to establish his paternity of a child at any time, except as provided in this Article. The action is strictly personal.

If the child is presumed to be the child of another man, the action shall be instituted within one year from the date of the birth of the child. Nevertheless, if mother, in bad faith deceived the father of the child regarding his paternity, the action shall be instituted within one year from the day the father knew or should have known of his paternity, or within ten years from the day of the birth of the child, whichever first occurs.

3. Respondent in this petition to terminate child support deceived petitioner by stating to petitioner that he was the biological father of namely, Jamie Evans, born on the 3rd day of December 1998.

4. Petitioner never acknowledged paternity of the child by affixing his signature to any birth certificate documents, or any documents of acknowledgements.
5. Respondent, without any documentation to prove that petitioner was the biological father of her child, filed child support proceedings against petitioner.
6. Petitioner was ordered by the court on the 1st day of February 1999 to pay child support for the child, namely, Jamie Evans, born on the 3rd day of December 1998.
7. A DNA Parentage Test was performed on the 18th day of January 2005. Results proved that Mr. Aswan T. Wilkerson was a 99.98% probability of paternity. Therefore, petitioner is not the biological father of the child, and by the Laws of the State of Louisiana, should not be subjected to child support payments in this matter. (See attached document DNA Parentage Test Report Case # 827972)
8. A Consent Judgment for Joint Custody in the matter of Aswan Wilkerson v. Shelia Evans, No: F 153641 Div "A" was held in the Family Court for the Parish of East Baton Rouge, State of Louisiana, whereby, joint custody was granted to the parties with visiting stipulations.
9. The named respondent herein this petition to terminate child support, is presently receiving child support from petitioner and the biological father Mr. Aswan T. Wilkerson.
10. The named respondent herein is currently receiving Aid to Families with Dependant Children (AFDC) or other public assistance benefits from the State of Louisiana.

For the reasons stated herein this petition to terminate child support, petitioner prays that the court issue an order terminating any further obligation for petitioner to pay child support payments, and any and all other relief that the court deems necessary and just.

I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____

Signature of party

Printed Name: _____

4744 Avenue Z

Zachary, Louisiana 70791

Telephone #: _____

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

Sworn to or affirmed and signed before me on _____

By _____

NOTARY PUBLIC

[Print, type, or stamp commissioned name of notary]

___ Personally Known

___ Produced Identification

Type of Identification produced _____