

# Paternity Establishment

## Why Is Paternity Establishment Important?

Paternity establishment is the legal determination of fatherhood. By law, an unmarried female who gives birth is the sole residential and legal custodian of that child until a court makes an order.

By establishing paternity, a father gains the right to seek custody and parenting time. The child gains certain legal rights and privileges, as well, including inheritance rights.



Paternity establishment can provide a biological, emotional, and financial connection between a father and a child, and provide a legal basis for a child support order. Children need two involved parents, and there is evidence that children benefit greatly when both parents are actively engaged in their lives.

## How Can Paternity Be Established?

Paternity can be established in one of **four** ways:

**1 Genetic Testing:** You can submit to a painless mouth swabbing (buccal swab) to take DNA to establish paternity. If paternity has not already been established, genetic testing may be available **at no cost to you**. Bring your photo identification to the testing. Test results are typically returned within a few weeks and have a 99% accuracy rate.



**2 By Voluntary Acknowledgment:** You may sign an Acknowledgment of Paternity Affidavit for your child. Both parents must sign it, and this is usually completed at the hospital following the child's birth. It can also be completed at a later time at the child support agency or local health department. This Affidavit is final **sixty days** following the last signature. This option is not available if the mother is married to another person, or an Affidavit has already been filed for this child. If you have doubts about paternity, genetic testing should be requested.



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**3 Presumption:** If you were married at the time of the child's birth, or if you and the other parent have signed an Acknowledgment of Paternity Affidavit that is not yet final, there is presumption of paternity. This presumption may be disputed by either party through genetic testing.

**4 Default:** A man that has been served with an order to appear for genetic testing, but fails to appear, may have paternity established in his absence by the court. This can be done through the testimony of the mother and any other relevant evidence.

## Will My Child's Last Name Change?

If you are seeking to establish paternity by genetic testing, and you and the other parent agree to change your child's last name, you must request a name change form (ask your child support agency for the JFS 04070). This form must be filled out and returned to the child support agency **before** the genetic testing results come back. This form only allows for a change in the child's last name; no changes will be made to the child's first or middle names. This is your only opportunity to address the name change for **free**.

## I Signed An Acknowledgment, But Now I Have Doubts. What Can I Do?

**Within sixty days** of the signing of the Acknowledgment, you can file to rescind the affidavit and pursue genetic testing through the child support agency in the county in which the child or legal custodian reside.

**Beyond sixty days**, you will have to bring a private court action to rescind the Acknowledgment, as a child support agency may not assist in disestablishing paternity. This must be filed within **one year** after paternity was established.



## Once Paternity Is Established, What Is The Next Step?

Once paternity has been established, you can seek child support, medical support and visitation/parenting time orders. Child support and medical support orders can be established at **no cost** to you through your child support agency. Visitation/parenting time orders can be requested through the court system. It is important to provide information and attend all hearings.



**Contact your child support agency for more information if you have questions.**