

PATERNITY

CHILD SUPPORT and YOU

A parent's guide to the legal side of fatherhood and financial support

Fact or Fiction?

In Texas, children born to unmarried parents do not have the same legal rights to their fathers as children born to married parents.

Fact

Under Texas law, unmarried parents can give their children those rights by establishing paternity (legal fatherhood).

Read on to learn more about establishing paternity.



ATTORNEY GENERAL OF TEXAS
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WHAT IS PATERNITY?

Paternity means legal fatherhood.

When a baby is born to unmarried parents, the law does not recognize the biological father as the legal father. Paternity must be established first.

What can a legal father do that other fathers cannot?

A legal father has the legal right to care for and have parenting time with his child(ren).

An **unmarried biological father** or an alleged father **does not** have the legal right to visit or care for his child. Paternity must be established first.

FOUR FATHERS IN TEXAS	WHO?	WHAT KIND OF PARENTAL RIGHTS?
Biological Father	A man who is related by blood to his child	Paternity must be established before he can have legal parental rights
Alleged Father	A man who someone has claimed to be the father of a child	Paternity must be established before he can have legal parental rights
Presumed Father	A man who <ul style="list-style-type: none">• was married to the mother at the child's birth;• divorced the mother less than 300 days before the child's birth; or• lived with the child for two consecutive years and claimed the child as his own to others	Legally responsible for the care and support of his child
Legal Father	A man who has legal parental rights and who established paternity <ul style="list-style-type: none">• voluntarily (Acknowledgement of Paternity);• through a court order; or• by never denying presumed fatherhood	Legally responsible for the care and support of his child

On the next pages you'll find:

- **Options for establishing paternity** – Page 4
- **Child support information for new parents** – Page 5
- **Information about the Acknowledgment of Paternity legal document** – Page 6 and 7
- **Additional resources for parents** – Back page

BENEFITS OF ESTABLISHING PATERNITY

By establishing paternity, unmarried parents give their children legal rights and privileges to Dad.

Child

- A child benefits from knowing who his/her father is and the father's side of the family.
- The legal bond of paternity establishment reinforces the emotional bond that exists between a father and his child.
- Knowing who his/her father is provides a child with a sense of identity and connection to extended family.

Dad

- Your name can appear on your child's birth certificate.
- It's the first step in protecting your legal connection to your child.
- It gives you the legal right to care for your child.
- It gives you the right to ask for your child's school and medical records.
- It gives you the right to ask the court for custody, visitation or child support.

Mom

- It establishes your child's legal right to his/her father.
- It makes the father legally responsible for his child.
- It is a required step before asking the court to order child or medical support.
- It makes it easier for your child to become eligible for the father's inheritance, medical benefits, Social Security and possibly veteran's benefits.

PATERNITY CERTAINTY...ASK FOR A PATERNITY TEST!

If you're not sure who the father is, ask for a paternity test before establishing legal fatherhood. A paternity test can show whether an alleged father is the biological father of a child. Paternity can then be established with certainty. No doubts!

- A paternity test is also called a DNA test. Testing should be completed by a company that is accredited by the American Association of Blood Banks.
- Questions? Call the Paternity Opportunity Program (POP) toll-free at **(866) 255-2006**.

VOLUNTARY PATERNITY ESTABLISHMENT	AGREED PATERNITY ORDER	COURT-ORDERED PATERNITY
<p>This is when</p> <ul style="list-style-type: none"> Parents work with an AOP-certified entity to complete a free legal document called an Acknowledgment of Paternity (AOP). <p>What does it do?</p> <ul style="list-style-type: none"> Establishes the legal father of a child. Either parent can then ask (petition) the court for custody, visitation, child and medical support. <p>Steps to take</p> <ul style="list-style-type: none"> Hospitals must offer the opportunity to voluntarily establish paternity to all unmarried parents at the time of their baby's birth. Parents can sign an AOP at any time by working with an AOP-certified entity. Call (866) 255-2006 to find the certified entity closest to you. <p>Certified entities.</p> <ul style="list-style-type: none"> Birthing hospitals, Vital statistics offices, Local registrar (county clerk's office), and Local child support office 	<p>This is when</p> <ul style="list-style-type: none"> Parents, and then a judge, sign a legal agreement (court order) stating who the father of a child is. <p>What does it do?</p> <ul style="list-style-type: none"> Establishes legal connection between a father and child. Parents agree to specific legal rights about custody, visitation, child support and medical support. <p>Steps to take</p> <ul style="list-style-type: none"> You can submit an agreed paternity order to the court on your own, with the help of a private attorney, or by working with the Office of the Attorney General's (OAG) Child Support Division (CSD). Apply with the CSD and ask about the Child Support Review Process (CSRP). Call (800) 252-8014 to apply for child support services. 	<p>This is when</p> <ul style="list-style-type: none"> A court order resolves paternity when one or both parents do not agree on the father's identity. <p>What does it do?</p> <ul style="list-style-type: none"> Orders legal connection between a father and child. Orders specific legal rights about custody, visitation, child and medical support. <p>Steps to take</p> <ul style="list-style-type: none"> You can obtain court-ordered paternity on your own, with the help of a private attorney, or by working with the CSD. Apply with CSD online, in person or by fax, or request an application over the phone. Call (800) 252-8014 to apply for child support services.
Paternity Facts:		DNA test through OAG
<p>Must show form of ID, but you don't have to show your Social Security card.</p> <p>Parents under 18 years of age can establish paternity.</p>		<ul style="list-style-type: none"> No up-front payment is required. Father pays after paternity is established. Payment plans are available.

BASIC INFORMATION ABOUT CHILD SUPPORT

The Texas Attorney General's Child Support Division is committed to helping parents with paternity establishment, child support collection and enforcement. (Most of our services are provided *free of charge*.)

Q: WHO MAY APPLY FOR CHILD SUPPORT SERVICES?

A: Anyone, regardless of income or residency, who would like to establish paternity or child support, or enforce child and medical support for a child may apply for services.

Q: WHAT ARE SOME OF THE REASONS TO APPLY FOR CHILD SUPPORT SERVICES?

- **DNA Testing** – Sometimes, unmarried **mothers** or **fathers** would like the added security of DNA testing before legal fatherhood (paternity) is established.
- **Establish a formal financial arrangement** - Whether the parents are still together or not getting along, establishing a formal financial arrangement can be beneficial for both **mothers** and **fathers**.
- **Help with** - locating the absent parent, establishing paternity, establishing a financial support order, modifying or enforcing a child support order. ****All child support services are available to both mothers and fathers.****

Q: WHY WOULD A FATHER OPEN A CHILD SUPPORT CASE?

A: Mothers aren't the only people who can open a child support case. Fathers have many reasons for opening a case. Here are just a few:

- **DNA Testing** - Mothers or fathers may want the added security of DNA testing before they establish paternity.
- **Rights and Responsibilities** – A father may want to demonstrate his commitment and secure his rights as a parent by establishing legal paternity and a child support court order.
- **Formal Documentation** – A father may want documentation of the money he provides to his child to avoid any legal questions that might arise in the future.

Q: HOW DO I APPLY?

- **Online** – Go to the Attorney General's Web site at www.texasattorneygeneral.gov and click on child support to complete the application.
- **In person** – call **(800) 252-8014** to find your nearest child support office, or look online at www.texasattorneygeneral.gov.
- **By fax** – Any of our offices will be happy to fax an application to you, and when you've completed it, simply fax it back to the local office. To find the fax number of your nearest child support office call **(800) 252-8014** or go to www.texasattorneygeneral.gov.
- **Need more information?** Call us toll-free at **(800) 252-8014**.

Q: HOW MUCH DOES IT COST?

A: There is no cost for nearly all child support services. However, if DNA testing is ordered, the biological father may be required to reimburse the state for the cost of the test (generally less than \$200).

Q: WILL I HAVE TO GO TO COURT?

A: If parents can reach an agreement about paternity establishment, child support and visitation, they can sign all the necessary documents and set up an order without going to court. They can do this through the **Child Support Review Process (CSRP)**.

ACKNOWLEDGEMENT OF PATERNITY (AOP) – A LEGAL DOCUMENT

The AOP is a legal document that unmarried parents can complete to voluntarily establish paternity for their child(ren).

Who can establish paternity voluntarily?

- Unmarried, biological parents who want to establish their child’s legal rights to his/her father can voluntarily establish paternity by working with an AOP-certified entity.
- An AOP-certified entity is a person who has been certified and trained by the Office of the Attorney General to help parents complete the AOP.

Need help with voluntarily establishing paternity? Call POP! (866) 255-2006

- If you need help finding an AOP-certified entity or if the other parent is in the military, incarcerated or living in a different city or state, call the Paternity Opportunity Program (POP) at **(866) 255-2006** for help.

Family Violence and Thinking Safety First!

The AOP asks for each parent’s name, address and Social Security number.

- If you do not feel safe providing this information due to family violence, please tell the AOP-certified entity before you complete the AOP.
- The AOP-certified entity can take special steps to safeguard your confidential information.

Presumed Fatherhood and Denial of Paternity

A presumed father is a man who:

- Was married to the mother at the time of the child’s birth,
- Was married to the mother during the 300 days before the child’s birth, or
- Continuously lived with the child and represented the child as his own during the first two years of the child’s life.

What if the presumed father is not the biological father?

- In this case, the Denial of Paternity section of the AOP must be completed by the mother and the presumed father before paternity can be established.

What if I cannot complete the AOP at the same time as the other parent or presumed father?

- Tell your AOP-certified entity. There are special steps that can be taken so that parents complete the AOP at separate times, dates or locations.

Important Note: The AOP is a legal document. Texas Penal Code, Section 37.10, specifies penalties for making false entries or providing false information on the AOP.

THIS IS WHAT YOU'LL SEE ON THE BACK OF THE AOP

This is a legal document. Signing this legal document gives you certain rights and responsibilities. Signing this document is voluntary. You should consult an attorney if you have concerns about signing this legal document. If you are not sure that the man named in this Acknowledgment is the biological father of the child, you should not sign this document. **You may want to get a genetic test.** **The biological father who signs this Acknowledgment becomes the legal father of the child when this document is filed with the Department of State Health Services, Texas Vital Statistics.** This document requires an Entity Code completed in the lower right corner by an individual certified by the Office of the Attorney General to administer Acknowledgments of Paternity.

Benefits, Rights, And Responsibilities Of Paternity

Establishing parentage makes it easier for a child to receive benefits such as social security, military and veteran's benefits, health care coverage and life insurance, as well as inheritance.

Both parents have parental rights and duties as provided by state law. Either parent has the right to seek primary custody of the child. A parent not living with the child may have the right to visit and maintain a relationship with the child, either as both parents agree or as ordered by a court. **This Acknowledgment has the same effect as a court order establishing paternity.** By signing this Acknowledgment, you may be ordered to pay child support and medical support.

This document may be completed before the birth of the child, at the time of birth, or at any time after the birth of the child. If this document is signed before the birth of the child, it is binding for any child born no later than 300 days after the signature date on this document. When this Acknowledgment is properly filed with Texas Vital Statistics, it creates a parent-child relationship between the man and child. Establishment of paternity is required for a father's name to be entered on a birth certificate.

Child support services can be obtained through the Office of the Attorney General, Child Support Division or by hiring an attorney.

Denial Of Paternity

If a child's mother is married to a man other than the biological father at the time of birth or within 300 days of the ending of the marriage, the (ex) husband is presumed to be the legal father. To complete this document for a child that has a presumed father, the presumed father must deny paternity by completing the Denial of Paternity section. The mother must agree that the presumed father is not the biological father by also signing the denial section. The acknowledgment section must also be completed by the biological father and mother, or the denial will not be accepted. Upon the filing of this document, the presumed father is legally determined not to be the father of the child. His legal duty to support the child is removed. Likewise, his legal right of custody or visitation with the child is terminated.

Change Of Mind

If any party to this document changes his/her mind about acknowledging or denying paternity, he/she may file a suit to rescind this document. This has to be done within sixty (60) days after this legal document is filed with Texas Vital Statistics or before the first hearing date in a proceeding involving the child, including child support, whichever occurs first. After sixty (60) days, or first hearing date, a lawsuit is required to challenge this document. Fraud, duress, or material mistake of fact in signing this form must be proven during the lawsuit. The suit must be brought within four (4) years of the file date of this document.

If A Party Is A Minor

If a party to this document is a minor on the date the document is signed, the lawsuit required to challenge the document must be filed within four (4) years of the date the party became an adult

All parties must receive oral notice of the above information before completing this Acknowledgment. You can receive oral notice of the information by calling 1-866-255-2006 and selecting option 1, "Notice of Rights and Responsibilities of a Parent."

If you have questions, you may call the Paternity Opportunity Program at 1-866-255-2006.

ADDITIONAL RESOURCES

Free Publications

Visit www.texasattorneygeneral.gov for these and other Office of the Attorney General publications:

Maps for Dads

A guide for new dads on what to expect when baby arrives and how to take care of the new baby.

Parenting Two-together

Includes useful tips, techniques, activities and online resources regarding basic baby care, paternity establishment, responsible fatherhood, and healthy relationships and marriage.

For Our Children: Learning to Work Together, A Co-Parenting Guide

Explains the concept of and provides tips on how to “co-parent.” The guide can be used by parents who are separated or divorced, or have never been married.

Incarcerated Parents and Child Support

Provides information for parents who are incarcerated or recently released from incarceration, but who want to get back on track by paying child support and being involved in their child’s life.

Handbook for Non-custodial Parents

Explains the Texas child support system and highlights the legal processes involved in paternity establishment and child support enforcement.

Child Support

- Apply online with the Office of the Attorney General’s Child Support Division:
Go to www.texasattorneygeneral.gov and click on child support
- Call **(800) 252-8014**

Child Safety

- **Car Seat Safety information**
Texas Department of Public Safety
Go to www.txdps.state.tx.us and click on Child Passenger Safety Information
- Call Safe Riders at **(800) 252-8255**
- **Child Care Licensing information**
Texas Department of Family and Protective Services
Go to www.dfps.state.tx.us and click on Child Care Licensing
- Call **(512) 438-3269**

Child Development and Parenting

- **Center for Child Well-being**
www.childwellbeing.org
- **U.S. Department of Education – Parents**
Go to www.ed.gov and click on Parents

Child Health

- **Texas Department of State Health Services**
Go to www.dshs.state.tx.us and click on Family and Community Health
- **Centers for Disease Control: Health topics for infants and children**
Go to www.cdc.gov and type keywords “Infants and Children” in the search box

Family Law

- **Access and Visitation Hotline**
Call toll-free Monday – Friday, 1 – 7 p.m., to talk with an attorney familiar with family law.
- Call **(866) 292-4636**, or visit www.txaccess.org.

Office of the Attorney General publications are available in English and Spanish.