

Establishing Paternity is Good for Fathers, too



By Greg Abbott
Attorney General of Texas

Recently, a single father named Cliff came to one of our child support field offices with a problem. He was having trouble enrolling his daughter in school. He had never married his daughter's mother, who now lives in another state. The young man's name was not on his daughter's birth certificate, and he did not have legal custody. Fortunately, he came to us for help.

Under Texas law, being the biological father of a child is not the same as being a legal father. A father who is not married to his child's mother has to establish paternity in order to become the child's legal father. He can do this by signing and filing an Acknowledgment of Paternity Form (if the mother agrees) or by going to court.

You should not voluntarily acknowledge paternity unless you are absolutely sure you are the father of the child, and the mother agrees.

Advantages

Establishing paternity creates a legal relationship between an unmarried father and his child. The legal relationship ensures that children are eligible for child support and health insurance from both parents, as well as benefits such as Social Security and veteran's survivor benefits. In addition, if a father has not established paternity and obtained official custody, his child's mother could take the child away from him.

The Acknowledgment of Paternity Form (AOP) is available at hospitals and birthing facilities, as well as child support offices. When both parents have signed, the form is filed with the Bureau of Vital Statistics, and the father's name is added to the birth certificate. If the parents sign the AOP at the hospital at the time of birth, the hospital will file the form free of charge.

Cliff's daughter's mother would not voluntarily sign the AOP, so we went to court to have paternity established. The judge ordered genetic testing of blood and tissue samples from Cliff, his daughter, and her mother to confirm that Cliff was actually the biological father.

Once the court had the test results showing Cliff was the father, paternity was legally established by the judge's ruling, and custody, visitation, and child support issues were decided. Cliff retained custody of his daughter, and the child's mother now pays child support. Cliff's daughter, who did not have health insurance before, is now covered as part of her mother's employee benefits at her place of work.

Our Child Support Division

A single father who wants to establish paternity can hire an attorney, or like Cliff, he can take advantage of the services offered for no charge by the Child Support Division of our office. In addition to establishing paternity, we can help with child and medical support if the father gets legal custody. Federal regulations do not allow the Office of the Attorney General to be involved in custody or visitation disputes, however.

Our attorneys do not represent the father or the mother in court. We represent the State of Texas, which has an interest in seeing that every child has a legal father and the support of both parents. Children are our first concern. But we believe that it is also best for both mothers and fathers when paternity has been established.

POINTS TO REMEMBER

Establishing Paternity

The **Acknowledgment of Paternity (AOP)** form is available at all hospitals, birthing facilities, and child support offices, free of charge.

The AOP is for unmarried fathers who voluntarily acknowledge paternity, when the mother agrees. The AOP should be sent to:

The Bureau of Vital Statistics
1100 W. 49th Street
Austin, TX, 78756-3191

When paternity is disputed by either party, legal fatherhood must be established in court, usually by ordering a genetic test.

Unmarried parents can apply for free child support services by contacting the Office of the Attorney General at:

Child Support Division
Office of the Attorney General
Box 12017
Austin, TX 78711-2017
www.oag.state.tx.us
(800) 252-8014

Check your phone directory for the child support field office nearest you.



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Information on this and other topics is available on the Attorney General's Web site at www.oag.state.tx.us.

