

General (OAG). The OAG will open a child support case. It is important that an application be completed with the OAG, providing as much information as possible. Information about the other parent, such as Social Security number, place of employment, and an address, makes it easier to locate that parent. If the mother is on public assistance, her case will be automatically referred to the Attorney General by the Texas Health and Human Services Commission.

#### **What if the mother or father is unsure who the father is?**

Paternity testing can be requested. A court will look at the results of the paternity test and at other evidence that would link the father to the child.

#### **What if the father does not believe the child is his?**

He can ask for paternity testing. A court will look at the results of the paternity test and at other evidence that would link the father to the child.

#### **Who pays for paternity tests?**

If the case has been filed with the Office of the Attorney General, the agency will pay for the tests. If the tests show that the man is the biological father of the child, the court may order him to repay the cost of the tests.

### **OTHER** questions

#### **What if the custodial parent is receiving, or wants to receive, Temporary Assistance to Needy Families (TANF) benefits?**

When a custodial parent applies for TANF benefits, he or

she will automatically receive child support and paternity establishment services through the OAG. If a parent is receiving TANF, the law requires him or her to cooperate.

#### **How does paternity establishment affect custody and visitation?**

Each parent has the duty to financially and emotionally support his or her child. Each parent has the right to visitation, except under exceptional circumstances. Child support and visitation will be ordered by a court. Both parents must obey the court order—a parent cannot refuse to pay child support because the other parent is refusing visitation, or vice versa.

#### **Should parents establish paternity if they are getting along and the father is helping support the child?**

Yes. Even if the father agrees to help support the child now, he may change his mind, become disabled or even die. In most cases unmarried parents can get benefits for their child only if they establish paternity.

### **IF YOU NEED** more help

If you have any questions about establishing paternity, please call the Office of the Attorney General's Paternity Opportunity Program toll-free at (866) 255-2006. For more information on child support, or if you need assistance in applying for services, please call one of the Attorney General's Regional Customer Service Centers or call toll-free (800) 252-8014.



**GREG ABBOTT**  
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of Texas

### **CONTACT** information

#### **BY US MAIL**

Office of the Attorney General  
Child Support Division  
P.O. Box 12017  
Austin, TX 78711-2017

#### **ON THE INTERNET**

Web site: [www.oag.state.tx.us](http://www.oag.state.tx.us)  
E-mail: [child.support@oag.state.tx.us](mailto:child.support@oag.state.tx.us)

#### **BY TELEPHONE**

Regional Customer Service Centers  
and Administrative Offices  
Harris County: (713) 243-7100  
Dallas/Tarrant County: (972) 339-3100  
Bexar County: (210) 841-8450  
Travis County: (512) 514-7000  
Lubbock: (806) 765-0094  
McAllen: (956) 682-5581  
Tyler: (903) 595-6900  
El Paso: (915) 779-2388  
State Office: (512) 460-6000

**24 HOUR PAYMENT AND  
CASE STATUS INFORMATION**  
(800) 252-8014

**FOR THE DEAF AND HARD OF HEARING**  
(800) 572-2686 (TTY)  
(512) 460-6417 (TTY)

ESTABLISHING  
PATERNITY



**ATTORNEY GENERAL OF TEXAS**  
GREG ABBOTT

# ESTABLISHING PATERNITY

establishing paternity

## IS IMPORTANT

is important

### Why should we establish paternity for our baby?

- Under Texas law, a child born to a man and woman who are not married has no legal father. There is a difference between a biological father and a legal father. When the child's parents complete an Acknowledgment of Paternity (AOP) to establish legal fatherhood, this secures the legal rights of the child.
- Courts cannot order a father to pay child support until paternity is established.
- The father cannot enforce his right to visitation or possession of the child until paternity is established.
- The father may be able to provide health insurance or other benefits for the child.
- The child may be able to receive money through a government program. In many cases the child may be eligible for Social Security, veteran's benefits, health care or other government benefits.
- Children may inherit diseases or disorders from their parents. Sometimes doctors can tell at the time of birth if a baby has any inherited diseases or disorders. But other times health problems appear later in a child's life. Either way, it helps the doctors to know how to treat a child if they know the family medical history of both the mother and the father.

- It's tough growing up today. Your child will have an easier time just by knowing the identity of his or her father.

### ACKNOWLEDGING PATERNITY at the time of birth

#### What does it mean to "acknowledge paternity"?

Paternity means fatherhood. When both parents sign an Acknowledgment of Paternity and it is filed with the Texas Vital Statistics Unit (VSU), the biological father becomes the legal father. Once paternity has been established, the father's name is placed on the birth certificate. A court can order him to pay child support and grant him the right to visitation or possession of his child.

#### Why should paternity be acknowledged at the time of birth?

There are two main reasons. First, this is the most convenient time. Everything is together in one place. The necessary forms are available at hospitals in Texas. The father is likely to be with the mother at the hospital when the baby is born. The parents don't have to worry about mailing the forms because the hospital will make sure that everything is sent to the right place. Also, the father's name will be added to the birth certificate at no cost. Second, it's the best time for the baby. The earlier in the baby's life paternity is established, the more secure his or her future will be.

#### How is it done?

It's simple. An AOP can be obtained from the hospital, usually from the birth registrar in the medical records department. The father and mother sign the form and the

hospital staff sends the AOP to the Vital Statistics Unit, where it is filed.

#### Will signing the Acknowledgment of Paternity make a person the legal father?

Yes. After the mother and father both sign the AOP and the AOP is filed at the VSU, the biological father becomes the legal father.

#### What if the mother is married to someone else at the time of the child's birth or the baby was born within 300 days of the date of her divorce?

If the mother is married to someone other than the biological father at the time of the child's birth or the baby is born within 300 days of her divorce from a man who is not the biological father, the husband (or former husband) must sign a Denial of Paternity. The biological father cannot become the legal father by signing the AOP until the husband signs the Denial of Paternity. If the Denial is not signed, either biological parent can open a case with the Attorney General or establish paternity through the courts.

#### What if one or both parents change their minds after they have signed the AOP and it has been filed at the VSU?

Anyone who signed the AOP may file a petition to rescind it. The petition must be filed in court within the first 60 days after the AOP has been filed with the VSU or before the first court hearing, whichever is earlier. After the period to rescind has expired, any person who signed the AOP may challenge the document in court, but only on the basis of fraud, duress or material mistake of fact. Four

years after being filed with the VSU, the AOP cannot be challenged. Effective Sept. 1, 2005, a minor signing the AOP has four years from the date they become an adult to challenge the AOP, rather than from the date the AOP was filed with the VSU.

#### Where can we get the AOP form?

An AOP can be obtained from the hospital or a certified entity such as a local registrar or child support office. Parents completing an AOP form through a child support office are not required to open a child support case. For information on certified entities near you or information about establishing paternity, call toll free (866) 255-2006.

#### What if the father wants to sign an AOP but cannot come to the hospital?

The AOP can be signed before or after the birth of the child. However, the AOP must be processed through a certified entity. If the father cannot be at the hospital for the birth, both parents can go to a child support office or local birth registrar's office to process the AOP and get an entity code. The mother then can bring the AOP to the hospital and have it completed when the child is born. The AOP also can be processed after the birth of the child by going to a certified entity. Parents who live out of state can get assistance in completing the AOP over the phone by calling toll free (866) 255-2006.

#### What if the mother or father does not want to acknowledge paternity?

In this case, the person wishing to establish paternity should contact an attorney or the Office of the Attorney