

Chapter **3** Child Support Handbook



ESTABLISHING FATHERHOOD

A father can acknowledge paternity by signing a written admission or *voluntary acknowledgement of paternity*. All states have programs that give unmarried parents the opportunity to acknowledge the father's paternity of the newborn at the hospital. States must also help parents acknowledge paternity up until the child's eighteenth birthday through vital records offices or other offices designated by the state.

Paternity can also be established at a court or administrative hearing or by *default* if the man was served notice of a paternity hearing but did not appear. Parents are not required to apply for child support services when acknowledging paternity. An acknowledgment of paternity becomes a *finding* of paternity unless the man who signed the acknowledgment denies that he is the father within 60 days. Generally, this finding may be challenged only on the basis of fraud, duress, or material mistake of fact.

If it becomes necessary to seek child support, a finding of paternity creates the basis for the obligation to provide support. A support order cannot be established for a child who is born to unmarried parents until paternity has been established.

It is important to establish paternity as early as possible. While child support offices must try to establish paternity up to the child's eighteenth birthday, it is best to do it as soon as possible after the child's birth.

If a man is not certain that he is the father, the child support agency can arrange for *genetic testing*. These tests are simple to take and highly accurate.

Even if the parents plan to marry after their baby is born, establishing paternity helps to protect the relationship between the child and the father.

What are the benefits of establishing paternity?

In addition to providing a basis for child support, paternity establishment can provide basic emotional, social, and economic ties between a father and his child. There are strong indications that children whose fathers take active roles in their upbringing lead more successful lives.

Once paternity is established legally, a child gains legal rights and privileges. Among these may be rights to inheritance, rights to the father's medical and life insurance benefits, and rights to social security and possibly veterans' benefits.



The child also has a chance to develop a relationship with the father, and to develop a sense of identity and connection to the “other half” of his or her family. It can be important for the health of the child for doctors to have knowledge of the father’s medical history.

What will the child support agency need to know to try to establish paternity?

The caseworker needs as much information as you can provide about the alleged father and the facts about your relationship with him, your pregnancy, and the birth of your child. Some of these questions may be personal, but states must keep the information that you give confidential.

The caseworker will also want to know whether he ever provided any financial support, or in any other way acknowledged – through letters or gifts – that that the child was his. A picture of the alleged father with the child is helpful, as well as any information from others who could confirm your relationship with him.

What if he denies he is the father, or says he’s not sure?

Paternity can be determined by administrative procedures which take into account highly accurate tests conducted on cells gathered by swabbing the inside of the cheek of the man, mother and child. A few jurisdictions may need blood samples. Genetic test results indicate a *probability of paternity* and can establish a legal *presumption of paternity*. These tests can exclude a man who is not the biological father and can also show the likelihood of paternity if he is not excluded. Each party in a contested paternity case must submit to genetic tests at the request of either party or the child support agency.

Because genetic testing is so accurate now, states are struggling with the question of what to do if paternity was established by acknowledgement or because the child was born during a marriage, but later testing proves that the man is not the biological father. Some states have procedures for *disestablishing* paternity. Often, though, when a father/child relationship has been established, states are reluctant to break that bond. State laws and practices determine whether or not paternity can be disestablished.

If genetic tests are necessary, who pays for them?

If the state orders the tests, the state must pay the cost of the testing. If the father is identified by the tests, some states will charge him for their costs.

If a party disputes the original test result, he or she can pay for a second genetic test and the state must then obtain additional testing.

What happens if I am not sure who the father is?

If you are not sure, more than one man may be required to take a genetic test. These tests are very accurate, and it is almost always possible to determine who fathered a baby and to rule out anyone who did not.



My boyfriend is on a military base abroad and I am about to have his baby. How can I establish paternity and get an order for support?

You can apply for child support services at your local child support office. If he is willing to sign documents to acknowledge paternity and agree to support, then enforcement can proceed by an income withholding order. If the man is on a naval ship or lives on a military base abroad and will not acknowledge paternity, it may be necessary to wait until he returns to the United States for genetic testing to be done.

The father of my child said I would never get a paternity judgment against him because he'd just leave the state. What happens in this case?

If the accused father fails to respond to a formal *complaint* properly served upon him, a *default judgment* may be entered in court. The default judgment establishes paternity. At the same time, a court order for support may be issued. If the parent has disappeared, state and federal parent locator services can be used to help find him. States must give *full faith and credit* to paternity determinations made by other states in accordance with their laws and regulations.

My boyfriend and I are still in high school, and our baby is 6 months old. Why should legal paternity be established if the father has no money to support the child?

When the father gets older and starts working, he will be able to support the child. Having paternity established legally, even if the order for support is minimal or delayed in order to finish school, means collecting child support will be easier later. Aside from establishing a financial commitment from the father, establishing paternity fosters a personal relationship between the father and child.

Some states have laws enforcing child support obligations with respect to minor parents. If a custodial parent is receiving TANF assistance, the parents of the noncustodial minor parent may be responsible for paying child support. Check with your child support agency to see if your state enforces "grandparent liability."

My baby's father lives out of state. Can I still have paternity established?

Yes, you can. For example, if the baby was conceived in your state, if the father used to live there, or there is another basis for exercising personal jurisdiction, your state can claim "*long arm*" jurisdiction over him, and require that he appear for paternity establishment. If your state cannot claim jurisdiction, the child support agency can petition the state where he lives to establish paternity. Your caseworker will be able to tell you what needs to be done in your case.



What happens after paternity is established?

If it becomes necessary to establish a child support order, a child support caseworker may discuss the child's financial and medical needs with the father and what he is required to pay for child support according to the state child support guidelines. If a court issues a child support order later, it may also include the exact terms of custody, visitation, and other parental rights.

I don't want my daughter's father in our lives. I'd rather work two jobs and support my child myself than have him establish paternity. As long as I don't receive public assistance, why does establishing paternity matter?

There are few situations when it is not in children's best interest to have paternity established. Knowing their father and having his emotional and financial support is very important to children. In the future, information may be necessary for medical reasons, and paternity establishment may make obtaining appropriate medical attention easier. Also, remember, the child's father has the right to request genetic testing to prove that he is the father and he can then establish the legal right to a relationship with his child.

My child's father wants to declare paternity. Is there an easy way for him to do this?

All states offer parents the opportunity to voluntarily acknowledge a child's paternity until the child reaches the age of 18. Forms are available at the hospital or from the state vital records agency. More information is available from the child support agency.



For information about your specific child support case or how the child support system works in your state or tribe, contact your [state or tribal child support agency](#).

For general information about the child support program, contact the Office of Child Support Enforcement, 370 L'Enfant Promenade, SW, Washington, D.C. 20447, or visit our [website](#) at www.acf.hhs.gov/programs/css. OCSE does not have case-specific information.