

session 3: **handout** THREE PATHWAYS TO PATERNITY

ACKNOWLEDGMENT OF PATERNITY (for unmarried parents who agree)

WHO? Unmarried mother and father, no matter what age they are. Notarization or witness not required.

WHAT? A Vital Statistics Unit form called an AOP.

WHEN? Any time before or after the birth of the child.

WHERE? At the hospital, local birth registrar, any child support office or at any other certified entity.

REQUIRED: Both parents must be advised of the consequences of signing the AOP, by reading the legal information on the form, by calling a 1-800 number to have the information read to them, and/or by viewing a video at the hospital called “The Power of Two.”

- No DNA testing is provided at the hospital. If either or both parents want DNA testing, they can arrange for it through a laboratory accredited by the American Association of Blood Banks.
- If the mother is married or divorced 300 or fewer days at the time of the child’s birth to someone other than the biological father, the husband **MUST** sign the “Denial of Paternity” section of the AOP.
- Any party signing the AOP has 60 days from the date the AOP was filed at VSU, or the date of a court hearing relating to the child, whichever occurs first, to rescind (take back) his/her acknowledgment by filing a petition with the district clerk.
- If more than 60 days have passed since the signing of the AOP, the AOP can be challenged on the basis of fraud (a lie), duress (force) or material mistake of fact. The challenge must be initiated within four years from the date the AOP is filed with VSU, unless the person who signed the AOP was a minor on the date the document was signed. Minors have four years past their 18th birthday to begin proceedings to challenge the AOP.
- The AOP must be mailed or faxed to VSU by a certified entity (hospital, midwife, birthing center, or any OAG child support office).
- **RESULT** (of signing & filing with VSU): The child has a legal father. The signed document is a legal finding of fact without anyone having to go to court.
- The filed AOP does **NOT** set child support amounts or visitation periods.

PATERNITY AGREED COURT ORDER (for unmarried parents who agree)

WHO? Unmarried persons who are in agreement.

WHAT? Court filing, can be done by the OAG or any private attorney.

WHEN? Anytime after the birth of the child.

WHERE? Child Support Office or attorney's office, then court.

- If parents are minors, courts may require that their parents or guardian sign the agreed order.
- If parents want a DNA test, they can sign an Agreed Order for the test.
- Parents may not have to appear in court.
- Child Support and visitation periods will be set by the court.

PATERNITY PETITION (for unmarried parents not in agreement)

WHO? Mother and alleged father.

WHAT? Paternity petition filing on alleged father.

WHEN? Anytime after the birth of the child.

WHERE? Child Support Office/attorney's office, then court.

- Time of court hearing depends upon location & legal notification to the alleged father.
- Both parties should appear in court.
- DNA testing can be ordered by the court.
- Child Support and visitation periods will be set by the court.

PATERNITY TESTING

If there is any doubt whether an alleged or presumed father is the biological father of a child, a simple laboratory test can be performed. Saliva from the mother, child and alleged and/or presumed father can be compared. The results are more than 99 percent accurate. The alleged or presumed father can request the test or a court can order it (if he denies he is the father and refuses to take the test). If the alleged or presumed father does not take the test despite a court order to do so, the court can declare him the child's legal father by default.

If there is a case file open with the Child Support Division, the Office of the Attorney General will pay for paternity testing.