

PATERNITY

CHILD SUPPORT and YOU

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

Are your child's rights protected?

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



ATTORNEY GENERAL OF TEXAS
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WHAT IS PATERNITY?

Paternity means legal fatherhood.

For Married Parents...

When a baby is born to married parents, the law automatically recognizes two legal parents –husband and wife. Married couples do not need to take any additional legal steps to establish paternity.

For Unmarried Parents...

When a baby is born to parents who are not married to each other, the law does NOT recognize the biological father as a legal parent. In other words, a biological father who is not married to the mother of their child does NOT have legal rights to his child until he becomes a legal parent. Paternity must be established first. Read on to learn more about establishing paternity.

BENEFITS OF ESTABLISHING PATERNITY

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

Benefits for Child

- A child knows who his or her father is and the father's side of the family.
- The legal bond of paternity establishment supports the emotional bond between a father and his child.
- It gives a child a sense of identity and connection to extended family.

Benefits for Mom

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

Benefits for 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, parenting time or child support.

THREE WAYS TO ESTABLISH PATERNITY

VOLUNTARY PATERNITY ESTABLISHMENT	AGREED PATERNITY ORDER	COURT-ORDERED PATERNITY
<p>How It Works Parents sign a free legal document called an Acknowledgment of Paternity (AOP). This is the most common way to establish paternity.</p>	<p>How It Works Parents, and then a judge, sign a legal agreement (court order) stating who the father of a child is. Parents <u>must agree</u> to specific legal rights about custody, visitation, child support and medical support.</p>	<p>How It Works A court order resolves paternity when parents <u>do not agree</u> on the father's identity.</p>
<p>What It Does It establishes a legal father for the child.</p>	<p>What It Does It establishes a legal father for the child plus legal rights regarding custody, visitation, child support and medical support.</p>	<p>What It Does It establishes a legal father for the child plus legal rights regarding custody, visitation, child and medical support.</p>
<p>Steps to Take</p> <ul style="list-style-type: none"> • Ask hospital staff about the AOP. • Parents can sign an AOP at any time before or after birth by working with an AOP-certified entity. • Parents must show valid form of ID. • Call (866) 255-2006 to find the certified entity closest to you. <p>Find Certified Entities at</p> <ul style="list-style-type: none"> • Birthing hospitals • Vital statistics offices • OAG child support offices 	<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 Child Support Division (OAG-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>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.

Not absolutely sure? Get a paternity test. If there are any questions about who the father is, ask about a paternity test. A paternity test is 99 percent accurate.

- A paternity test is also called a DNA test. Seek testing by a lab accredited by the American Association Blood Bank.
- Over-the-counter tests cannot be used as evidence in court.
- As part of OAG child support services, you may receive a free DNA test.
- Questions? Call the Paternity Opportunity Program (POP) toll-free at (866) 255-2006.

ACKNOWLEDGMENT OF PATERNITY (AOP) – A LEGAL DOCUMENT

What is the AOP?

The AOP is a legal document that parents not married to each other can complete to voluntarily establish paternity for their child.

Who can establish paternity voluntarily?

Biological parents who want to establish their child's legal rights to his or 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 OAG to help parents complete the AOP. Minors can sign the AOP without parental consent.

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**.

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.

What if the mother is married to a man who is NOT the biological father of the child?

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

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

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.

What if I change my mind later?

Anyone who signs the AOP may file a petition to rescind it. The petition must be filed within the first 60 days after the AOP has been filed with the Vital Statistics Unit (VSU) or before the first day of a court hearing regarding the child. After that, a person may challenge the AOP in court under certain situations. Parents must read the AOP carefully before signing it. 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.

INFORMATION ABOUT CHILD SUPPORT SERVICES FOR NEW PARENTS

The Texas Attorney General's Child Support Division is committed to helping parents with paternity establishment, child support collection and enforcement.

Q: WHO MAY APPLY?

A: Anyone who would like to establish paternity, child support and/or medical support, regardless of income, age or residency.

Q: WHY SHOULD I APPLY?

A: People come to child support offices for many reasons – usually because parents are not together. Even parents who are together and getting along may want to consider applying for child support services. Here are some reasons to apply:

- **DNA Testing** – Unmarried parents may want the added security of DNA testing before establishing legal fatherhood (paternity). This removes any possibility of legal challenges in the future.
- **Establish a formal financial arrangement** - Mothers or fathers may want a formal court order spelling out how much support is owed each month.
- **Help with** – locating the absent parent, establishing paternity, establishing a financial support order and modifying or enforcing a child support order.
- **Establishing Paternity** – Mothers who are married to someone other than the biological father may need help establishing paternity.
- **Rights and Responsibilities** – Mothers and fathers can secure their rights to the child by establishing legal paternity and a child support order.

Q: HOW DO I APPLY?

A: Applying for child support services means filling out an application with the OAG and providing the staff with as much information as you can about your child, yourself and the other parent. This can be done:

- **Online** – Go to the Attorney General's website at **www.texasattorneygeneral.gov** and click on child support to complete the application.
- **In person** – you can go to any of our offices for an application.
- **For more information**, call the OAG Child Support Division at (800) 252- 8014.

Q: HOW MUCH DOES IT COST?

A: Many services are provided at no cost. Effective Oct. 1, 2011, custodial parents who have never received public assistance will pay a \$25 fee each year that they receive more than

\$500 in child support collections. Fees will be deducted from child support payments. Parents who have more than one child support case will pay a fee on each case that meets the criteria.

Q: WILL I HAVE TO GO TO COURT?

A: Many parents take care of all their child support business in our offices through the Child Support Review Process (CSRP). If parents can reach an agreement about paternity establishment, child support, visitation, and/or medical support, they can sign all the necessary documents and establish an order without going to court.

Q: WHAT IF I CHANGE MY MIND AFTER I'VE OPENED A CASE?

A: As long as the custodial parent has not received any public assistance from the state, he or she can simply fill out a form and the office will close the case.

FATHERS IN LEGAL TERMS	
PRESUMED FATHER	<p>A man who has legal parental rights because he:</p> <ul style="list-style-type: none"> • 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 for the first two years of the child's life.
ALLEGED FATHER	<p>A man who someone claims is the father of a child. Paternity must be established for an alleged father to have legal parental rights.</p>
BIOLOGICAL FATHER	<p>A man who is related by blood to his child. Paternity must be established for a biological father to have legal parental rights.</p>
LEGAL FATHER	<p>A man who has legal parental rights and who established paternity:</p> <ul style="list-style-type: none"> • voluntarily (Acknowledgment of Paternity); • through a court order; or • by never denying presumed fatherhood.

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 Noncustodial 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**

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.