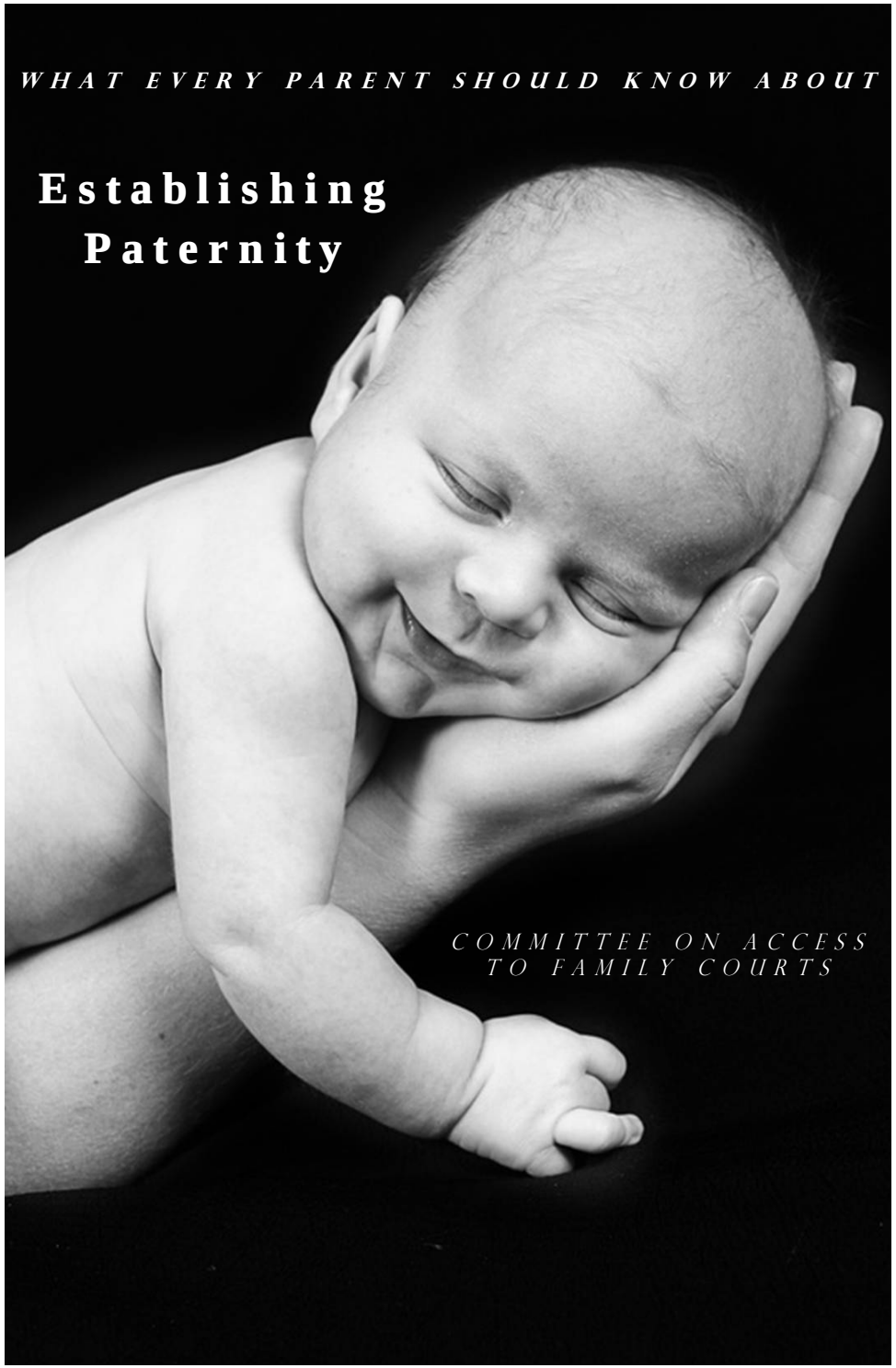
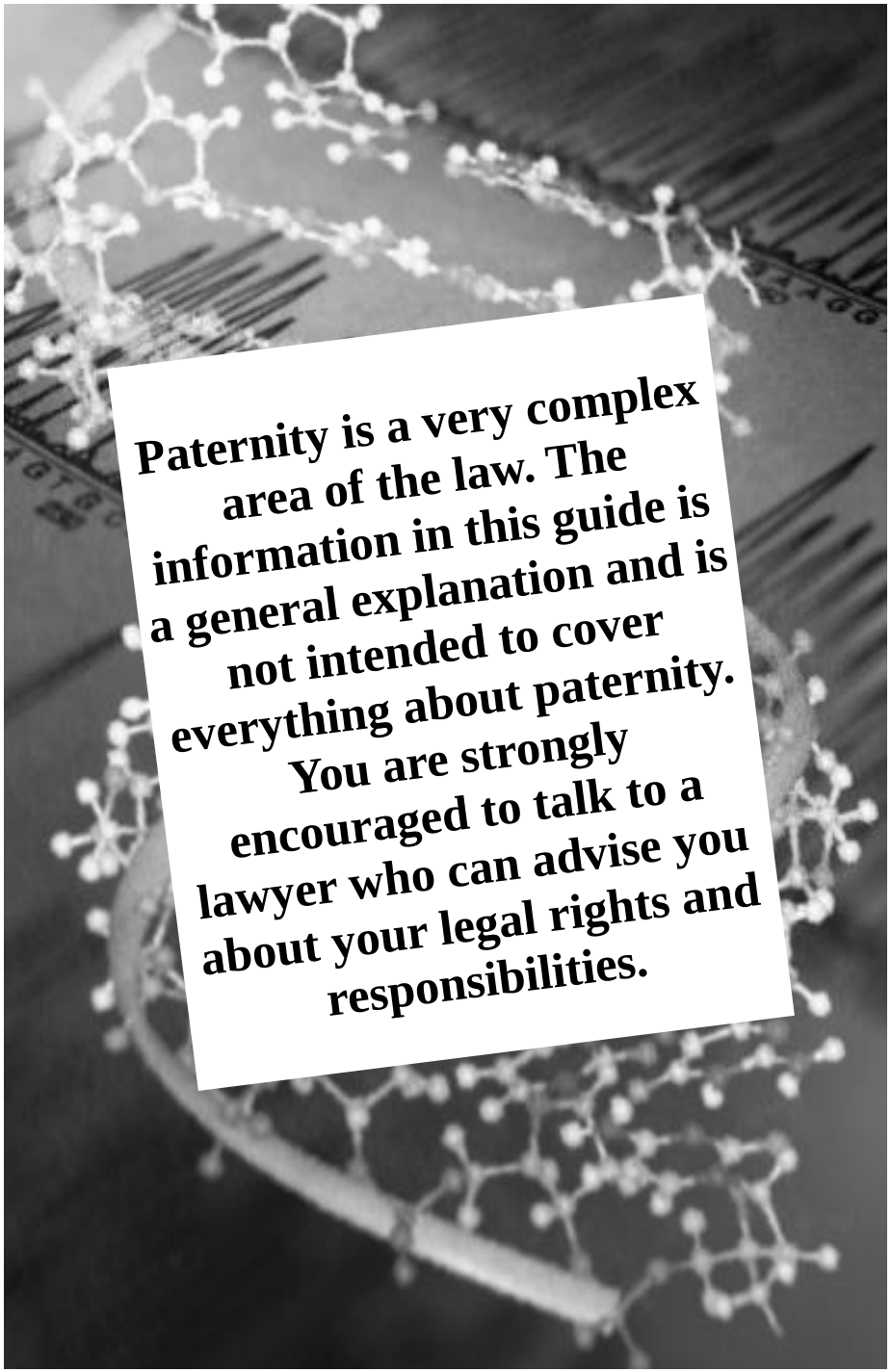
WHAT EVERY PARENT SHOULD KNOW ABOUT

Establishing Paternity



COMMITTEE ON ACCESS TO FAMILY COURTS



What is paternity?
Paternity means fatherhood. Establishing paternity provides your child with a legal father.

Why is establishing paternity important?
Every child has the right to a parent-child relationship with both parents. Children, mothers and fathers deserve the opportunity to develop, enjoy and grow in a relationship.

WELLBEING: Fathers are an important part of their children's lives. When both parents share the responsibilities of parenthood, children are more likely to stay off drugs, finish high school, stay out of jail, delay pregnancy and earn more money as adults.

IDENTITY: It is important to know who we are. Your child has the right to the sense of belonging that comes from knowing both parents. When you establish paternity, the father's name can be included on the child's birth certificate.

MONEY: Federal and state laws require both parents to support their children. This is true even with an unplanned pregnancy. Children supported by one parent often do not have enough money for their needs.

BENEFITS: Your child has the right to other benefits from both parents. These may include social security, insurance benefits (including medical), inheritance rights, veteran's benefits and other types of benefits.

MEDICAL: Children need to know if they have inherited any special health problems. If a child develops a special condition, it may be necessary to identify relatives with compatible tissue types. Employers usually require paternity to be established before a father can add his child to his health insurance plan.

How can a man be recognized as the father?

- *Consent*: Mother and father may both sign an Affidavit Acknowledging Paternity in the hospital at the time the child is born;
- *Declaration of Paternity*: A man who believes he is the father of the child can file a Declaration of Paternity with the Missouri Bureau of Vital Records.
- *Court Order*: The Missouri Family Support Division (FSD) may file with the court to establish paternity and child support, or a suit to establish paternity can be filed directly by an interested party.

In all Missouri hospitals, if the mother checks "married" as her marital status when completing the documents, she has the option to add her husband's name to the birth certificate or to refuse to provide her husband's information, in which case no father is added to the birth certificate at that time.

In the same section of the document, the mother is offered an option to receive information from hospital staff, including the use of the Affidavit Acknowledging Paternity, which – in addition to the mother's and father's acknowledgement of paternity – has the Husband's Denial of Paternity. When all three parts are completed and sent to the Bureau of Vital Records together, the acknowledging father's name appears on the baby's birth certificate. If either or both men are not present, the mother may apply for FSD-CS services to clarify paternity and establish the legal father of the child.

The father can acknowledge paternity even if he is married to someone other than the mother of the child.

What else do I need to know about voluntarily acknowledging paternity?
You are accepting the rights and responsibilities that come with raising a child when you voluntarily acknowledge paternity. Those rights and responsibilities include the following:

- Both parents have a right to frequent, significant and meaningful contact with the child as they both agree or as ordered by a court.

- Both parents have a right to notice and a hearing regarding the termination of their parental rights and/or the adoption of the child.

- Both parents have the responsibility to support the child and comply with an order for child support.

How long after a child is born can paternity be established?
Parents can voluntarily establish paternity for their child by completing an Affidavit Acknowledging Paternity any time after their child's birth regardless of the child's age. If the parents do not agree to establish paternity, one of the parents can bring an action to establish paternity for the child at any time up to the child's 18th birthday. Children can bring an action to establish paternity for themselves between the ages of 18 and 21.

Where do I get an Affidavit Acknowledging Paternity?
The form is available from the Bureau of Vital Records by calling (573) 751-6387 or from www.selfrepresent.mo.gov under the Paternity forms section.

What if the alleged father refuses to acknowledge paternity?
If the mother and father don't agree to establish paternity, either parent can ask FSD-Child Support (CS) for help. Either parent also can talk with a private attorney. When the parents don't agree to establish paternity, FSD-CS or a court can order the genetic test at the request of a parent or the child's custodian. Once the genetic test has been completed, FSD-CS or the court may enter an order establishing paternity without the consent of the parents.

How is genetic testing done?
If genetic testing is necessary in your case, you will be scheduled for a non-invasive cheek swab from an acceptable laboratory in your area. A sample will be taken from the alleged father, the mother and the child. The tests compare many different and complex details of the child's tissue sample with similar details in the mother's and alleged father's tissue samples. If the results show at least a 98 percent probability the man is the father, then Missouri law says he is the presumed father.

Who pays for genetic testing?
A court decides who pays for the genetic testing. A court usually orders the alleged father to pay costs if he is found to be the father. When a case is opened with FSD-CS, the state of Missouri may pay for the cost of the genetic test.

What if the father or mother is not 18?
A court will appoint an adult for a minor who is alleged to be the mother or father of the child. The parents of the underage mother or father may be required to pay child support for the child until the parent of the child becomes an adult.

How are parenting arrangements decided?
Parents should try to agree on parenting arrangements for their child. Either parent has the right to seek court ordered parenting arrangements. Having a court determination of paternity and parenting arrangements has many benefits for children and their parents. For example, the only way to have enforceable parenting time is to have a court order.

What if there is domestic violence or concerns about child abuse?
If you are the victim of domestic violence there are resources available to assist you. You can call the Missouri Coalition Against Domestic and Sexual Violence at (573) 634-4161 for information, or contact a local domestic violence program in your area. These programs have advocates who can assist you in setting up a safety plan and explore choices with you about how to best protect you and your child before you consider starting a paternity action.

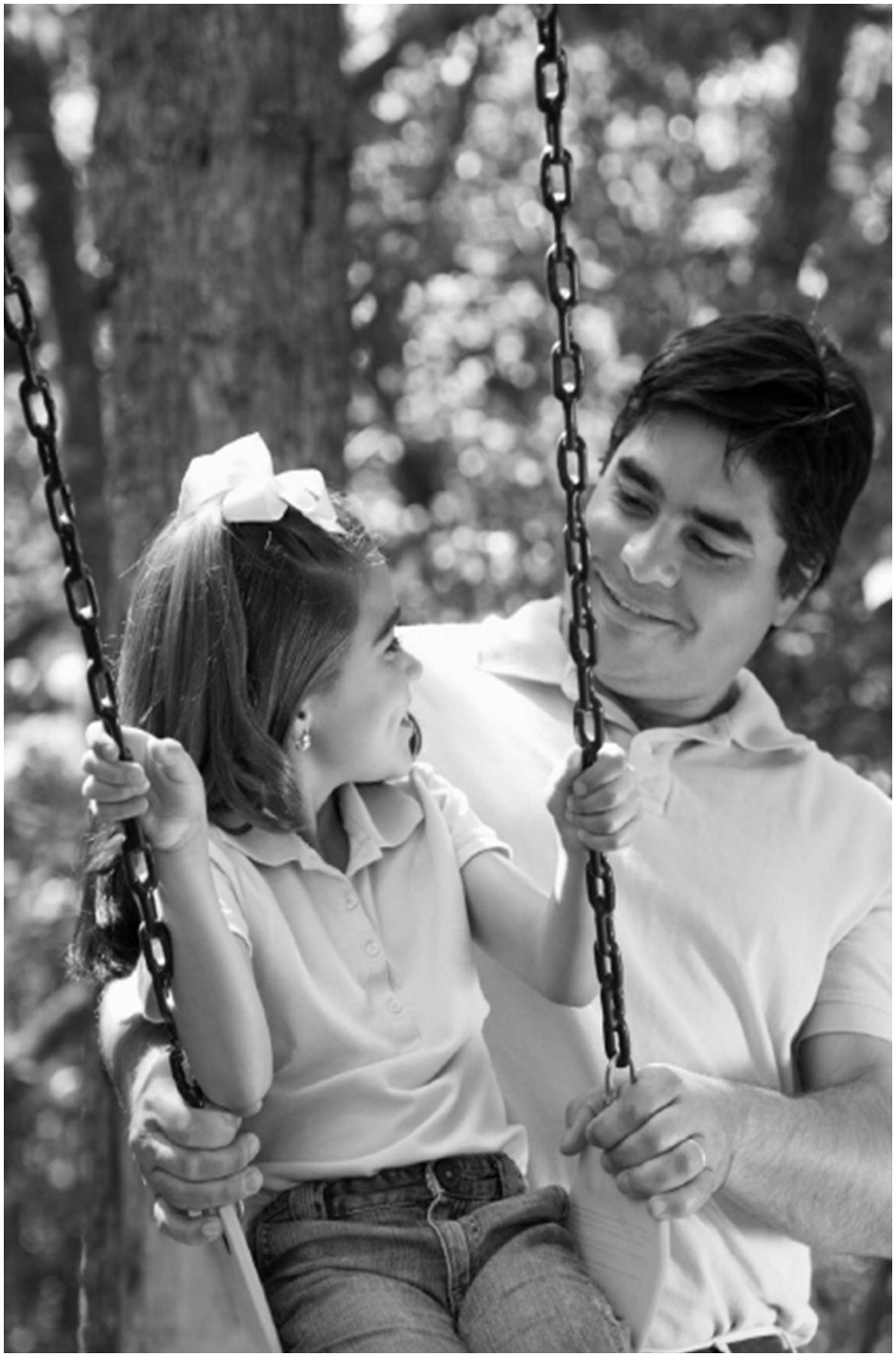
Where do I get help in establishing a child support order?
For free help contact your local Family Support Division–Child Support office. You do not have to be on public assistance to seek help from FSD-CS. Private attorneys also can help establish a child support order.

Will one of the parents have to pay support?
When the parents voluntarily sign an Affidavit Acknowledging Paternity, there is no order for support or medical coverage. FSD-CS or a court can enter an order for support at the request of a parent or the child's custodian. The parent who does not live with the child is usually required to provide financial and medical support. State law sets the amount of support. It is based on the needs of the child and both parents' income and ability to pay. Please visit **www.selfrepresent.mo.gov** for more information.

Can paternity be established if the father lives outside of Missouri?
Yes. Sometimes this can be done through Missouri courts. If not, the FSD-CS will provide help to locate the alleged father or initiate interstate procedures.

- Call FSD-CS toll-free at **1-855-454-8037** for inquiries about paternity. The line is answered from 8 a.m. - 5 p.m. daily (excluding state holidays) and is a message line after hours.

- The public can apply for FSD-CS services, including paternity and establishment of support, at **www.dss.mo.gov/cse**.



GLOSSARY

Action to Establish Paternity – A lawsuit to determine the parent-child relationship.

Child Support – A specific amount of money a non-custodial parent is required to pay to the custodial parent for support of their child. Child support may be set by court order or administrative order by the Family Support Division.

Biological Parent – The natural father or mother of a child.

Custodial Parent – The parent who has primary care of a child; person to whom a child support obligation is owed.

FSD-CS – A division of the Missouri Department of Social Services, the Family Support Division-Child Support has responsibility for establishing paternity and enforcing child support.

Genetic Test – A laboratory comparison of sample tissues to determine the biological match between mother, father and child.

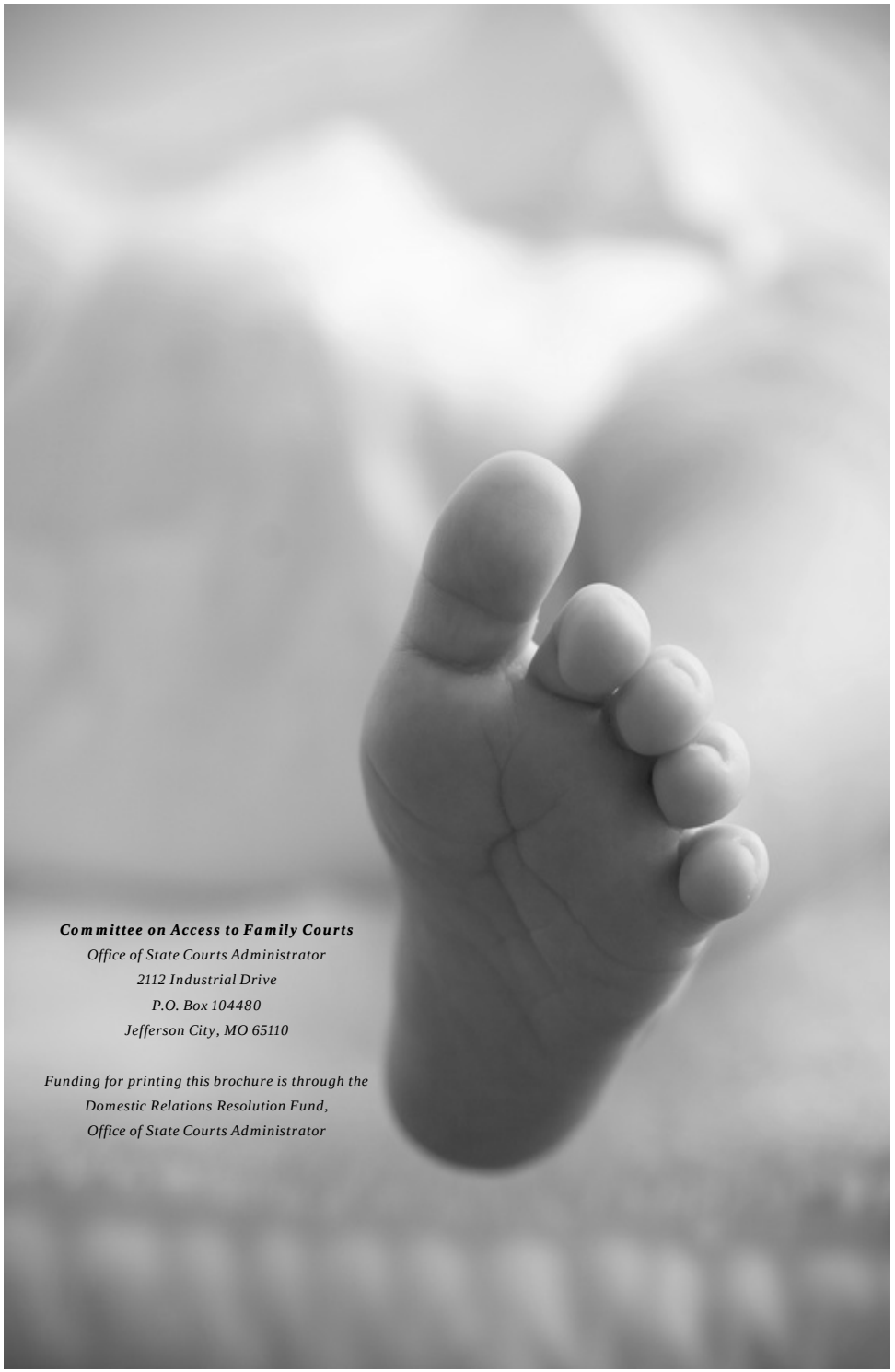
Legal Parent – A person who is recognized by law as a parent with legal rights and responsibilities for a child.

Minor – A person who is under the legal age.

Next Friend – A person or agency appointed to act on behalf of a minor in a court action.

Parenting Plan – An arrangement that states the responsibilities of the parents to care for and make decisions for their child as well as how disputes will be decided between parents.

Paternity – Fatherhood of a child; to establish paternity means to recognize the legal status between a biological father and a child.



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