

Three Pathways to Paternity

1 MARRIAGE

Key Facts	Requirements
<p>The couple must be legally married and cohabitating.</p> <p>Married couples do not need to take any additional steps to establish paternity.</p> <p><i>Note: California does not recognize informal (common law) marriages.</i></p>	<ul style="list-style-type: none">· Legal marriages can be held anywhere as long as they are performed by an authorized officiant.· Must obtain a marriage license from the county clerk's office.· Each person needs valid ID.· Must be 18 years old or, if a minor, must have parental consent.· The marriage license is valid for 90 days.· Cost varies by county.

2 POP LEGAL DOCUMENT *Paternity Opportunity Program (POP) Declaration of Paternity*

Key Facts	Requirements
<p>The Declaration of Paternity is a legal form created by the California Dept. of Child Support Services.</p> <p>It can be signed by unmarried parents of any age who agree on their child's paternity.</p> <p>The POP can be signed any time before or after the birth of the child, usually completed at the hospital after a child is born.</p>	<ul style="list-style-type: none">· Both parents must be advised of the consequences of signing the POP.· If either or both parents want DNA testing they can arrange for it privately (but it isn't required to sign the POP).· There are no costs or fees.· Parents have 60 days from the date the POP was filed to take back his/her acknowledgment.· To rescind the POP, the person must complete a form (CS915).· If more than 60 days have passed, the POP can only be challenged in court.· The filed POP does NOT set up a court order, child support amounts or visitation periods.

Three Pathways To Paternity *Continued*

3 COURT ORDER

Key Facts

A court order is an official ruling signed by a judge.

It can be filed any time after the birth of the child.

The initial paperwork is done by the Child Support Division or an attorney's office; the order is established in court.

Requirements

Two ways to get a court order – agreed order or a paternity petition.

Agreed Order

- If parents agree on paternity, they can also ask for a DNA test and sign an agreed order.
- They may not have to appear in court.
- Child support and visitation will be confirmed by the court.
- If parents are minors, their parents/guardians may have to sign the order.

Paternity Petition

- Either parent can ask the LCSA or private attorney to file a paternity petition.
- The petition asks the court to decide on paternity.
- If summoned to court, both parties – mother and alleged father should appear in court.
- The court can order DNA testing.
- The court will set a time and location and legally notify the alleged father.
- The court sets the amount of child support, medical support and visitation periods.

- Costs:
- The court charges a fee.
 - LCSA charges no fees for child support services.
 - Private attorney fees will vary.

PATERNITY TESTING

If there is any doubt that an alleged or presumed father is the biological father of a child, a simple laboratory test can be performed to prove that a man is or is not the biological father of a child. Samples 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 open with the Child Support Department, the County will pay for paternity testing.