

Session 2: Establishing Paternity

Introduction

When a child is born, the mother's name automatically goes on the birth certificate. There's no doubt about who the mother is! But there may be questions about the father.

If the parents are married, the husband is presumed to be the child's biological and legal father. His name will be placed on the birth certificate.

In California and other states, if the parents are not married, the biological father is not automatically recognized as the legal father. No father's name will go on the birth certificate until the baby's parents take steps to establish legal fatherhood. This is called establishing paternity. Paternity is just another word for legal fatherhood.

There are several terms you should know because we'll be using them a lot in this session:

Biological Father	The man whose sperm helps bring the baby into being
Presumed Father	The husband of the baby's mother at the time of birth
Alleged Father	A man who someone claims is the child's biological father
Legal Father	The man who is the child's father in the eyes of the law with all the rights and responsibilities of parenthood

Let's review. Children whose parents aren't married when they are born don't have a legal father. If you're like most people, you probably didn't know that! Most people think that both biological parents automatically have legal rights and responsibilities as parents. It's not true.

Three Pathways to Paternity *There are three pathways to legal fatherhood or paternity.*

1. **Marriage:** If the mother is married, her husband is the presumed father. The presumed father becomes the legal father automatically. Married couples do not need to take any additional steps to establish paternity.
2. **Declaration of Paternity (POP):** When parents are not married, they can establish paternity by signing the POP. The POP is a legal document that is signed by both parents, usually in the hospital, if they agree that the man is the biological father of the child. Parents have 60 days to change their mind, but after 60 days only a court order can change the legal father.
3. **Court Order (can include a DNA test):** When unmarried parents do not agree about the father's identity, they can go to court to establish or deny paternity based on evidence presented in court. Once paternity has been established, a court may decide issues of custody, visitation and the payment of child support and medical support.

Activity: Who's your daddy?

You just learned the difference between a biological father and a legal father. Here's another word to consider – dad. A man can become a biological father by supplying the sperm to create a child. But what does he have to do to be a good "dad" in his child's life?

What's the difference between a biological father and a dad?

In some cases the biological father is not established as the child's legal father. The biological father may not be involved in his child's life. Another man might play the role of dad.

If you're male and plan to have a child one day, what kind of father do you want to be? How important is it for you to play all three roles in your child's life: biological father, legal father and dad?

If you're female and plan to have a child one day, what kind of father do you want your child to have? How important is it to have only one man play the roles of biological father, legal father and dad in your child's life?

Activity: Legalese

In the last two sessions you learned some legal terms related to parenthood and establishing paternity. There are also a few new terms you might need to research. This matching game will help you find out how much you know. In the left column you'll find a list of explanations. The right column lists terms. Draw lines to connect each term to the correct explanations.

Legalese terms and explanations

Explanation or definition	Term
State of being a father, fatherhood	Duress
Man whose sperm caused the baby to be conceived.	Inheritance
Man who is charged with, pointed to, or claimed to be the father of a child.	Presumed father
Man who is married to the mother at the time of the birth of the child.	Custodial parent
Parent who has primary care, custody and control of the child(ren).	Alleged father
Parent who does not have primary care, custody or control of the child and has an obligation to pay child support.	POP
Official place and proceeding where legal rulings are made by a judge.	Access
Regular payments of money, in an amount set by a court, and paid to the custodial parent of a child.	Paternity
Test comparing cells of parents and child to determine biological parentage.	DCSS
Term used to describe the ability of a noncustodial parent to know about medical records, school progress, and whereabouts of his/her child.	Biological father
Term used to describe the dates and times a noncustodial parent can see or have possession of his/her child.	Court
Declaration of Paternity, a DCSS form that is used to legally establish the paternity of a child when the mother and father are not married to each other.	DNA
A lie.	Visitation
Deoxyribonucleic Acid, the genetic material in a person's cells that determines the person's inherited characteristics.	Noncustodial parent
To take back (a statement).	Fraud
A legal term for force.	DNA test
An acronym for California Department of Child Support Services.	Child Support
Gift a person leaves to a relative or other individual after the person's death.	Rescind