



The Rights of Unmarried Fathers

The parental rights of fathers have historically been tied to their being married to the baby's mother at the time of childbirth. However, as the percentage of births to unmarried mothers has increased from 4 percent of total U.S. births in 1950 to more than 40 percent each year since 2008,¹ there has been a corresponding rise in the number of biological fathers who are not married to their children's mothers. As society has become more accepting of nonmarital children, birth fathers have sought to establish their rights to their children—including whether to parent their children, sustain a relationship with them, and exercise consent in the adoption process.²

¹ According to the National Vital Statistics Reports at the Centers on Disease Control and Prevention (see https://www.cdc.gov/nchs/data/nvsr/nvsr66/nvsr66_01.pdf).

² Smith, S. L. (2007). *Safeguarding the rights and well-being of birthparents in the adoption process*. Retrieved from https://www.adoptioninstitute.org/wp-content/uploads/2013/12/2006_11_Birthparent_Study_All.pdf.

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<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>.

Over the past several decades, unmarried fathers have challenged the termination of their parental rights under the 14th Amendment in cases in which birth mothers relinquished their children for adoption. In a series of cases involving unmarried fathers, the U.S. Supreme Court affirmed the constitutional protection of such a father's parental rights when he has established a substantial relationship with his child. The court found that the existence of a biological link between a child and an unmarried father gives the father the opportunity to establish a substantial relationship, which it defined as the father's commitment to the responsibilities of parenthood, as demonstrated by being involved or attempting to be involved in the child's upbringing.³

For this publication, laws for making determinations of parentage were collected for all states, the District of Columbia, and the U.S. territories, and an analysis of this information informs the discussion that follows.

States' Definitions of "Father"

While there is no standard definition of "father" in statutes across the states, there are a number of terms that describe the status of a parent-child relationship between a man and his child. The term "legal father" generally refers to a man married to the mother at the time of conception or birth of their child or whose paternity has been otherwise determined by a court of competent jurisdiction. When the parents of a child are not married to one another, states use an array of terms to describe the status of a man who may be the biological father. These terms include the following:

- A "putative father" is a man who is the alleged biological father of a child but whose paternity has not been legally established.
- An "alleged father" is a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child but whose paternity has not been determined.

³ Stanley v. Illinois, 405 U.S. 645 (1972); Quilloin v. Walcott, 434 U.S. 246 (1978); Caban v. Mohammed, 441 U.S. 380 (1979); Lehr v. Robertson, 463 U.S. 248 (1983).

- An "acknowledged father" is a man who has established a father-child relationship by signing an acknowledgment of paternity.
- An "adjudicated father" is a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.
- A "presumed father" is a man who is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.

In approximately 27 states, the District of Columbia, American Samoa, and the Northern Mariana Islands, a man may be presumed to be the father of a child in any of the following circumstances:⁴

- He and the child's mother are or were married to each other, and the child is born during the marriage or within 300 days after the marriage ended.
- Before the birth of the child, he and the child's mother attempted to marry, and the marriage is or could be annulled, and the child is born during the marriage or within 300 days after the marriage is terminated.
- He has acknowledged his paternity in writing.
- He is obligated to support the child, either by voluntary agreement or court order.
- While the child is a minor, he has resided with the child and openly claimed the child as his biological child.

⁴ The word "approximately" is used to stress the fact that states frequently amend their laws. This information is current through August 2017. Alabama, Arizona, Arkansas, California, Colorado, Delaware, Hawaii, Idaho, Kansas, Maine, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin use one or more of the elements listed to define a presumed father.

Paternity Registries

Before a man can assert any rights with regard to the care of a nonmarital child, he must first establish his paternity of the child. Many states have provisions for a father to voluntarily acknowledge paternity or the possibility of paternity of a child born outside of marriage and record the fact in a putative father registry. Approximately 25 states have established registries for this purpose.⁵ In 22 states, the District of Columbia, and the Virgin Islands, there are provisions for voluntary acknowledgment of paternity through forms that are filed with social services departments, registrars of vital statistics, or other similar entities.⁶

Acknowledgment of paternity or registration with a putative father registry ensures certain rights for an unmarried father, such as the right to receive notice of court proceedings regarding the child, petitions for adoption, and actions to terminate parental rights. In 11 states with putative father registries, filing with the registry is the primary means for establishing this right of notice.⁷ An acknowledged father also may seek visitation with the child and usually will be required to provide financial support to the child.

Alternative Means of Establishing Paternity

In 21 states, Guam, and the Northern Mariana Islands, a person may claim paternity to a child by filing an acknowledgment or affidavit of paternity with a court.⁸ In 26 states, American Samoa, and the Northern Mariana Islands, a man may consent to the placement of his name as father on a child's certificate of birth as a means

⁵ Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wyoming.

⁶ Alaska, California, Hawaii, Idaho, Kansas, Kentucky, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Jersey, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, and Wisconsin.

⁷ Alabama (for births occurring after January 1, 1997), Georgia, Illinois, Indiana, Minnesota, Missouri, Montana, New Hampshire, South Carolina, Tennessee, and Virginia.

⁸ Alabama, Arizona, Arkansas, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Mexico, North Dakota, Rhode Island, Texas, and Virginia.

of asserting his paternity.⁹ A man, the child, the child's mother, or other interested persons also may petition the court to establish a man's paternity. The court, after weighing all available evidence, will make a determination of the child's paternity.

In 41 states, the District of Columbia, and the Virgin Islands, a court may order the alleged father, the child, the child's mother, and any other man making a claim of paternity to submit to blood and other genetic tests as a means of determining the biological parentage of a child. When the results of genetic tests reveal that there is a high statistical probability that a man is the biological father of a child, the court will make a judgment of paternity.¹⁰ In 15 states, a man can be declared not to be a child's father (or a prior judgment of paternity may be nullified) when genetic tests exclude the man as the child's biological father.¹¹

Required Information

States differ in the information they require for registration or acknowledgment of paternity. The information that is needed to complete the registration typically includes the following:

- The full name, Social Security number, date of birth, and address of each parent
- The full name, date of birth, and residence of the child
- A signed, witnessed statement by the birth mother consenting to the acknowledgment of paternity
- A signed, witnessed statement by the birth father acknowledging his paternity

⁹ Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Massachusetts, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Rhode Island, South Carolina, Tennessee, Texas, and Washington.

¹⁰ Alaska, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina (when the child is age 3 or older), North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

¹¹ Alabama, Arizona, California, Idaho, Indiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, South Dakota, Texas, Utah, West Virginia, and Wisconsin.

- The signatures of the mother of the child and the biological father
- The date the registration or acknowledgment was completed

In many states, the acknowledgment of paternity form also will provide essential information to the registrants, including the following:

- A statement of rights and responsibilities, including any rights afforded to a minor parent
- A statement of the alternatives to and consequences of signing the acknowledgment
- Information concerning the legal implications of completing the form, including the procedure for establishing parentage, parental rights and responsibilities, and child support obligations
- A statement that the man who signs the form is acknowledging that he is the biological father of the child named in the form and that he assumes the parental duty of support of that child

Revocation of Claim

Approximately 48 states, the District of Columbia, and the Virgin Islands make provisions in their statutes that allow putative fathers to revoke or rescind a notice of intent to claim paternity.¹² Of these states, approximately 11 allow revocation at any time.¹³ Revocation is effective only after the child's birth in Arkansas and Iowa. In Florida, a registration that is submitted prior to a child's birth may be withdrawn only prior to the child's birth. Approximately 31 states, the District of Columbia, and the Virgin Islands limit the right of rescission to 60 days after the paternity claim is submitted or prior to a court proceeding to

¹² Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

¹³ Alabama, Delaware, Missouri, Montana, New Mexico, New York, Oklahoma, South Carolina, Tennessee, Wisconsin, and Wyoming.

establish paternity, whichever occurs first.¹⁴ In 25 states and the Virgin Islands, a claim of paternity may not be revoked after the 60-day period except by court action on the basis of fraud, duress, or material mistake of fact.¹⁵

Access to Registry Records

Access to information maintained in paternity registries also varies from state to state. Many jurisdictions permit certain persons access to registry records. In general, these are people with a direct interest in a case. Typically, persons entitled to access include birth mothers, courts, attorneys, licensed adoption agencies, prospective adoptive parents, state departments of social services, state offices of child support enforcement, registries of states, or any other person upon a court order for good cause.

For More Information

The following resources provide additional information about the issues discussed in this publication:

Putative Father Registry [webpage] (Academy of Adoption and Assisted Reproduction Attorneys): <http://www.adoptionattorneys.org/aaa/birth-parents/putative-father-registry>

The Importance of Establishing Paternity [webpage] (National Responsible Fatherhood Clearinghouse): <https://www.fatherhood.gov/toolkit/work/non-residential-fathers/paternity>

"Establishing Fatherhood" [*Child Support Handbook* chapter] (U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement): https://www.acf.hhs.gov/sites/default/files/programs/css/chapter3_0.pdf

¹⁴ Alaska, Arizona, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Utah, Vermont, Virginia, and Washington.

¹⁵ Alaska, Arizona, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Utah, and Virginia.

Safeguarding the Rights and Well-Being of Birthparents in the Adoption Process (Evan B. Donaldson Adoption Institute): https://www.adoptioninstitute.org/wp-content/uploads/2013/12/2006_11_Birthparent_Study_All.pdf

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a state's code as well as agency regulations, case law, and informal practices and procedures.

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Alabama*Current Through August 2017***Legal Definition of 'Father'****Citation: Ala. Code §§ 26-17-102; 26-17-204**

An acknowledged father is a man who has established a father-child relationship. An adjudicated father is a man who has been adjudicated by a court to be the father of a child. An alleged father is a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child but whose paternity has not been determined. A presumed father is a man who is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding. A putative father is the alleged or reputed father.

A man is presumed to be the natural father of a child if any of the following apply:

- He and the child's mother are married to each other, and the child is born during the marriage.
- He and the child's mother are or have been married to each other, and the child is born during the marriage or within 300 days after the marriage is terminated.
- Before the child's birth he and the mother attempted to marry each other, although the attempted marriage is or could be declared invalid.
- After the child's birth, he and the child's mother married or attempted to marry each other, although the attempted marriage is or could be declared invalid, and:
 - » He has acknowledged his paternity of the child in writing, the writing being filed with the appropriate court or the Office of Vital Statistics.
 - » With his consent, he is named as the child's father on the child's birth certificate.
 - » He is otherwise obligated to support the child either under a written voluntary promise or by court order.
- While the child is a minor, he receives the child into his home or otherwise openly holds out the child as his natural child or otherwise provides emotional and financial support for the child.
- He acknowledges his paternity of the child in a writing filed in accordance with provisions of the legitimation statute.

Paternity Registry**Citation: Ala. Code § 26-10C-1**

The Department of Human Resources shall establish a putative father registry that shall record the name, Social Security number, date of birth, and address of the following:

- Any person adjudicated by a court of this state to be the father of a child born out of wedlock
- Any person who has filed with the registry, before or after the birth of a child born out of wedlock, a notice of intent to claim paternity of the child that includes the information required in the subsection below
- Any person adjudicated by a court of another state or territory of the United States to be the father of a child born out of wedlock, where a certified copy of the court order has been filed with the registry by the person or any other person
- Any person who has filed with the registry an instrument acknowledging paternity pursuant to §§ 26-11-1 through 26-11-3

This subsection shall be the exclusive procedure available for any person who claims to be the natural father of a child born out of wedlock on or after January 1, 1997, to entitle that person to notice of and the opportunity to contest any adoption proceeding filed and pending on or after January 1, 1997.

Alternate Means to Establish Paternity**Citation: Ala. Code §§ 26-11-2; 26-17-201; 26-17-631**

A father of a nonmarital child may seek to legitimate the child and render him or her capable of inheriting his estate by filing a notice of declaration of legitimation in writing attested by two witnesses; setting forth the name of the child, supposed age, and the name of mother; and stating that he thereby recognizes him or her as his child and capable of inheriting his estate, real and personal, as if born in wedlock.

The father-child relationship may be established between a man and a child by:

- An unrebutted presumption of the man's paternity of the child under § 26-17-204
- An effective acknowledgment of paternity by the man under Article 3
- An adjudication of the man's paternity
- Adoption of the child by the man
- The man's consent to assisted reproduction by a woman that resulted in the birth of the child

The paternity of a child having a presumed, acknowledged, or adjudicated father may be disproved only by admissible results of genetic testing excluding that man as the father of the child or identifying another man as the father of the child.

Required Information

Citation: Ala. Code § 26-10C-1

A person filing a notice of intent to claim paternity of a child or an acknowledgment of paternity with the putative father registry shall include all of the following:

- The father's name, Social Security number, date of birth, and current address
- The mother's name and all other names known to the putative father that have been used by the mother, Social Security number, date of birth, and address, if known
- The father's current income and financial information with a child support obligation income statement/affidavit form to be prescribed by regulations of the department
- The child's name and place of birth, if known
- The possible date or dates of sexual intercourse

The person filing shall notify the registry of any change of address pursuant to the procedures prescribed by regulation of the department. The registration must be on a form prescribed by the department, signed by the putative father, and notarized.

The putative father may file his notice of intent to claim paternity prior to the birth of the child.

Revocation of Claim to Paternity

Citation: Ala. Code § 26-10C-1(d)

A person who has filed a notice of intent to claim paternity may at any time revoke a notice of intent to claim paternity previously filed and, upon receipt of the notification by the registry, the revoked notice of intent to claim paternity shall be deemed null and void.

Access to Information

Citation: Ala. Code § 26-10C-1(f)

The Department of Human Resources shall, upon request, provide the names and addresses of persons listed with the registry to any court. The information shall not be divulged to any other person except upon order of a court for good cause shown. The department, after receiving notice pursuant to § 26-10A-17 of the pendency of any adoption proceeding wherein the proposed adopted person is a child born within 300 days of the date or dates of sexual intercourse listed in the registry and to the same biological mother listed in the registry, immediately shall send a copy of the notice of intent to claim paternity to the court handling the adoption.

When the court handling the adoption receives said notice of the intent to claim paternity, the court shall forthwith give notice of the pendency of the adoption proceeding to the putative father and notify the biological mother that the putative father has registered in conformity with the putative father registry.

Alaska

Current Through August 2017

Legal Definition of 'Father'

This issue is not addressed in the statutes reviewed.

Paternity Registry

Citation: Alaska Stat. §§ 18.50.165; 25.20.055

The state registrar shall prepare a form for use in acknowledging paternity under § 25.20.055.

When a birth occurs to an unmarried woman in a hospital, or on route to a hospital to which the woman is later admitted, the hospital shall ensure that a staff member:

- Meets with the woman before her release from the hospital
- Attempts to meet with the father of the unmarried woman's child, if possible
- Presents to the mother and, if possible, the father, a pamphlet or statement regarding the rights and responsibilities of a natural parent

- Provides to the mother and, if possible, the father, all forms, statements, or agreements necessary to voluntarily establish a parent and child relationship, including an acknowledgment of paternity form prepared under § 18.50.165
- On request of the mother and father, assists the father in completing specific forms, statements, or agreements necessary to establish a parent and child relationship between the father and the child
- On request of the mother and father, mails a completed voluntary acknowledgment of paternity form to the state registrar for filing

When a birth occurs to an unmarried woman who is not in a hospital for the birth nor admitted to a hospital immediately after the birth, and the birth is attended by a physician, certified nurse midwife, or certified direct-entry midwife, the physician, nurse midwife, or direct-entry midwife shall perform the duties described above or ensure that an agent performs those duties.

When a birth occurs in a situation that is not covered by either situation described above, any adult may, upon request of the father and mother, assist them in filing a voluntary acknowledgment of paternity form with the state registrar under § 18.50.165.

Alternate Means to Establish Paternity

Citation: Alaska Stat. § 25.20.050

A child born out of wedlock is legitimated and considered the heir of the putative parent when:

- The putative parent subsequently marries the undisputed parent of the child.
- For acknowledgments made before July 1, 1997, the putative parent acknowledges, in writing, being a parent of the child.
- For acknowledgments made on or after July 1, 1997, the putative father and the mother both sign a form for acknowledging paternity under § 18.50.165.
- The putative parent is determined, upon sufficient evidence, by a superior court without a jury or by another tribunal to be a parent of the child. Acceptable evidence includes:
 - » Evidence that the putative parent's conduct and bearing toward the child, either by word or act, indicates that the child is the child of the putative parent
 - » The results of a genetic test that is of a type generally acknowledged as reliable

A genetic test that establishes a probability of parentage at 95 percent or higher creates a presumption of parentage that may be rebutted only by clear and convincing evidence.

Required Information

Citation: Alaska Stat. § 18.50.165

The form must include:

- A statement that the man who signs the form is acknowledging that he is the natural father of the child named in the form and that he assumes the parental duty of support of that child
- The address and Social Security number of both parents of the child named on the form
- Signature lines for both parents
- A signature line for either a witness or notary public
- A statement that sets out the legal consequences to and the rights and responsibilities of the mother and the man acknowledging paternity of signing the form

Revocation of Claim to Paternity

Citation: Alaska Stat. § 18.50.165

The mother and the man acknowledging paternity must be notified that, unless fraud, duress, or material mistake of fact is shown in accordance with § 25.20.050, the acknowledgment may only be rescinded by the earlier of the following dates:

- Sixty days after the date of the person's signature
- The date of initiation of an administrative or judicial procedure to establish support of the child in which the person is a party

Access to Information

This issue is not addressed in the statutes reviewed.

American Samoa

Current Through August 2017

Legal Definition of 'Father'

Citation: A.S. Code § 45.0103(21)

The term 'parent' means either a natural parent of a legitimate child, a parent by adoption, or the natural parent of an illegitimate child. A child born to a woman married at the time of its conception or birth is presumed to be the legitimate child of her husband. In the event that the mother is legally married to a different man at the time of birth than she was at the time of conception, the child is presumed to be the legitimate child of her husband at the time of conception. If this presumption is legally rebutted and no contrary determination is made, the man to whom the mother is married at the time of the child's birth is presumed to be the legitimate father of the child.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: A. S. Code §§ 45.0103(21); 45.1501; 45.1502

The father of an illegitimate child has no parental rights to the child unless, prior to entry of a decree of adoption, he has acknowledged the child as his own by affirmatively asserting paternity, as follows:

- Causing his name to be affixed to the birth certificate of the child
- Paying medical or hospital bills associated with the birth of the child
- Paying support for the child
- Otherwise asserting his paternity in writing

Proceedings to establish the paternity of a child and to compel support under this chapter may be commenced by the mother, whether a minor or not; by the child's guardian; or, if the mother or the child is a public charge, by the Department of Health. No proceeding may be initiated after the child is age 5 or older unless paternity has been acknowledged by the father in writing or by furnishing support.

Proceedings under this chapter are started by the filing of a verified petition alleging that the person named as respondent is the father of the child and requesting the court to enter a declaration of paternity, an order of support, or any other relief that may be appropriate.

Required Information

This issue is not addressed in the statutes reviewed.

Revocation of Claim to Paternity

This issue is not addressed in the statutes reviewed.

Access to Information

This issue is not addressed in the statutes reviewed.

Arizona

Current Through August 2017

Legal Definition of 'Father'

Citation: Rev. Stat. § 25-814

A man is presumed to be the father of a child if:

- He and the mother of the child were married at any time in the 10 months immediately preceding the birth or the child is born within 10 months after the marriage is terminated by death, annulment, declaration of invalidity or dissolution of marriage, or after the court enters a decree of legal separation.
- Genetic testing affirms at least a 95 percent probability of paternity.
- A birth certificate is signed by the mother and father of a child born out of wedlock.
- A notarized or witnessed statement is signed by both parents acknowledging paternity or separate substantially similar notarized or witnessed statements are signed by both parents acknowledging paternity.

Paternity Registry

Citation: Rev. Stat. § 8-106.01(A)-(B)

A person who is seeking paternity, who wants to receive notice of adoption proceedings, and who is the father or claims to be the father of a child shall file notice of a claim of paternity and of his willingness and intent to support the child to the best of his ability with the State Registrar of Vital Statistics in the Department of Health Services. The Department of Health Services shall provide forms for the purpose of filing the notice of a claim of paternity. Forms shall be made available in the Department of Health Services, the office of the clerk of the Board of Supervisors in each county, every hospital, every licensed child-placing agency, the Department of Economic Security, the Department of Child Safety, sheriff's offices, jails, prisons, Department of Corrections facilities, and Department of Juvenile Corrections facilities.

The Department of Health Services shall maintain a confidential registry for this purpose.

Alternate Means to Establish Paternity

Citation: Rev. Stat. § 25-812

This state or the parent of a child born out of wedlock may establish the paternity of a child by filing one of the following with the clerk of the superior court, the Department of Economic Security, or the Department of Health Services:

- A notarized or witnessed statement that contains the Social Security numbers of both parents and that is signed by both parents acknowledging paternity or two separate substantially similar notarized or witnessed statements acknowledging paternity
- An agreement by the parents to be bound by the results of genetic testing, including any genetic test previously accepted by a court of competent jurisdiction, or any combination of genetic testing agreed to by the parties, and an affidavit from a certified laboratory that the tested father has not been excluded

On filing a document required above, the court shall issue an order establishing paternity, which may amend the name of the child or children, if requested by the parents. The clerk shall transmit a copy of the order to the Department of Health Services and the Department of Economic Security.

A voluntary acknowledgment of paternity may be filed with the Department of Economic Security, which shall provide a copy to the Department of Health Services. A voluntary acknowledgment of paternity made pursuant to this section is a determination of paternity and has the same force and effect as a superior court judgment.

Required Information

Citation: Rev. Stat. § 8-106.01(B)

The notice of a claim of paternity may be filed before the birth of the child but shall be filed within 30 days after the birth of the child. The notice of a claim of paternity shall be signed by the putative father and shall include his name and address, the name and last known address of the birth mother, and either the birth date of the child or the probable month and year of the expected birth of the child. The putative father who files a notice of a claim of paternity under this section shall notify the Registrar of Vital Statistics of any change of his address.

Revocation of Claim to Paternity

Citation: Rev. Stat. § 25-812

The mother or the father may rescind the acknowledgment of paternity within the earlier of:

- Sixty days after the last signature is affixed to the notarized acknowledgment of paternity that is filed with the Department of Economic Security, the Department of Health Services, or the court
- The date of a proceeding relating to the child, including a child support proceeding in which the mother or father is a party

A rescission must be in writing, and a copy of each rescission of paternity shall be filed with the Department of Economic Security. The Department of Economic Security shall mail a copy of the rescission of paternity to the other parent and to the Department of Health Services.

The mother, father, or child may challenge a voluntary acknowledgment of paternity established in this state at any time after the 60-day period only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the challenger and under which the legal responsibilities, including child support obligations of any signatory arising from the acknowledgment, shall not be suspended during the challenge except for good cause shown. The court shall order the mother, her child or children, and the alleged father to submit to genetic testing. If the court finds by clear and convincing evidence that the genetic tests demonstrate that the established father is not the biological father of the child, the court shall vacate the determination of paternity and terminate the obligation of that party to pay ongoing child support.

Access to Information**Citation: Rev. Stat. § 8-106.01(B)**

The department shall only respond to written inquiries of the confidential registry that are received from the court, the Department of Child Safety, a licensed adoption agency, or a licensed attorney participating or assisting in a direct placement adoption.

Arkansas

Current Through August 2017

Legal Definition of 'Father'**Citation: Ann. Code § 20-18-701**

As used in this subchapter:

- 'Father' means the biological male parent of a child.
- 'Putative father' means any man not legally presumed or adjudicated to be the biological father of a child but who claims or is alleged to be the father of the child.

Paternity Registry**Citation: Ann. Code § 20-18-702**

There is established in the Division of Health of the Department of Health and Human Services a Putative Father Registry. The purpose of the registry is to entitle putative fathers to notice of legal proceedings pertaining to the child for whom the putative father has registered.

A putative father shall establish a significant custodial, personal, or financial relationship with the child before the putative father's rights attach.

Alternate Means to Establish Paternity**Citation: Ann. Code §§ 9-10-120; 9-10-108(b)**

A man is the father of a child for all intents and purposes if he and the mother execute an acknowledgment of paternity of the child pursuant to § 20-18-408 or 20-18-409, or a similar acknowledgment executed during the child's minority.

Acknowledgments of paternity shall constitute a conclusive finding of paternity and shall be recognized by the chancery courts as creating a parent and child relationship between father and child.

Such acknowledgments of paternity shall also be recognized as forming the basis for establishment and enforcement of a child support or visitation order without a further proceeding to establish paternity.

The appearance of the name of the father with his consent on the certificate of birth, the Social Security account number of the alleged father filed with his consent with the Division of Vital Records of the Department of Health of this state pursuant to § 20-18-407, a certified copy of the certificate or records on which the name of the alleged father was entered with his consent from the vital records department of another state, or the registration of the father with his consent in the putative father registry of this state pursuant to § 20-18-702, shall constitute a prima facie case of establishment of paternity, and the burden of proof shall shift to the putative father to rebut such in a proceeding for paternity establishment.

Required Information**Citation: Ann. Code § 20-18-702**

Upon receipt of a written statement signed and acknowledged by the registrant before a notary public, the registry shall record the following information:

- The name, address, and Social Security number of any person who claims to be the father of a child for whom paternity is not presumed or has not been established by a court
- The name, last known address, and Social Security number, if known, of the mother of the child
- The name of the child, if born, and the location and date of birth, if known
- The date and time of receipt, which the division shall note on the written statement signed and acknowledged by the registrant

The division shall provide a form to be used by the registrant. There shall be no fee required of the registrant to file the affidavit.

The registry may accept the information prior to the birth of the child or at any time prior to the filing of a petition for adoption.

The registry shall forward a copy of the information to the mother as notification that the person has registered with the registry. The registry shall maintain cross-reference indices by the name of the mother and the name of the child, if known.

Revocation of Claim to Paternity

Citation: Ann. Code § 20-18-703

Information supplied to the Putative Father Registry may be revoked by a written statement, signed and acknowledged by the registrant before a notary public. The statement shall include a declaration that, to the best of the registrant's knowledge and belief, he is not the father of the named child or that a court has adjudicated paternity and someone other than the registrant has been determined to be the father of the child.

Revocation shall be effective only after the birth of the child.

Access to Information

Citation: Ann. Code § 20-18-704

The Division of Health of the Department of Health and Human Services shall make available to attorneys the telephone number of the Putative Father Registry for purposes of inquiry for a putative father's name and address contained in the registry. Information contained in the registry shall be admissible in any court proceeding in any court in this state.

Upon receipt of a written request, information from the registry for a named putative father, natural mother, or child may be furnished to:

- The registrant
- The mother
- The child
- The Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration
- A prosecuting attorney or an attorney acting on behalf of his or her client in litigation involving the determination of paternity or support for the child or an adoption of the child

Upon request, the division shall furnish, through electronic data exchange or otherwise, a copy of the registry to the office for use in establishing paternity and support obligations. Otherwise, registry information shall be considered confidential and may not be disclosed. Registry information shall not be subject to the Freedom of Information Act of 1967, § 25-19-101, et seq.

California

Current Through August 2017

Legal Definition of 'Father'

Citation: Family Code §§ 7601; 7611

'Natural parent' means a nonadoptive parent, whether biologically related to the child or not. 'Parent and child relationship' means the legal relationship existing between a child and the child's parents incident to which the law confers or imposes rights, privileges, duties, and obligations. This section does not preclude a finding that a child has more than two parents.

A person is presumed to be the natural parent of a child if the person meets the following conditions:

- The presumed parent and the child's natural mother are or have been married to each other, and the child is born during the marriage or within 300 days after the marriage is terminated.
- Before the child's birth, the presumed parent and the child's natural mother have attempted to marry each other, although the attempted marriage is or could be declared invalid, and either of the following is true:
 - » If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage or within 300 days after its termination.
 - » If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation.
- After the child's birth, the presumed parent and the child's natural mother have married or attempted to marry each other, although the attempted marriage is or could be declared invalid, and either of the following is true:
 - » With his or her consent, the presumed parent is named as the child's parent on the child's birth certificate.
 - » The presumed parent is obligated to support the child under a written voluntary promise or by court order.
- The presumed parent receives the child into his or her home and openly holds out the child as his or her natural child.

Paternity Registry

Citation: Family Code §§ 7571; 7573

On and after January 1, 1995, upon the event of a live birth, prior to an unmarried mother leaving any hospital, the person responsible for registering live births shall provide to the natural mother and shall attempt to provide, at the place of birth, a voluntary declaration of paternity together with the written materials described in § 7572 to the man identified by the natural mother as the natural father. Staff in the hospital shall witness the signatures of parents signing a voluntary declaration of paternity and shall forward the signed declaration to the Department of Child Support Services within 20 days of the date the declaration was signed. A copy of the declaration shall be made available to each of the attesting parents.

Except as provided in §§ 7575, 7576, 7577, and 7612, a completed voluntary declaration of paternity that has been filed with the Department of Child Support Services shall establish the paternity of a child and shall have the same force and effect as a judgment for paternity issued by a court of competent jurisdiction. The voluntary declaration of paternity shall be recognized as a basis for the establishment of an order for child custody, visitation, or child support.

Alternate Means to Establish Paternity

Citation: Family Code §§ 7551; 7555; 7635.5

In a civil action or proceeding in which paternity is a relevant fact, the court may order the mother, child, and alleged father to submit to genetic tests. A party's refusal to submit to the tests is admissible in evidence in any proceeding to determine paternity.

There is a rebuttable presumption of paternity if the court finds that the paternity index, as calculated by the experts qualified as examiners of genetic markers, is 100 or greater. This presumption may be rebutted by a preponderance of the evidence.

In any action brought pursuant to this article, if the alleged father is present in court for the action, the court shall inform the alleged father that he has the right to have genetic testing performed to determine if he is the biological father of the child. The court shall further inform the alleged father of his right to move to set aside or vacate a judgment of paternity within 2 years of the date he received notice of the action to establish paternity and that after that time has expired he may not move to set aside or vacate the judgment of paternity, regardless of whether genetic testing shows him not to be the biological father of the child.

Required Information

Citation: Family Code § 7574

The voluntary declaration of paternity shall be executed on a form developed by the Department of Child Support Services in consultation with the Department of Health Services, the California Family Support Council, and child support advocacy groups. The form shall contain, at a minimum, the following:

- The name and the signature of the mother
- The name and the signature of the father
- The name of the child
- The date of birth of the child
- A statement by the mother that she has read and understands the written materials described in § 7572, that the man who has signed the voluntary declaration of paternity is the only possible father, and that she consents to the establishment of paternity by signing the voluntary declaration of paternity
- A statement by the father that he has read and understands the written materials described in § 7572, that he understands that by signing the voluntary declaration of paternity he is waiving his rights as described in the written materials, that he is the biological father of the child, and that he consents to the establishment of paternity by signing the voluntary declaration of paternity
- The name and the signature of the person who witnesses the signing of the declaration by the mother and the father

Revocation of Claim to Paternity

Citation: Family Code § 7575

Either parent may rescind the voluntary declaration of paternity by filing a rescission form with the Department of Child Support Services within 60 days of the date of execution of the declaration by the attesting father or attesting mother, whichever signature is later, unless a court order for custody, visitation, or child support has been entered in an action in which the signatory seeking to rescind was a party.

If the court finds that the results of genetic tests show that the man who signed the voluntary declaration is not the father of the child, the court may set aside the voluntary declaration of paternity unless the court determines that denial of the action to set aside the voluntary declaration of paternity is in the best interests of the child.

If the voluntary declaration of paternity is set aside, the court shall order that the mother, child, and alleged father submit to genetic tests. If the court finds that the conclusions of the genetic tests are that the person who executed the voluntary declaration of paternity is not the father of the child, the question of paternity shall be resolved accordingly. If the person who executed the declaration of paternity is ultimately determined to be the father of the child, any child support that accrued under an order based upon the voluntary declaration of paternity shall remain due and owing.

Access to Information

This issue is not addressed in the statutes reviewed.

Colorado

Current Through August 2017

Legal Definition of 'Father'

Citation: Rev. Stat. § 19-4-105

A man is presumed to be the natural father of a child if:

- He and the child's natural mother are or have been married to each other and the child is born during the marriage or within 300 days after the marriage is terminated.
- Before the child's birth, he and the child's natural mother have attempted to marry each other, although the attempted marriage is or could be declared invalid, and:
 - » If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage or within 300 days after its termination.
 - » If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation.
- After the child's birth, he and the child's natural mother have married or attempted to marry, although the attempted marriage is or could be declared invalid, and:
 - » He has acknowledged his paternity of the child in a writing filed with the court or Registrar of Vital Statistics.
 - » With his consent, he is named as the child's father on the child's birth certificate.
 - » He is obligated to support the child under a written voluntary promise or by court order.
- While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child.
- He acknowledges his paternity of the child in a writing filed with the court or Registrar of Vital Statistics.
- The genetic tests or other tests of inherited characteristics have been administered, and the results show that the alleged father is not excluded as the probable father and that the probability of his parentage is 97 percent or higher.

A duly executed voluntary acknowledgment of paternity shall be considered a legal finding of paternity on the earlier of:

- Sixty days after execution of such acknowledgment
- On the date of any proceeding concerning the support of a child to which the signatory is a party

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Rev. Stat. §§ 19-4-107; 19-4-113

A child, his or her natural mother, a man presumed to be the father, the state, or the Department of Human Services may bring a court action:

- At any time for the purpose of declaring the existence of the father and child relationship presumed under § 19-4-105(1)(a), (1)(b), or (1)(c)
- For the purpose of declaring the nonexistence of the father and child relationship, only if the action is brought within a reasonable time after obtaining knowledge of relevant facts, but no later than 5 years after the child's birth

Evidence relating to paternity may include:

- Evidence of sexual intercourse between the mother and alleged father at any possible time of conception
- An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy
- Genetic test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity
- Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts
- All other evidence relevant to the issue of paternity of the child

Required Information

This issue is not addressed in the statutes reviewed.

Revocation of Claim to Paternity

Citation: Rev. Stat. § 19-4-105(2)

A presumption of paternity may be rebutted in an appropriate action only by clear and convincing evidence, including by a court decree establishing paternity of the child by another man. If two or more conflicting presumptions of paternity arise, the presumption that the court, based on all available facts, finds is more credible controls. In making that determination, the judge shall consider all pertinent factors, including, but not limited to, the following:

- The length of time between the proceeding to determine parentage and the time that the presumed father was placed on notice that he might not be the genetic father
- The length of time during which the presumed father has assumed the role of father of the child
- The facts surrounding the presumed father's discovery of his possible nonpaternity
- The nature of the father-child relationship
- The age of the child
- The relationship of the child to any presumed father or fathers
- The extent to which the passage of time reduces the chances of establishing the paternity of another man and a child support obligation in favor of the child
- Any other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed father or fathers or the chance of other harm to the child

A legal finding of paternity may be challenged in court only on the basis of fraud, duress, or mistake of material fact, with the burden of proof upon the challenger. Any legal responsibilities resulting from signing an acknowledgment of paternity, including child support obligations, shall continue during any challenge to the finding of paternity, except for good cause shown.

Access to Information

Citation: Rev. Stat. § 19-4-105(1)(e)

When the father acknowledges his paternity of the child in a writing filed with the court or Registrar of Vital Statistics, the court or registrar shall promptly inform the mother of the filing of the acknowledgment.

Connecticut

Current Through August 2017

Legal Definition of 'Father'

Citation: Gen. Stat. § 45a-604

'Father' means a man who is a father under the law of this state, including a man who, in accordance with § 46b-172, executes a binding acknowledgment of paternity and a man determined to be a father under chapter 815y.

Paternity Registry

Citation: Gen. Stat. § 46b-172a

Any person claiming to be the father of a child born out of wedlock may file a claim for paternity with the probate court for the district in which either the mother or the child resides. The claim may be filed at any time during the life of the child, whether before, on, or after the date the child reaches age 18, or after the death of the child, but not later than 60 days after the date of notice under § 45a-716.

The claim for paternity shall be admissible in any action for paternity under § 46b-160 and shall prohibit the claimant from denying his paternity of such child and shall contain language that he acknowledges liability for contribution to the support and education of the child after its birth and for contribution to the pregnancy-related medical expenses of the mother.

Failing perfection of parental rights as prescribed by this section, any person claiming to be the father of a child born out of wedlock (1) who has not been adjudicated as the father of such child by a court of competent jurisdiction, (2) who has not acknowledged in writing that he is the father of such child, (3) who has not contributed regularly to the support of such child, or (4) whose name does not appear on the birth certificate shall cease to be a legal party in interest in any proceeding concerning the custody or welfare of the child, including, but not limited to, guardianship and adoption, unless he has shown a reasonable degree of interest, concern, or responsibility for the child's welfare.

Alternate Means to Establish Paternity

Citation: Gen. Stat. §§ 46b-160; 46b-172

Proceedings to establish paternity of a child born or conceived out of lawful wedlock, including one born to, or conceived by, a married woman but fathered by a man other than her husband, shall be commenced by the service on the putative father of a verified petition of the mother or expectant mother. Such petition may be brought at any time prior to the child's 18th birthday, provided liability for past support shall be limited to the 3 years just prior to the date of the filing of the petition.

If the putative father fails to appear in court at such time and place, the court shall hear the petitioner and, upon a finding that process was served on the putative father, shall enter a default judgment of paternity against the father. The court shall issue a final judgment of paternity if the court finds that there is clear and convincing evidence of paternity. Evidence shall include, but not be limited to, genetic test results indicating a 99 percent or greater probability that the respondent is the father of the child.

In lieu of or in conclusion of proceedings under § 46b-160, a written acknowledgment of paternity executed and sworn to by the putative father of the child when accompanied by (1) an attested waiver of the right to a blood test, the right to a trial, and the right to an attorney; (2) a written affirmation of paternity executed and sworn to by the mother of the child; and (3) if the person subject to the acknowledgment of paternity is an adult age 18 or older, a notarized affidavit affirming consent to the voluntary acknowledgment of paternity, shall have the same force and effect as a judgment of the superior court.

Required Information

Citation: Gen. Stat. § 46b-172a

The claim shall contain the claimant's name and address, the name and last known address of the mother, and the month and year of the birth or expected birth of the child.

Revocation of Claim to Paternity

Citation: Gen. Stat. § 46b-172

The mother and the acknowledged father shall have the right to rescind such affirmation or acknowledgment in writing within the earlier of 60 days or the date of an agreement to support the child.

An acknowledgment may be challenged in court or before a family support magistrate after the rescission period only on the basis of fraud, duress, or material mistake of fact that may include evidence that he is not the father, with the burden of proof upon the challenger.

Access to Information

Citation: Gen. Stat. § 46b-172a

No later than 5 days after the filing of a claim for paternity, the court shall cause a certified copy of the claim to be served upon the mother or prospective mother of the child by personal service or service at her usual place of abode and to the attorney general by first-class mail.

Delaware

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Code Tit. 13, § 8-102

An acknowledged father is a man who has established a father-child relationship under subchapter III of this chapter. An adjudicated father is a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.

An alleged father is a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include:

- A presumed father
- A man whose parental rights have been terminated or declared not to exist
- A male donor

A presumed father is a man who, by operation of law under § 8-204 of this title, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.

The term 'determination of parentage' means the establishment of the parent-child relationship by the signing of a valid acknowledgment of paternity under subchapter III of this chapter or adjudication by the court.

Paternity Registry

Citation: Ann. Code Tit. 13, §§ 8-401; 8-402; 8-405

A registry of paternity is established in the Office of Vital Statistics.

Except as otherwise provided in § 8-405 (see below), a man who desires to be notified of a proceeding for adoption of, or termination of parental rights regarding, a child that he may have fathered must register with the registry of paternity before the birth of the child or within 30 days after the birth of the child. A man is not required to register if:

- A father-child relationship between the man and the child has been established under this chapter or other law.
- The man commences a proceeding to adjudicate his paternity before the court has terminated his parental rights.

If a child has attained 1 year of age, notice of a proceeding for adoption of or termination of parental rights regarding the child must be given to every alleged father of the child, whether or not he has registered with the Office of Vital Statistics.

Alternate Means to Establish Paternity

Citation: Ann. Code Tit. 13, §§ 8-201; 8-204

The father-child relationship is established between a man and a child by:

- An unrebutted presumption of the man's paternity of the child under § 8-204
- An effective acknowledgment of paternity by the man, unless the acknowledgment has been rescinded or successfully challenged
- An adjudication of the man's paternity
- Adoption of the child by the man
- The man's consent to assisted reproduction by a woman that resulted in the birth of the child
- A determination by the court that the man is a de facto parent of the child

A man is presumed to be the father of a child if:

- He and the mother of the child are married to each other, and the child is born during the marriage.
- He and the mother of the child were married to each other, and the child is born within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce.
- Before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce.
- After the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether or not the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child, and:
 - » The assertion is in a record filed with the Office of Vital Statistics.
 - » He agreed to be and is named as the child's father on the child's birth certificate.
 - » He promised in a record to support the child as his own.
- For the first 2 years of the child's life, he resided in the same household with the child and openly held out the child as his own.

Required Information

Citation: Ann. Code Tit. 13, § 8-411

The Office of Vital Statistics shall prepare a form for registering with the agency. The form must require the signature of the registrant. The form must state that the form is signed under penalty of perjury. The form must also state that:

- A timely registration entitles the registrant to notice of a proceeding for adoption of the child or termination of the registrant's parental rights.
- A timely registration does not commence a proceeding to establish paternity.
- The information disclosed on the form may be used against the registrant to establish paternity.
- Services to assist in establishing paternity are available to the registrant through the support-enforcement agency.
- The registrant should also register in another state if conception or birth of the child occurred in the other state.
- Information on registries of other states is available from the Office of Vital Statistics and the support enforcement agency.
- Procedures exist to rescind the registration of a claim of paternity.

Revocation of Claim to Paternity

Citation: Ann. Code Tit. 13, § 8-413

A registrant may rescind his registration at any time by sending to the registry a rescission in a record signed or otherwise authenticated by him and witnessed or notarized.

Access to Information

Citation: Ann. Code Tit. 13, § 8-412(b)

Information contained in the registry is confidential and only may be released on request to:

- A court or a person designated by the court
- The mother of the child who is the subject of the registration
- An agency authorized by other law to receive the information
- A licensed child-placing agency
- A support-enforcement agency
- A party or the party's attorney in a proceeding under this chapter, or in a proceeding for adoption, or for termination of parental rights regarding a child who is the subject of the registration
- The registry of paternity in another state

District of Columbia

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Code § 16-909

There shall be a presumption that a man is the father of a child if:

- He and the child's mother are or have been married or in a domestic partnership at the time of either conception or birth or between conception and birth, and the child is born during the marriage or domestic partnership or within 300 days after the termination of marital cohabitation or domestic partnership by reason of death, annulment, divorce, or separation.
- Prior to the child's birth, he and the child's mother have attempted to marry, and some form of marriage has been performed in apparent compliance with the law, though the attempted marriage is or might be declared void for any reason, and the child is born during the attempted marriage or within 300 days after the termination of the attempted marital cohabitation by reason of death, annulment, divorce, or separation.
- After the child's birth, he and the child's mother marry or attempt to marry with the attempt involving some form of marriage ceremony that has been performed in apparent compliance with the law, though such attempted marriage is or might be declared void for any reason, and he has acknowledged the child to be his.
- The putative father has acknowledged paternity in writing.

A presumption of parentage may be overcome upon proof by clear and convincing evidence that the presumed parent is not the child's genetic parent. The court shall try the question of parentage and may determine that the presumed parent is the child's parent, notwithstanding evidence that the presumed parent is not the child's genetic parent, after giving due consideration to:

- Whether the conduct of the mother or the presumed parent should preclude that party from denying parentage
- The child's interests
- The duration and stability of the relationship between the child, the presumed parent, and the genetic parent

Paternity Registry

Citation: Ann. Code § 16-909.03

Each public and private birthing hospital in the District of Columbia shall operate a program that, immediately before and after the birth of a child, provides to each unmarried woman who gives birth at the hospital and, if present in the hospital, the alleged putative father:

- Written materials concerning paternity establishment
- Forms necessary to acknowledge paternity voluntarily that meet the federal requirements
- A written and oral description of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing a voluntary acknowledgment of paternity
- Written notice that a voluntary acknowledgment of paternity is not in effect unless the mother and putative father each signs the form under oath and a notary authenticates the signatures
- The opportunity to acknowledge paternity voluntarily in the hospital

Alternate Means to Establish Paternity

Citation: Ann. Code §§ 16-2342.01; 16-909.01

A voluntary acknowledgment of paternity shall:

- Create a conclusive presumption of paternity that shall be admissible as evidence of paternity
- Be recognized as a basis for seeking a child support obligation without requiring any further proceeding to establish paternity

Paternity may be established by:

- A written statement of the father and mother signed under oath that acknowledges paternity, provided that before the parents sign the acknowledgment, both have been given written and oral notice of the alternatives to, legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment
- A result and an affidavit from a laboratory of a genetic test of a type generally acknowledged as reliable by accreditation bodies designated by the Secretary of the U.S. Department of Health and Human Services that is performed by a laboratory approved by such a body, which affirms at least a 99 percent probability that the putative father is the father of the child

An acknowledgment that has not been rescinded or a genetic test and affidavit that meet the requirements of this section shall legally establish the parent-child relationship between the father and the child for all rights, privileges, duties, and obligations under the laws of the District of Columbia. The acknowledgment or genetic test and affidavit shall be admissible as evidence of paternity.

Required Information

Citation: Ann. Code § 16-909.01

The acknowledgment shall include:

- The full names, Social Security numbers, and dates of birth of the mother, father, and child
- The addresses of the mother and father
- The birthplace of the child
- An explanation of the legal consequences of the affidavit
- A statement indicating that both parents understand their rights, responsibilities, and the alternatives and consequences of signing the affidavit
- The place the affidavit was completed
- Signature lines for the parents
- Any other data elements required by federal law

Revocation of Claim to Paternity

Citation: Ann. Code § 16-909.01

A signatory to a voluntary acknowledgment of paternity may rescind the acknowledgment within the earlier of 60 days or the date of an administrative or judicial proceeding relating to the child in which the signatory is a party.

Access to Information

Citation: Ann. Code § 16-909.03

The birthing hospital shall transmit each completed voluntary acknowledgment of paternity form to the Registrar of Vital Records within 14 days of completion. The registrar shall promptly record identifying information from the form and permit the IV-D agency timely access to the identifying information and any other documentation recorded from the form that the IV-D agency needs to determine if a voluntary acknowledgment of paternity has been recorded and to seek a support order on the basis of the recorded voluntary acknowledgment of paternity.

Florida

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Stat. §§ 39.01; 63.062; 409.256(g)

The term 'legal father' means a man married to the mother at the time of conception or birth of their child, unless paternity has been otherwise determined by a court of competent jurisdiction. If the mother was not married to a man at the time of birth or conception of the child, the term means a man named on the birth certificate of the child pursuant to § 382.013(2), a man determined by a court order to be the father of the child, or a man determined to be the father of the child by the Department of Revenue as provided in § 409.256.

Written consent to adoption must be executed by the father of the minor, if:

- The minor was conceived or born while the father was married to the mother.
- The minor is his child by adoption.
- The minor has been established by court proceeding to be his child.
- He has filed an affidavit of paternity pursuant to § 382.013(2)(c), or he is listed on the child's birth certificate before the date a petition for termination of parental rights is filed.
- In the case of an unmarried biological father, he has acknowledged in writing, signed in the presence of a competent witness, that he is the father of the minor, has filed such acknowledgment with the Office of Vital Statistics of the Department of Health within the required timeframes, and has complied with all requirements.

The term 'putative father' means an individual who is or may be the biological father of a child whose paternity has not been established and whose mother was unmarried when the child was conceived and born.

Paternity Registry

Citation: Ann. Stat. § 63.054

The Department of Health shall establish and maintain a Florida Putative Father Registry through its Office of Vital Statistics.

In order to preserve the right to notice and consent to an adoption under this chapter, an unmarried biological father must, as the 'registrant,' file a notarized claim of paternity form with the Florida Putative Father Registry. He shall include therein confirmation of his willingness and intent to support the child for whom paternity is claimed in accordance with state law.

The claim of paternity may be filed at any time prior to the child's birth, but a claim of paternity may not be filed after the date a petition is filed for termination of parental rights. In each proceeding for termination of parental rights, the petitioner shall submit to the Office of Vital Statistics a copy of the petition for termination of parental rights or a document executed by the clerk of the court showing the names of the persons whose rights are sought to be terminated and the date and time of the filing of the petition. The Office of Vital Statistics may not record a claim of paternity after the date that a petition for termination of parental rights is filed. The failure of an unmarried biological father to file a claim of paternity with the registry before the date a petition for termination of parental rights is filed also bars him from filing a paternity claim under chapter 742.

By filing a claim of paternity form with the Office of Vital Statistics, the registrant expressly consents to submit to DNA testing upon the request of any party, the registrant, or the adoption entity with respect to the child referenced in the claim of paternity.

Alternate Means to Establish Paternity**Citation: Ann. Stat. §§ 742.10; 409.256**

Procedures for the determination of paternity for children born out of wedlock include:

- The establishment of paternity at an adjudicatory hearing
- An affidavit acknowledging paternity or a stipulation of paternity that is executed by both parties and filed with the clerk of the court
- An affidavit or voluntary acknowledgment of paternity that is executed by both parties
- Paternity that is adjudicated by the Department of Revenue

An adjudication or acknowledgment constitutes the establishment of paternity. If no adjudicatory proceeding was held, a notarized voluntary acknowledgment of paternity or a voluntary acknowledgment of paternity that is witnessed by two individuals and signed under penalty of perjury shall create a rebuttable presumption of paternity.

The Department of Revenue shall commence a proceeding to determine paternity by serving the respondent with a notice as provided in this section. An order to appear for genetic testing may be served at the same time.

If the results of the genetic test indicate a statistical probability of paternity that equals or exceeds 99 percent, the department may issue a proposed order of paternity that the respondent may consent to or contest at an administrative hearing. If paternity is established, the putative father may file a petition in circuit court for a determination of matters relating to custody and rights of parental contact.

The department shall send a copy of the genetic-testing results to the putative father, to the mother, to the caregiver, and to another state, if applicable. If the genetic-testing results, including second or subsequent genetic-testing results, do not indicate a statistical probability of paternity that equals or exceeds 99 percent, the paternity proceeding in connection with that child shall cease.

Required Information**Citation: Ann. Stat. § 63.054**

The claim of paternity form shall be signed by the unmarried biological father and must include:

- His name, address, date of birth, and physical description
- The name, address, date of birth, and physical description of the mother
- The date, place, and location of conception of the child, if known
- The name, date, and place of birth of the child or estimated date of birth of the expected minor child, if known

The claim of paternity form shall be signed under oath by the registrant.

Revocation of Claim to Paternity**Citation: Ann. Stat. §§ 63.054; 742.10**

The registrant may, at any time prior to the birth of the child for whom paternity is claimed, execute a notarized written revocation of the claim of paternity previously filed with the Florida Putative Father Registry. Upon receipt of such revocation, the claim of paternity shall be deemed null and void.

If a court determines that a registrant is not the father of the minor or has no parental rights, the court shall order the Department of Health to remove the registrant's name from the registry.

A voluntary acknowledgment of paternity is subject to the right of any signatory to rescind the acknowledgment within 60 days after the date the acknowledgment was signed or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order in which the signatory is a party, whichever is earlier.

After the 60-day period, a signed voluntary acknowledgment of paternity shall constitute an establishment of paternity and may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities, including child support obligations of any signatory arising from the acknowledgment, may not be suspended during the challenge except upon a finding of good cause by the court.

Access to Information**Citation: Ann. Stat. § 63.0541**

All information contained in the Florida Putative Father Registry is confidential and exempt from public disclosure, except as otherwise provided in this section. Information made confidential and exempt by this section shall be disclosed to:

- An adoption entity, upon the filing of a request for a diligent search of the Florida Putative Father Registry in connection with the planned adoption of a child
- The registrant unmarried biological father, upon receipt of notarized request for a copy of his registry entry only
- The birth mother, upon receipt of a notarized request for a copy of any registry entry in which she is identified as the birth mother
- The court, upon issuance of a court order concerning a petitioner acting pro se in an action under this chapter

The database comprising the Florida Putative Father Registry shall remain separate from all other databases.

Georgia

Current Through August 2017

Legal Definition of 'Father'**Citation: Ann. Code § 19-8-1**

The 'biological father' is the male who impregnated the biological mother resulting in the birth of the child. The 'legal father' is a male who has not surrendered or had terminated his rights to a child and who:

- Has legally adopted the child
- Was married to the biological mother of the child at the time the child was born or within the usual period of gestation, unless paternity was disproved by a final order pursuant to chapter 7, article 3 of this title
- Married the legal mother of the child after the child was born and recognized the child as his own, unless paternity was disproved
- Has legitimated the child by a final order pursuant to § 19-7-22

Paternity Registry**Citation: Ann. Code §§ 19-11-9(d)(1); 19-7-46.1**

There is established within the department a putative father registry. The putative father registry shall include two types of registrations:

- Persons who acknowledge paternity of a child or children before or after birth in a signed writing
- Persons who register to indicate the possibility of paternity without acknowledging paternity

Registrants shall be informed that this registration may be used to establish an obligation to support the child or children and that this registration shall be used to provide notice of adoption proceedings or proceedings to terminate the rights of a biological father who is not a legal father but that registration without further action does not enable the registrant to prevent an adoption or termination of his rights by objecting. All registrants shall be asked to provide information regarding changes in their addresses.

The appearance of the name or Social Security number of the father, entered with his written consent, on the birth certificate of the child from the vital records department of another state or the registration of the father, entered with his written consent, in the putative father registry of this state shall constitute a prima facie case of establishment of paternity, and the burden of proof shall shift to the putative father to rebut such in a proceeding for the determination of paternity.

Alternate Means to Establish Paternity**Citation: Ann. Code §§ 19-7-22; 19-7-43; 19-7-46**

The biological father of a child born out of wedlock may render his relationship with the child legitimate by petitioning the superior court of the county of the residence of the child's mother or other party having legal custody or guardianship of the child. A legitimation petition shall set forth the name, age, and sex of the child; the name of the mother; and, if the biological father desires the name of the child to be changed, the new name. If the mother is alive, she shall be named as a party and shall be served and provided an opportunity to be heard. If there is a legal father who is not the biological father, he shall be named as a party by the petitioner and shall be served and provided an opportunity to be heard.

Upon the filing of a legitimation petition, and after a hearing for which notice was provided to all interested parties, the court may issue an order declaring the biological father's relationship with the child to be legitimate, provided that the order is in the best interests of the child. The order shall specify the name by which the child shall be known.

In any case in which the paternity of a child has not been established, the court may order the mother, the alleged father, and the child to submit to genetic tests. Such motion, if made by a party, shall be supported by a sworn statement alleging paternity and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties or denying paternity and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties.

There shall exist a rebuttable presumption of paternity of a child born out of wedlock if scientifically credible genetic testing has been performed that establishes at least a 97 percent probability of paternity.

Required Information

Citation: Ann. Code §§ 19-11-9(d)(1); 19-7-46.1

The putative father registry shall record the name, address, and Social Security number of any person who claims to be the biological father but not the legal father of a child, and the date of entry of such information.

The department shall keep the putative father registry as current as feasible, adding entries or information to the registry often enough that new registrations or new information regarding registrants, mothers, or children shall be added to the registry no later than 2 business days following receipt of the information from the registrant.

When both the mother and father have signed a voluntary acknowledgment of paternity in the presence of a notary public swearing or affirming that the statements contained in the acknowledgment are true and the acknowledgment is filed with the State Office of Vital Records within 30 days of its execution and is recorded in the putative father registry, the acknowledgment shall constitute a legal determination of paternity.

Revocation of Claim to Paternity

Citation: Ann. Code § 19-7-46.1

A voluntary acknowledgment of paternity is subject to the right of any signatory to rescind the acknowledgment prior to the date of the support order, any other order adjudicating paternity, or 60 days from the signing of the agreement, whichever is earlier. Recording the information in the putative father registry shall constitute a legal determination of paternity for purposes of establishing a future order for support and other matters under § 19-7-51. Acknowledgment of paternity shall establish the biological father, as such term is defined in § 19-7-22, but shall not constitute a legal determination of legitimation pursuant to § 19-7-22.

After the 60-day rescission period, the signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the person challenging the acknowledgment. The legal responsibilities of any signatory, including child support obligations, arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

Access to Information

Citation: Ann. Code § 19-11-9(e)

The information that is obtained by the department shall only be available to:

- A governmental department, board, commission, bureau, agency, or political subdivision of any state for purposes of locating an absent parent or putative father to establish or to enforce his obligation of support, of enforcing a child custody determination, or of enforcing any state or federal law with respect to the unlawful taking or restraint of a child
- The department, a licensed child-placing agency, or a member in good standing of the State Bar of Georgia in response to a request for information for purposes of locating a biological father who is not the legal father to provide notice of adoption proceedings or a proceeding to terminate the rights of a biological father who is not a legal father

Guam

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Code Tit. 19, § 4202

The term 'parent' means:

- The mother
- The father of a legitimate child
- A person who is presumed to be the father of a legitimate child
- An adoptive parent

The term 'parent' does not include a parent whose parent-child relationship to the child has been terminated by judicial decree.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Ann. Code Tit. 19, § 4124

A child is considered legitimate for all purposes if:

- The parents of the child were married at the conception of the child, at any time after the conception of the child, and before the child's 18th birthday.
- The child is legitimate on the effective date of this act.
- The child is legitimate under the laws of the place of his or her birth.
- The parents have jointly executed an affidavit before the 18th birthday of the child affirming that the signatories are the natural, biological parents of the child, affirming the paternity of the child, indicating the birth date of the child, and affirming their desire to legitimate the child. Any such affidavit shall be conclusive as to the legitimacy of the child.

Any natural parent in Guam may petition the court for an order affirming the legitimacy of his or her child, based upon the affidavit as provided for below, or based upon the marriage of the parents. Before such an order can be entered, both parents must file affidavits that no other persons have claimed to be parents of the child.

Upon entry of an order of legitimacy, pursuant to this section, the court shall transmit a copy of said order to the Director of Public Health or to the office issuing the child's birth certificate, as appropriate, which shall make appropriate changes to the birth certificate to reflect the correct name and parentage of the child.

Required Information

This issue is not addressed in the statutes reviewed.

Revocation of Claim to Paternity

This issue is not addressed in the statutes reviewed.

Access to Information

This issue is not addressed in the statutes reviewed.

Hawaii

Current Through August 2017

Legal Definition of 'Father'

Citation: Rev. Stat. § 584-4

A man is presumed to be the natural father of a child if:

- He and the child's natural mother are or have been married to each other and the child is born during the marriage or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or a decree of separation.
- Before the child's birth, he and the child's natural mother have attempted to marry each other in apparent compliance with the law, although the attempted marriage is or could be declared invalid, and:

- » If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce.
- » If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation.
- After the child's birth, he and the child's natural mother have married or attempted to marry each other, although the attempted marriage is or could be declared invalid, and:
 - » He has acknowledged his paternity of the child in writing filed with the Department of Health.
 - » With his consent, he is named as the child's father on the child's birth certificate.
 - » He is obligated to support the child under a written voluntary promise or by a court order.
- While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child.
- Pursuant to § 584-11, he submits to court-ordered genetic testing, and the results do not exclude the possibility of his paternity of the child.
- A voluntary, written acknowledgment of paternity of the child signed by him under oath is filed with the Department of Health.

Paternity Registry

Citation: Rev. Stat. § 584-3.5

To expedite the establishment of paternity, each public and private birthing hospital or center and the Department of Health shall provide unwed parents the opportunity to voluntarily acknowledge the paternity of a child during the period immediately prior to or following the child's birth. The voluntary acknowledgment of paternity shall be in writing and shall consist of a single form signed under oath by both the natural mother and the natural father and signed by a witness.

Prior to the signing of the voluntary acknowledgment of paternity form, designated staff members of such facilities shall provide to both the mother and the alleged father, if he is present at the facility:

- Written materials regarding paternity establishment
- Forms necessary to voluntarily acknowledge paternity
- Oral, video, or audio, and written descriptions of the alternatives to, the legal consequences of, and the rights and responsibilities of acknowledging paternity, including, if one parent is a minor, any right afforded due to minority status

Judicial and administrative proceedings shall not be required or permitted to ratify an unchallenged acknowledgment of paternity.

Alternate Means to Establish Paternity

Citation: Rev. Stat. §§ 584-6(a); 584-12; 584-15(a)

Any of the following persons may file an action for the purpose of declaring the existence or nonexistence of the father and child relationship:

- A child or guardian ad litem of the child
- The child's natural mother, whether married or unmarried at the time the child was conceived
- A man alleged or alleging himself to be the natural father
- A presumed father, as defined in § 584-4
- The child support enforcement agency

Evidence relating to paternity may include:

- Evidence of sexual intercourse between the mother and the alleged father at any possible time of conception
- An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy
- Genetic test results, including blood test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity
- Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts
- A voluntary, written acknowledgment of paternity
- Bills for pregnancy and childbirth, including medical insurance premiums covering this period and genetic testing
- All other evidence relevant to the issue of paternity of the child

The judgment or order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

Required Information**Citation: Rev. Stat. § 584-3.5**

The voluntary acknowledgment of paternity form shall include the Social Security number of each parent. The completed voluntary acknowledgment forms shall also clearly identify the name and position of the staff member who provides information to the parents regarding paternity establishment.

Each facility shall send to the Department of Health the original acknowledgment of paternity containing the Social Security numbers, if available, of both parents, with the information required by the Department of Health so that the birth certificate issued includes the name of the legal father of the child.

Revocation of Claim to Paternity**Citation: Rev. Stat. § 584-3.5**

The signed voluntary acknowledgment of paternity shall constitute a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of:

- Sixty days of signature
- Before the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order to which the signatory is a party

Following the 60-day period referred to above, a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger. The legal responsibilities of any signatory arising from the acknowledgment, including child support obligations, shall not be suspended during the challenge, except for good cause shown.

Access to Information**Citation: Rev. Stat. § 584-3.5**

Notwithstanding §§ 338-17.7 and 338-18(b), the Department of Health shall disclose to the child support enforcement agency, upon request, all voluntary acknowledgment of paternity forms on file with the Department of Health.

Idaho

Current Through August 2017

Legal Definition of 'Father'**Citation: Ann. Stat. § 16-2002**

The term 'parent' means:

- The birth mother or the adoptive mother
- The adoptive father
- The biological father of a child conceived or born during the father's marriage to the birth mother
- The unmarried biological father whose consent to an adoption of the child is required pursuant to § 16-1504

A 'presumptive father' is a man who is or was married to the birth mother and the child is born during the marriage or within 300 days after the marriage is terminated.

A 'parent and child relationship' includes all rights, privileges, duties, and obligations existing between parent and child, including inheritance rights, and shall be construed to include adoptive parents.

An 'unmarried biological father,' as used in this chapter and chapter 15, title 16, Idaho Code, means the biological father of a child who was not married to the child's mother at the time the child was conceived or born.

Paternity Registry**Citation: Ann. Stat. § 16-1513**

A person who is the father or claims to be the father of a child born out of wedlock may claim rights pertaining to his paternity of the child by commencing proceedings to establish paternity under § 7-1111 and by filing with the Vital Statistics Unit of the Department of Health and Welfare notice of his commencement of proceedings. The form must be signed by the person claiming paternity and witnessed before a notary public.

The notice of the filing of paternity proceedings may be filed prior to the birth of the child but must be filed prior to the date of the filing of any proceeding to terminate the parental rights of the birth mother. The Vital Statistics Unit of the Department of Health and Welfare shall maintain a central registry for this purpose. The department shall record the date and time the notice of the filing of proceedings is filed with the department. The notice shall be deemed to be duly filed with the department as of the date and time recorded on the notice by the department.

Any father of a child born out of wedlock who fails to file and register his notice of the commencement of paternity proceedings prior to the date of the filing of any proceeding to terminate the parental rights of the birth mother; the filing of any proceeding to adopt the child; or the execution of a consent to terminate the birth mother's parental rights, whichever occurs first, is deemed to have waived and surrendered any right in relation to the child and of any notice to proceedings for adoption of the child or for termination of parental rights of the birth mother. His consent to the adoption of the child shall not be required and he shall be barred thereafter from bringing or maintaining any action to establish his paternity of the child. Failure of such filing or registration shall constitute an abandonment of said child and shall constitute an irrevocable implied consent in any adoption or termination proceeding.

Alternate Means to Establish Paternity

Citation: Ann. Stat. §§ 7-1106; 7-1116

A voluntary acknowledgment of paternity for an Idaho birth shall be admissible as evidence of paternity and shall constitute a legal finding of paternity upon the filing of a signed and notarized acknowledgment with the Vital Statistics Unit of the Department of Health and Welfare. If the mother was married at the time of either conception or birth, or between conception and birth, and the husband is not the father of the child, the husband may file an executed and notarized affidavit of nonpaternity if it is accompanied by a voluntary acknowledgment of paternity signed and notarized by the mother and the alleged father.

The court may, and upon request of a party shall, require the child, mother, alleged father, or any male witness who testifies or will testify about his sexual relations with the mother at a possible time of conception to submit to genetic tests. A genetic test result with a probability of paternity of at least 98 percent shall create a rebuttable presumption of paternity. Whenever the results of the tests exclude any male witness from possible paternity, the tests shall be conclusive evidence of nonpaternity of the male witness.

Required Information

Citation: Ann. Stat. § 16-1513

The notice of the commencement of paternity proceedings shall be signed by the person filing the notice and shall include:

- His name and address
- The name and last address of the mother
- Either the birth date of the child or the probable month and year of the expected birth of the child

Revocation of Claim to Paternity

Citation: Ann. Stat. § 7-1106

Any party executing an acknowledgment of paternity or affidavit of nonpaternity may file a notarized rescission of such with the Vital Statistics Unit within the earlier of:

- Sixty days after the acknowledgment is filed
- The date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party

Such rescission shall be effective upon filing with the Vital Statistics Unit. The Vital Statistics Unit shall notify the other party or parties of the rescission by certified mail.

After the period for rescission, an executed acknowledgment of paternity may be challenged only in court on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the party challenging the acknowledgment. The legal responsibilities, including the obligation to pay child support, of any party to the acknowledgment shall not be stayed except for good cause shown.

Access to Information

Citation: Ann. Stat. § 16-1513

Information from the central registry that is maintained by the Vital Statistics Unit shall be subject to disclosure according to title 74, chapter 1, Idaho Code.

Illinois

Current Through August 2017

Legal Definition of 'Father'

Citation: Comp. Stat. Ch. 750, §§ 46/103; 46/201

An 'acknowledged father' is a man who has established a father-child relationship. An 'adjudicated father' is a man who has been adjudicated by a court of competent jurisdiction to be the father of a child. An 'alleged father' is a man who alleges himself to be, or is alleged to be, the biological father or a possible biological father of a child, but whose paternity has not been established. A 'presumed parent' is an individual who is recognized as the parent of a child, until that status is rebutted or confirmed in a judicial or administrative proceeding.

The parent-child relationship is established between a man and a child by:

- An unrebutted presumption of the man's parentage of the child
- An effective voluntary acknowledgment of paternity by the man, unless the acknowledgment has been rescinded or successfully challenged
- An adjudication of the man's parentage
- Adoption of the child by the man

Paternity Registry

Citation: Comp. Stat. Ch. 750, § 50/12.1

The Department of Children and Family Services shall establish a Putative Father Registry for the purpose of determining the identity and location of a putative father of a minor child who is, or is expected to be, the subject of an adoption proceeding, in order to provide notice of such proceeding to the putative father. A putative father may register with the department before the birth of the child but must register no later than 30 days after the birth of the child. All registrations shall be in writing and signed by the putative father.

Except as provided in chapter 750, § 50/8(b) of (c), a putative father who fails to register with the Putative Father Registry is barred from thereafter bringing or maintaining any action to assert any interest in the child unless he proves by clear and convincing evidence that:

- It was not possible for him to register within the period of time specified above.
- His failure to register was through no fault of his own.
- He registered within 10 days after it became possible for him to file.

Except as provided in chapter 750, § 50/8(b) or (c), failure to register in a timely manner with the Putative Father Registry shall:

- Be deemed to be a waiver and surrender of any right to notice of any hearing in any judicial proceeding for the adoption of the child, and the consent or surrender of that person to the adoption of the child is not required
- Constitute an abandonment of the child and shall be prima facie evidence of sufficient grounds to support termination of that father's parental rights

Alternate Means to Establish Paternity

Citation: Comp. Stat. Ch. 750, §§ 46/301; 46/304; 46/305; 46/401; 46/404

A parent-child relationship may be established voluntarily by the signing and witnessing of a voluntary acknowledgment. The voluntary acknowledgment shall contain the Social Security numbers of the persons signing the voluntary acknowledgment. A voluntary acknowledgment may be signed before the birth of the child and takes effect on the filing of the document with the Department of Healthcare and Family Services. A voluntary acknowledgment signed by a minor is valid if it is otherwise in compliance with this act.

A valid voluntary acknowledgment is equivalent to an adjudication of the parentage of a child and confers upon the acknowledged father all of the rights and duties of a parent. Parentage established in accordance with § 46/301 has the full force and effect of a judgment and serves as a basis for seeking a child support order without any further proceedings to establish parentage.

A court may, and upon the request of a party or of the child, shall order or direct the mother, child, and alleged father to submit to genetic testing. If the court finds based on the conclusion of the experts regarding the results of the genetic testing that the alleged father is not the parent of the child, the question of paternity shall be resolved accordingly. If the experts disagree in their findings or conclusions, the question shall be weighed with other competent evidence of paternity.

If the genetic testing results indicate that the alleged father is not excluded and that there is at least a 99.9 percent probability of paternity, the alleged father is presumed to be the father, and this evidence shall be admitted. A man identified as the father of the child may rebut the genetic testing results by other genetic testing that excludes the man as a genetic father of the child or identifies another man as the possible father of the child.

Required Information

Citation: Comp. Stat. Ch. 750 § 50/12.1

The department shall maintain the following information in the registry:

- With respect to the putative father:
 - » The name, including any other names by which the putative father may be known and that he may provide to the registry
 - » The address at which he may be served with notice of an adoption petition, including any change of address
 - » His Social Security number
 - » His date of birth
 - » If applicable, a certified copy of an order by a court of this state or of another state or territory of the United States adjudicating the putative father to be the father of the child
- With respect to the mother of the child:
 - » The name, including all other names known to the putative father by which the mother may be known
 - » If known to the putative father, her last address, Social Security number, and date of birth
- If known to the putative father, the name, gender, place of birth, and date of birth or anticipated date of birth of the child
- The date that the department received the putative father's registration
- Other information as the department may by rule determine necessary for the orderly administration of the registry

Revocation of Claim to Paternity

Citation: Comp. Stat. Ch. 750, §§ 46/307; 46/308; 46/309

A signatory may rescind a voluntary acknowledgment by filing a signed and witnessed rescission with the Department of Healthcare and Family Services before the earlier of:

- Sixty days after the effective date of the voluntary acknowledgment
- The date of a judicial or administrative proceeding relating to the child (including a proceeding to establish a support order) in which the signatory is a party

After the period for rescission has expired, a voluntary acknowledgment may be challenged only on the basis of fraud, duress, or material mistake of fact by filing a verified petition within 2 years after the effective date of the voluntary acknowledgment. The verified petition shall be filed in the county where a proceeding relating to the child was brought, such as a support proceeding, or, if none exists, in the county where the child resides. Every signatory to the voluntary acknowledgment must be made a party to a proceeding to challenge the voluntary acknowledgment. The party challenging the voluntary acknowledgment shall have the burden of proof. The burden of proof to challenge a voluntary acknowledgment is clear and convincing evidence. Except for good cause shown, during the pendency of a proceeding to challenge a voluntary acknowledgment, the court may not suspend the legal responsibilities of a signatory arising from the voluntary acknowledgment, including the duty to pay child support.

At the conclusion of a proceeding to challenge a voluntary acknowledgment, the court shall order the Department of Public Health to amend the birth record of the child, if appropriate. A copy of an order entered at the conclusion of a proceeding to challenge shall be provided to the Department of Healthcare and Family Services.

Access to Information

Citation: Comp. Stat. Ch. 750, §§ 50/12.1; 46/313

The following persons may request the department to search the registry to determine whether a putative father is registered in relation to a child who is or may be the subject to an adoption petition:

- An interested party, including persons intending to adopt a child
- A child welfare agency with whom the mother has placed or has given written notice of her intention to place a child for adoption
- The mother of the child
- An attorney representing an interested party

Except as provided above, information contained within the registry is confidential and shall not be published or open to public inspection.

The Department of Healthcare and Family Services may release information relating to the voluntary acknowledgment to a signatory of the voluntary acknowledgment; to the child's guardian, the emancipated child, or the legal representatives of those individuals; to appropriate federal agencies; and to courts and appropriate agencies of this state or another state.

Indiana

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Code §§ 31-9-2-9; 31-9-2-88; 31-9-2-100

An 'alleged father' is any man claiming to be or charged with being a child's biological father. A 'parent,' for purposes of the juvenile law, is a biological or an adoptive parent. Unless otherwise specified, the term includes both parents, regardless of their marital status. For the purposes of chapters 31-34-1, 31-34-8, 31-34-16, 31-34-19, 31-34-20, and IC 31-35-2, the term 'parent' includes an alleged father.

A 'putative father' is a male of any age who is alleged to be or claims that he may be a child's father but who:

- Is not presumed to be the child's father under §§ 31-14-7-1(1) or 31-14-7-1(2)
- Has not established paternity of the child before the filing of an adoption petition either in a court proceeding or by executing a paternity affidavit under § 16-37-2-2.1

Paternity Registry

Citation: Ann. Code §§ 31-19-5-2; 31-19-5-3; 31-19-5-5

The putative father registry is established within the Department of Health. The registry's purpose is to determine the name and address of a father:

- Whose name and address have not been disclosed by the mother of the child, on or before the date the mother executes a consent to the child's adoption, to an attorney or an agency that is arranging the adoption of the child
- Who may have conceived a child for whom a petition for adoption has been or may be filed so that notice of the adoption may be provided to the putative father

If, on or before the date the mother of a child executes a consent to the child's adoption, the mother does not disclose to the attorney or agency that is arranging or may arrange an adoption of the child the name or address, or both, of the putative father of the child, the putative father must register under this chapter to entitle him to notice of the child's adoption.

Alternate Means to Establish Paternity

Citation: Ann. Code § 16-37-2-2.1

A paternity affidavit may be executed through a hospital or a local health department. Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall provide an opportunity for the child's mother and a man who reasonably appears to be the child's biological father to execute an affidavit acknowledging paternity of the child.

A paternity affidavit must be executed on a form provided by the department. The paternity affidavit is valid only if the affidavit is executed as follows:

- If executed through a hospital, the paternity affidavit must be completed no more than 72 hours after the child's birth.
- If executed through a local health department, the paternity affidavit must be completed before the child has reached the age of emancipation.

A paternity affidavit is not valid if it is executed after the mother of the child has executed a consent to adoption of the child and a petition to adopt the child has been filed.

Notwithstanding any other law, a man who is a party to a paternity affidavit executed under this section may, within 60 days of the date that a paternity affidavit is executed, file an action in a court with jurisdiction over paternity to request an order for a genetic test.

Except as provided in this section, if a man has executed a paternity affidavit in accordance with this section, the executed paternity affidavit conclusively establishes the man as the legal father of a child without any further proceedings by a court.

Required Information**Citation: Ann. Code §§ 31-19-5-7(a); 16-37-2-2.1(e)**

The department shall maintain the following information in the registry:

- The putative father's:
 - » Name
 - » Address at which he may be served with notice of an adoption
 - » Social Security number
 - » Date of birth
- The mother's:
 - » Name, including all other names known to the putative father that the mother uses, if known
 - » Address, if known
 - » Social Security number, if known
 - » Date of birth, if known
- The child's:
 - » Name, if known
 - » Place of birth, if known
- The date that the department receives a putative father's registration
- The name of an attorney or agency that requests the department to search the registry to determine whether a putative father is registered in relation to a mother whose child is or may be the subject of an adoption
- The date that the attorney or agency submits a request
- Any notice of a filing of a petition to establish paternity as described in § 31-14-9-0.5
- Any other information that the department determines is necessary to access the information in the registry

A paternity affidavit form executed under § 16-37-2-2.1 must contain the following:

- The mother's full name, Social Security number, date of birth, and address
- The father's full name, Social Security number, date of birth, and address
- The child's full name, date of birth, and birthplace
- A brief explanation of the legal significance of signing a voluntary paternity affidavit
- A statement signed by both parents indicating that they understand:
 - » That signing a paternity acknowledgment affidavit is voluntary
 - » Their rights and responsibilities under the affidavit
 - » The alternatives to signing the affidavit
 - » The consequences of signing the affidavit

Revocation of Claim to Paternity**Citation: Ann. Code §§ 31-19-5-19; 16-37-2-2.1**

A putative father may revoke a registration at any time by submitting a signed, notarized statement revoking the registration.

A paternity affidavit that is properly executed under § 16-37-2-2.1 may not be rescinded more than 60 days after the paternity affidavit is executed unless a court:

- Has determined that fraud, duress, or material mistake of fact existed in the execution of the paternity affidavit
- Has ordered a genetic test, at the request of a man who is a party to a paternity affidavit, and the test indicates that the man is excluded as the father of the child

Unless good cause is shown, a court shall not suspend the legal responsibilities of a party to the executed paternity affidavit during a challenge to the affidavit. The court may not set aside the paternity affidavit unless a genetic test excludes the person who executed the paternity affidavit as the child's biological father.

Access to Information**Citation: Ann. Code § 31-19-5-21**

The department shall furnish a certified copy of a putative father's registration form and a copy of any notice of a filing of a petition to establish paternity prepared under § 31-14-9-0.5, upon written request by:

- A putative father
- A mother
- A child

- Any party or attorney of record in a pending adoption
- An attorney who represents prospective adoptive parents, petitioners in an adoption, a mother, a putative father, or a licensed child-placing agency
- A licensed child-placing agency that represents prospective adoptive parents, petitioners in an adoption, a mother, or a putative father
- A court that presides over a pending adoption

The department may release the certified copy of the registration form to a putative father, mother, or child only if the information contained in the registration form names the requesting person.

Iowa

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Stat. § 144.12A

A 'father' means the male, biological parent of a child. A 'putative father' is a man who is alleged to be or who claims to be the biological father of a child born to a woman to whom the man is not married at the time of the birth of the child.

Paternity Registry

Citation: Ann. Stat. § 144.12A

The State Registrar of Vital Statistics shall establish a declaration of paternity registry to record the name, address, Social Security number, and any other identifying information required by rule of the department of a putative father who wishes to register prior to the birth of a child and no later than the date of the filing of the petition for termination of parental rights.

A declaration of paternity filed with the registry may be used as evidence of paternity in an action to establish paternity or to determine a support obligation with respect to the putative father. Failure or refusal to file a declaration of paternity shall not be used as evidence to avoid a legally established obligation of financial support for a child.

Alternate Means to Establish Paternity

Citation: Ann. Code §§ 252A.3; 600B.41

Paternity may be established as follows:

- By order of a court of competent jurisdiction or by administrative order when authorized by state law
- By the statement of the person admitting paternity in court and upon concurrence of the mother
- Subject to the right of any signatory to rescind as provided in § 252A.3A(12), by the filing and registration by the state registrar of an affidavit of paternity, provided that the mother of the child was unmarried at the time of conception, birth, and at any time during the period between conception and birth of the child
- By establishment of paternity in another state or foreign country in any manner provided for by the laws of that jurisdiction

If the mother was married at the time of conception, birth, or at any time during the period between conception and birth of the child to an individual other than the person admitting paternity, the individual to whom the mother was married at the time of conception, birth, or at any time during the period between conception and birth must deny paternity in order to establish the paternity of the person admitting paternity upon the sole basis of the admission. If the mother was married at the time of conception, birth, or at any time during the period between conception and birth of the child, an affidavit of paternity may not be registered unless a court of competent jurisdiction has determined that the individual to whom the mother was married at that time is not the father of the child.

In a proceeding to establish paternity, court may on its own motion, and upon request of a party shall, require the child, mother, and alleged father to submit to blood or genetic tests. If the test results show that the alleged father is not excluded and that the probability of the alleged father's paternity is 95 percent or higher, there shall be a rebuttable presumption that the alleged father is the father.

Required Information**Citation: Ann. Stat. §§ 144.12A; 252A.3A**

A person who files a declaration of paternity with the registrar shall include in the declaration all of the following:

- His name, current address, Social Security number, and any other identifying information requested by the department
- The name, last known address, and Social Security number, if known, of the mother of the child, or any other identifying information requested by the department
- The name of the child, if known, and the date and location of the birth of the child, if known

The registrar shall accept a declaration of paternity filed in accordance with this section and forward a copy of the declaration to the mother as notification that the person has registered with the registry.

A completed affidavit of paternity shall contain all of the following:

- A statement by the mother consenting to the assertion of paternity and the identity of the father and acknowledging either of the following:
 - » That the mother was unmarried at the time of conception, birth, and at any time during the period between conception and birth of the child
 - » That the mother was married at the time of conception, birth, or at any time during the period between conception and birth of the child, and that a court order has ruled that the individual to whom the mother was married at that time is not the father of the child
- A statement from the putative father that he is the father of the child
- The name of the child at birth and the child's birth date
- The signatures of the mother and putative father
- The Social Security numbers of the mother and putative father
- The addresses of the mother and putative father, as available
- The signature of a notary public attesting to the identities of the parties signing the affidavit

Revocation of Claim to Paternity**Citation: Ann. Stat. §§ 144.12A; 252A.3A**

Information provided to the registry may be revoked by the registrant by submission of a written statement signed and acknowledged by the registrant before a notary public, as provided in chapter 9B. The statement shall include a declaration that to the best of the registrant's knowledge, the registrant is not the father of the named child or that paternity of the true father has been established.

Revocation nullifies the registration and the information provided by the registrant shall be expunged. Revocation is effective only following the birth of the child.

An affidavit of paternity may be rescinded by a completed and notarized rescission form signed by either the mother or putative father stating that the putative father is not the father of the child. The form shall be filed with the state registrar prior to the earlier of the following:

- Sixty days after the latest notarized signature of the mother or putative father on the affidavit of paternity
- Entry of a court order establishing paternity

Unless there is a court order that legally established paternity, upon registration of a timely rescission form, the State registrar shall remove the father's information from the certificate of birth.

If an affidavit of paternity has been rescinded, the state registrar shall not register any subsequent affidavit of paternity signed by the same mother and putative father relating to the same child.

Access to Information**Citation: Ann. Stat. § 144.12A**

The department shall, upon request, provide the name, address, Social Security number, and any other identifying information of a registrant to:

- The biological mother of the child
- A court
- The Department of Human Services
- The attorney of any party to an adoption, termination of parental rights, or establishment of paternity or support action
- The child support recovery unit for an action to establish paternity or support

The information shall not be divulged to any other person and shall be considered a confidential record as to any other person, except upon order of the court for good cause shown. If the registry has not received a declaration of paternity, the department shall provide a written statement to that effect to the person making the inquiry.

Kansas

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Stat. §§ 23-2205; 23-2208

The term 'parent and child relationship' means the legal relationship existing between a child and the child's biological or adoptive parents on which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

A man is presumed to be the father of a child if:

- The man and the child's mother are, or have been, married to each other, and the child is born during the marriage or within 300 days after the marriage is terminated.
- Before the child's birth, the man and the child's mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is void or voidable, and:
 - » If the attempted marriage is voidable, the child is born during the attempted marriage or within 300 days after its termination.
 - » If the attempted marriage is void, the child is born within 300 days after the termination of cohabitation.
- After the child's birth, the man and the child's mother have married, or attempted to marry, each other by a marriage, although the attempted marriage is void or voidable, and:
 - » The man has acknowledged paternity of the child in writing.
 - » With the man's consent, he is named as the child's father on the child's birth certificate.
 - » The man is obligated to support the child under a written voluntary promise or by a court order.
- The man notoriously or in writing recognizes paternity of the child, including, but not limited to, a voluntary acknowledgment.
- Genetic test results indicate a probability of 97 percent or greater that the man is the father of the child.
- The man has a duty to support the child under an order of support regardless of whether the man has ever been married to the child's mother.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Ann. Stat. §§ 23-2204; 23-2209

The State Registrar of Vital Statistics, in conjunction with the Department of Children and Families, shall review and, as needed, revise acknowledgment of paternity forms for use under §§ 23-2223 and 65-2409a. The acknowledgment of paternity forms shall include or have attached a written description of the rights and responsibilities of acknowledging paternity.

The written description of the rights and responsibilities of acknowledging paternity shall include the statement that an acknowledgment of paternity creates a permanent father and child relationship that can only be ended by court order.

A child, or any person on behalf of a child, may bring an action:

- At any time to determine the existence of a father and child relationship presumed under § 23-2208
- At any time until 3 years after the child reaches the age of majority to determine the existence of a father and child relationship that is not presumed under § 23-2208

When authorized under § 39-755 or 39-756, the department may bring an action at any time during a child's minority to determine the existence of the father and child relationship. Any agreement between an alleged or presumed father and the mother or child does not bar an action under this section.

Required Information

This issue is not addressed in the statutes reviewed.

Revocation of Claim to Paternity

Citation: Ann. Stat. § 23-2209

If an acknowledgment of paternity pursuant to § 23-2204 has been completed, the man named as the father, the mother, or the child may bring an action to revoke the acknowledgment of paternity at any time up to 1 year after the child's date of birth. The legal responsibilities, including any child support obligation, of any signatory arising from the acknowledgment of paternity shall not be suspended during the action, except for good cause shown.

If the person bringing the action was a minor at the time the acknowledgment of paternity was completed, the action to revoke the acknowledgment of paternity may be brought at any time up to 1 year after that person attains age 18, unless the court finds that the child is more than 1 year of age and that revocation of the acknowledgment of paternity is not in the child's best interests.

The person requesting revocation must show, and shall have the burden of proving, that the acknowledgment of paternity was based upon fraud, duress, or material mistake of fact unless the action to revoke the acknowledgment of paternity is filed before the earlier of 60 days after completion of the acknowledgment of paternity or the date of a proceeding relating to the child in which the signatory is a party, including, but not limited to, a proceeding to establish a support order.

If an acknowledgment of paternity has been revoked, it shall not give rise to a presumption of paternity pursuant to § 23-2208. Nothing in this subsection shall prevent a court from admitting a revoked acknowledgment of paternity into evidence for any other purpose.

Access to Information

Citation: Ann. Stat. § 23-2204

Upon request, the state registrar shall provide a certified copy of the acknowledgment of paternity to an office providing title IV-D program services.

Kentucky

Current Through August 2017

Legal Definition of 'Father'

Citation: Rev. Stat. §§ 205.710; 625.065

A 'parent' is a biological or adoptive mother, a father of a child born in wedlock, or a father of a child born out of wedlock if paternity has been established in a judicial proceeding or in any manner consistent with the laws of this or any other state.

The putative father of a child shall be made a party and brought before the circuit court in the same manner as any other party to an involuntary termination action if one of the following conditions exists:

- He is known and voluntarily identified by the mother in an affidavit.
- Prior to the entry of a final order in a termination proceeding, he shall have acknowledged the child as his own by affirmatively asserting paternity in the action or to the custodial agency or the party bringing the action within 60 days after the birth of the child.
- He has caused his name to be affixed to the birth certificate of the child.
- He has commenced a judicial proceeding claiming parental right.
- He has contributed financially to the support of the child, either by paying the medical or hospital bills associated with the birth of the child or financially contributing to the child's support.
- He has married the mother of the child or has lived openly or is living openly with the child or the person designated on the birth certificate as the biological mother of the child.

Any person to whom none of the above conditions apply shall be deemed to have no parental rights to the child in question.

Paternity Registry

Citation: Rev. Stat. §§ 213.046; 406.025

When a birth occurs in a hospital to a woman who is unmarried, the person in charge of the hospital or that person's designated representative shall immediately before or after the birth of a child, except when the mother or the alleged father is a minor:

- Provide written materials and information concerning genetic paternity testing
- Require that a voluntary acknowledgment of paternity, obtained through the hospital-based program, be signed by both parents and be authenticated by a notary public if the parents wish to acknowledge paternity

If the mother or the alleged father is a minor, the paternity determination shall be conducted pursuant to Chapter 406.

The voluntary acknowledgment-of-paternity forms designated by the Vital Statistics Branch shall be the only documents having the same weight and authority as a judgment of paternity.

When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

- The physician in attendance at or immediately after the birth
- Any other person in attendance at or immediately after the birth
- The father or mother
- The person in charge of the premises where the birth occurred or of the institution to which the child was admitted following the birth

Upon completion of a signed, notarized, voluntary acknowledgment-of-paternity affidavit by the mother and alleged father that has been submitted to the State Registrar of Vital Statistics, paternity shall be rebuttably presumed for the earlier of 60 days or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a child support order.

Alternate Means to Establish Paternity

Citation: Rev. Stat. §§ 406.021; 406.091; 406.111

Paternity may be determined upon the complaint of the mother, putative father, child, person, or agency substantially contributing to the support of the child. Paternity may be determined by the district court when the mother and father of the child do either of the following:

- Submit affidavits in which the mother states the name and Social Security number of the child's father and the father admits paternity of the child
- Give testimony before the district court in which the mother states the name and Social Security number of the child's father and the father admits paternity of the child

Voluntary acknowledgment of paternity pursuant to § 213.046 shall create a rebuttable presumption of paternity.

In a contested paternity case, the child and all other parties shall submit to genetic testing upon a request of any such party which shall be supported by a sworn statement of the party, except for good cause. Genetic test results are admissible and shall be weighed along with other evidence of the alleged father's paternity.

If the court finds that the conclusions of all the experts, as supported by the evidence based upon the tests, are that the alleged father is not the father of the child, the question of paternity shall be resolved accordingly. If the court finds that the statistical probability of paternity equals or exceeds 99 percent, there is a rebuttable presumption of paternity.

Required Information

This issue is not addressed in the statutes reviewed.

Revocation of Claim to Paternity

This issue is not addressed in the statutes reviewed.

Access to Information

Citation: Rev. Stat. § 406.035

If paternity has been determined under the provisions § of 406.021(1) or (2), the court shall make a written order of paternity.

Information concerning this action shall not be published or be open for public inspection, including where the cabinet determines reasonable evidence of domestic violence or child abuse, if the disclosure of the information could be harmful to the custodial parent or the child of the parent.

Such orders are to be kept separately and shall not be open for public inspection except that they may be inspected by:

- Employees of government agencies in the performance of their duties
- All law enforcement agencies, including county attorneys, commonwealth attorneys, district and circuit judges, and anyone else under order of the court expressly permitting inspection
- Either party to an action or attorneys of a party to an action

Louisiana

Current Through August 2017

Legal Definition of 'Father'

Citation: Children's Code Art. 116

A 'parent' is any living person who is presumed to be a parent under the Civil Code or a biological or adoptive mother or father of a child.

Paternity Registry

Citation: Rev. Stat. § 9:400

The Department of Health and Hospitals, Office of Public Health, shall establish a putative father registry that shall record the names and addresses of the following:

- Any person adjudicated by a court of this state to be the father of the child
- Any person adjudicated by a court of another state or territory of the United States to be the father of an out-of-wedlock child, where a certified copy of the court order has been filed with the registry by such person or any other person
- Any person who has filed with the registry an acknowledgment by authentic act
- Any person who has filed with the registry a judgment of filiation rendered by a court that recognizes a father as having, either formally or informally, acknowledged a child born outside of marriage and in which the father is adjudged the parent of the child

Alternate Means to Establish Paternity

Citation: Rev. Stat. §§ 9:392; 9:407

Prior to the execution of an acknowledgment of paternity, the notary shall apprise in writing and orally, which may include directing them to video or audio presentations, the mother and alleged father making the acknowledgment of the following:

- Either party has the right to request a genetic test to determine if the alleged father is the biological father of the child.
- The alleged father has the right to consult an attorney before signing an acknowledgment of paternity.
- If the alleged father does not acknowledge the child, the mother has the right to file a paternity suit to establish paternity.
- After the alleged father signs an acknowledgment of paternity, he has the right to pursue visitation with the child and the right to petition for custody.
- Once an acknowledgment of paternity is signed, the father may be obligated to provide support for the child.
- Once an acknowledgment of paternity is signed, the child will have inheritance rights and any rights afforded children born in wedlock.

The court vested with jurisdiction may provide, by local rule, that proof may be submitted by affidavit in uncontested proceedings to establish paternity.

Required Information

Citation: Rev. Stat. §§ 9:400; 9:392

A person filing a declaration to claim paternity of a child or an acknowledgment of paternity shall include therein his current address and shall notify the registry of any change of address.

An acknowledgment of a child born outside of marriage shall include the Social Security numbers of the father and mother, and, in accordance with the provisions of 42 U.S.C. 652(a)(7), shall include all minimum requirements specified by the Secretary of the U.S. Department of Health and Human Services. Failure to recite a party's Social Security number as required herein shall not affect the validity of the declaration.

Revocation of Claim to Paternity

Citation: Rev. Stat. § 9:392

An alleged father who executed an authentic act of acknowledgment may revoke the act, without cause, before the earlier of the following:

- Sixty days after the signing of the act, in a judicial hearing for the limited purpose of revoking the acknowledgment
- A judicial hearing relating to the child, including a child support proceeding, wherein the alleged father who executed the authentic act of acknowledgment is a party to the proceeding

Thereafter, the acknowledgment of paternity may be voided only upon proof, by clear and convincing evidence, that such act was induced by fraud, duress, material mistake of fact, or error, or that the alleged father who executed the authentic act of acknowledgment is not the biological father.

Access to Information

Citation: Rev. Stat. § 9:400

The Department of Health and Hospitals shall, upon request, provide the names and addresses of persons listed with the registry to any court or authorized agency. Such information shall not be divulged to any other person, except upon order of a court for good cause shown.

Maine

Current Through August 2017

Legal Definition of 'Father'

Citation: Rev. Stat. Tit. 18-A, § 9-102; Tit. 19-A, §§ 1832; 1881

The following terms have the following meanings:

- 'Parent' means a person who:
 - » Has established a parent-child relationship with the child under title 19-A, chapter 61
 - » When no person with an established a parent-child relationship exists, is the legal guardian of the child
- 'Putative father' means a man who is the alleged biological father of a child but whose paternity has not been legally established.
- 'Acknowledged father' means a man who has established parentage under title 19-A, chapter 61, subchapter 3.
- 'Adjudicated parent' means a person who has been adjudicated by a court of competent jurisdiction to be the parent of a child.

A person is presumed to be the parent of a child if:

- The person and the woman giving birth to the child are married to each other and the child is born during the marriage.
- The person and the woman giving birth to the child were married to each other and the child is born within 300 days after the marriage is terminated by death, annulment, divorce, decree of separation, or declaration of invalidity.
- Before the birth of the child, the person and the woman giving birth to the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300 days after its termination by death, annulment, divorce, separation, or declaration of invalidity.

The marital presumption applies to a legal relationship that provides substantially the same rights, benefits, and responsibilities as marriage and is recognized as valid in the state or jurisdiction in which it was entered.

A person is presumed to be a parent of a child if the person resided in the same household with the child and openly held out the child as that person's own from the time the child was born or adopted and for a period of at least 2 years thereafter and assumed personal, financial, or custodial responsibilities for the child.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Rev. Stat. Tit. 18-A, § 9-201; Tit. 19-A, §§ 1861; 1862; 1864; 1865

When the mother of a child born out of wedlock wishes to consent to the adoption of the child and the putative father has not consented or waived his right to notice, the mother must file an affidavit of paternity with the court so that the judge may determine how to give notice of the proceedings to the putative father of the child.

After notice has been given, the putative father who claims that he is in fact the biological father of the child has 20 days to petition the court to grant him parental rights. If, after a hearing, the judge finds that the putative father is the biological father, that he is willing and able to take responsibility for the child, and that it is in the best interests of the child, the judge shall declare the putative father the child's parent with all the attendant rights and responsibilities.

The woman who gives birth to a child and a man, not her spouse, who claims to be the genetic father of the child may sign an acknowledgment of paternity with intent to establish paternity. Before the birth mother or alleged father may sign an acknowledgment of paternity, the birth mother and the putative father must be given oral and written notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment.

A man who is a presumed parent may sign or otherwise authenticate an acknowledgment of paternity in accordance with the requirements of this subchapter. An acknowledgment of paternity must be filed with the State Registrar of Vital Statistics and takes effect on the filing of the document with the state registrar.

An acknowledgment of paternity signed by a minor is valid if it is otherwise in compliance with this chapter.

A valid acknowledgment of paternity filed with the state registrar is equivalent to an adjudication of parentage of a child and confers upon the acknowledged father all of the rights and duties of a parent.

Required Information

Citation: Rev. Stat. Tit. 19-A, § 1862

An acknowledgment of paternity under § 1861 must include all of the following:

- Be in a record
- Be signed, or otherwise authenticated, under penalty of perjury by the woman giving birth and by the man seeking to establish his paternity
- Provide answers about both of the following:
 - » There is no other presumed parent of the child or, if there is another presumed parent, state that parent's full name.
 - » There is no other acknowledged father and no adjudicated parent of the child other than the woman giving birth.
- State whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the testing
- State that the man signing the acknowledgment believes himself to be the biological father
- State that the signatories understand that the acknowledgment is the equivalent of a court determination of paternity of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after 2 years

Revocation of Claim to Paternity

Citation: Rev. Stat. Tit. 19-A, §§ 1867; 1868; 1869

A signatory may rescind an acknowledgment of paternity by commencing a proceeding to rescind before the earlier of:

- Sixty days after the effective date of the acknowledgment or denial
- The date of the first hearing in a proceeding to which the signatory is a party before a court to adjudicate an issue relating to the child, including a proceeding seeking child support

After the period for rescission has expired, a signatory of an acknowledgment of paternity may commence a proceeding to challenge the acknowledgment only on the basis of fraud, duress, or material mistake of fact and within 2 years after the acknowledgment is filed with the state registrar.

Every signatory to an acknowledgment of paternity must be made a party to a proceeding to rescind the acknowledgment. Except for good cause shown, during the pendency of a proceeding to rescind an acknowledgment of paternity, the court may not suspend the legal responsibilities of a signatory arising from the acknowledgment, including the duty to pay child support. At the conclusion of the proceeding, the court shall order the state registrar to amend the birth record of the child, if appropriate.

Access to Information

Citation: Rev. Stat. Tit. 19-A, § 1872; Tit. 22, § 2706

The state registrar may release information relating to an acknowledgment of paternity under § 1861 as provided in title 22, § 2706. Custodians of certificates and records of birth, marriage, and death shall permit inspection of records, or issue certified or noncertified copies of certificates or records, or any parts thereof, when satisfied that the applicant has a direct and legitimate interest in the matter recorded. The decision of the state registrar or the clerk of a municipality is subject to review by the superior court, under the limitations of this section.

Maryland

Current Through August 2017

Legal Definition of 'Father'

Citation: Est. and Trusts § 1-208

A child born to parents who have not participated in a marriage ceremony with each other shall be considered to be the child of his or her mother. A child born to parents who have not participated in a marriage ceremony with each other shall be considered to be the child of his or her father only if the father:

- Has been judicially determined to be the father in an action brought under the statutes relating to paternity proceedings
- Has acknowledged himself, in writing, to be the father
- Has openly and notoriously recognized the child to be his child
- Has subsequently married the mother and has acknowledged himself, orally or in writing, to be the father

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Family Law §§ 5-1028; 5-1029

An unmarried father and mother shall be provided an opportunity to execute an affidavit of parentage in the manner provided under § 4-208 of the Health-General Article. The affidavit shall be completed on a standardized form developed by the Department of Human Services. An executed affidavit of parentage constitutes a legal finding of paternity.

On the motion of the Child Support Administration, a party to the proceeding, or on its own motion, the court shall order the mother, child, and alleged father to submit to blood or genetic tests to determine whether the alleged father can be excluded as being the father of the child. The laboratory report of the blood or genetic test shall be received in evidence if:

- Definite exclusion is established.
- The testing is sufficiently extensive to exclude 97.3 percent of alleged fathers who are not biological fathers, and the statistical probability of the alleged father's paternity is at least 97.3 percent.

A laboratory report received into evidence establishing a statistical probability of the alleged father's paternity of at least 99 percent constitutes a rebuttable presumption of his paternity.

Required Information

Citation: Family Law § 5-1028(c)

The completed affidavit of parentage form shall contain:

- A statement that the affidavit is a legal document and constitutes a legal finding of paternity
- The full name, and place and date of birth of the child
- The full name of the attesting father of the child
- The full name of the attesting mother of the child
- The signatures of the father and the mother of the child attesting, under penalty of perjury, that the information provided on the affidavit is true and correct
- A statement by the mother consenting to the assertion of paternity and acknowledging that her cosignatory is the only possible father
- A statement by the father that he is the natural father of the child
- The Social Security numbers of the parents

Before completing an affidavit of parentage form, the unmarried mother and the father shall be advised orally and in writing of the legal consequences of executing the affidavit and of the benefit of seeking legal counsel.

Revocation of Claim to Paternity

Citation: Family Law § 5-1028

An executed affidavit of parentage is subject to the right of any signatory to rescind the affidavit:

- In writing within 60 days after execution of the affidavit
- In a judicial proceeding relating to the child in which the signatory is a party and that occurs before the expiration of the 60-day period

After the expiration of the 60-day period, an executed affidavit of parentage may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the challenger. The legal responsibilities of any signatory arising from the affidavit, including child support obligations, may not be suspended during the challenge, except for good cause shown.

Access to Information

This issue is not addressed in the statutes reviewed.

Massachusetts

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Laws Ch. 209C, § 6

A man is presumed to be the father of a child if:

- He is or has been married to the mother and the child was born during the marriage, or within 300 days after the marriage was terminated by death, annulment, or divorce.
- Before the child's birth, he married or attempted to marry the mother, although the attempted marriage is or could be declared invalid, and the child was born during the attempted marriage or within 300 days after its termination.
- After the child's birth, he married or attempted to marry the mother, although the attempted marriage is or could be declared invalid, and:
 - » He agreed to support the child under a written voluntary promise.
 - » He engaged in any other conduct that can be construed as an acknowledgment of paternity.
- While the child is under the age of majority, he, jointly with the mother, received the child into their home and openly held out the child as their child.
- He has acknowledged paternity in a parental responsibility claim, and the mother, having received actual notice thereof, has failed within a reasonable time to object thereto.
- With respect to a child born before April 13, 1994, with his consent and the consent of the child's mother, he is named as the child's father on the birth certificate as provided in chapter 46, § 1.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Ann. Laws Ch. 209C, §§ 2 and 11; Ch. 210, § 4A

Paternity may be established by filing an acknowledgment of parentage executed by both parents or pursuant to a court action to establish paternity with the court or the Registrar of Vital Records and Statistics. Upon receipt of an acknowledgment of parentage or upon an adjudication of paternity, the court shall transmit a certified copy of the acknowledgment or order establishing paternity to the Registrar of Vital Records and Statistics.

A written voluntary acknowledgment of parentage executed jointly by the putative father, whether a minor or not, and the mother of the child, whether a minor or not, and filed with the Registrar of Vital Records and Statistics or with the court shall be recognized as a sufficient basis for seeking an order of support, visitation, or custody with respect to the child without further proceedings to establish paternity, and no judicial proceeding shall be required or permitted to ratify an acknowledgment that has not been challenged.

A putative father may also establish the right to receive notice of the child's surrender for adoption by filing a declaration seeking to assert the responsibilities of fatherhood, hereinafter called a parental responsibility claim. Such filing shall constitute an acknowledgment and admission of paternity.

Required Information

Citation: Ann. Laws Ch. 209C, §§ 2 and 11

An adjudication of paternity or acknowledgment of paternity shall include:

- The name, residence, date of birth, place of birth, and Social Security number of each of the parties and the child
- The sex of the child
- Such additional information as the Commissioner of Public Health deems useful for statistical and research purposes

Voluntary acknowledgments of parentage shall be acknowledged in the presence of a notary public and shall include:

- The residence addresses and Social Security numbers of each of the parents
- The residence address of the child
- If available, the Social Security number of the child

Revocation of Claim to Paternity

Citation: Ann. Laws Ch. 209C, § 11

Unless either signatory rescinds the voluntary acknowledgment of parentage within 60 days of the date of signing, the acknowledgment shall establish paternity as of the date it has been signed by such putative father and mother and shall have the same force and effect as a judgment of paternity, subject to challenge within 1 year only on the basis of fraud, duress, or material mistake of fact. The person seeking to rescind the acknowledgment shall bear the burden of proof in such proceeding. The responsibilities of a signatory arising from the acknowledgment shall not be suspended during the pendency of such challenge unless the court so orders for good cause shown.

Access to Information

Citation: Ann. Laws Ch. 209C, § 13; Ch. 210, § 4A

In an action to establish paternity, all complaints, pleadings, papers, documents, or reports shall be segregated and unavailable for inspection only if the judge of the court where such records are kept, for good cause shown, so orders or the person alleged to be the father is adjudicated not to be the father of the child.

Access may be granted to the following:

- The child, the child's mother, or the person adjudicated to be the father
- The Department of Transitional Assistance
- The Department of Children and Families, the Division of Medical Assistance, or any other public assistance program
- The IV-D agency when the child who is or was the subject of the complaint is a recipient of public assistance
- The attorney for any of them and the Department of Children and Families when the child is within the care and protection of the department, is the subject of a petition for care or protection, or is the subject of a petition to dispense with consent for adoption

The department shall send notice of the filing of a parental responsibility claim to the mother.

Michigan

Current Through August 2017

Legal Definition of 'Father'

Citation: Comp. Laws §§ 722.1002; 722.1003

A 'father' is the man who signs an acknowledgment of parentage of a child.

If a child is born out of wedlock, a man is considered to be the natural father of that child if the man joins with the mother of the child and acknowledges that child as his child by completing a form that is an acknowledgment of parentage.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Comp. Laws §§ 710.33; 722.1003; 722.1467; 722.1469

Before the birth of a child born out of wedlock, a person claiming under oath to be the father of the child may file a verified notice of intent to claim paternity with the court in any county of this state. A person filing a notice of intent to claim paternity shall be presumed to be the father of the child unless the mother denies that the claimant is the father. A person who timely files a notice of intent to claim paternity shall be entitled to notice of any hearing involving that child to determine the identity of the father of the child and any hearing to determine or terminate his paternal rights to the child.

If a child is born out of wedlock, a man is considered to be the natural father of that child if the man joins with the mother of the child and acknowledges that child as his child by completing a form that is an acknowledgment of parentage. An acknowledgment of parentage form is valid and effective if signed by the mother and father and those signatures are each notarized by a notary public or witnessed by one disinterested, legally competent adult. An acknowledgment may be signed any time during the child's lifetime.

A man is considered to be the biological father of a child if the results of genetic testing determine that the probability of paternity is 99 percent or higher. Genetic testing that determines the man is the biological father of a child may be the basis for court-ordered child support, custody, or parenting time without further adjudication under the paternity act. The child who is the subject of the genetic testing has the same relationship to the mother and the man determined to be the biological father as a child born or conceived during a marriage and has identical status, rights, and duties of a child born in lawful wedlock effective from birth.

Required Information

Citation: Comp. Laws §§ 710.33; 722.1003; 722.1007

The notice of intent to claim paternity shall include the claimant's address.

The witness to an acknowledgment of parentage must sign and date the acknowledgment of parentage form and provide his or her printed name, address, and place of employment.

The acknowledgment of parentage form shall include at least all of the following written notices to the parties:

- The acknowledgment of parentage is a legal document.
- Completion of the acknowledgment is voluntary.
- The mother has initial custody of the child, without prejudice to the determination of either parent's custodial rights, until otherwise determined by the court or agreed by the parties in writing and acknowledged by the court. This grant of initial custody to the mother shall not, by itself, affect the rights of either parent in a proceeding to seek a court order for custody or parenting time.
- Either parent may assert a claim in court for parenting time or custody.
- The parents have a right to notice and a hearing regarding the adoption of the child.
- Both parents have the responsibility to support the child and to comply with a court or administrative order for the child's support.
- Notice that signing the acknowledgment waives the following:
 - » Blood or genetic tests to determine if the man is the biological father of the child
 - » Any right to an attorney, including the prosecuting attorney or an attorney appointed by the court in the case of indigency, to represent either party in a court action to determine if the man is the biological father of the child
 - » A trial to determine if the man is the biological father of the child
- That in order to revoke an acknowledgment of parentage, an individual must file a claim as provided under the revocation of paternity act.

Revocation of Claim to Paternity

Citation: Comp. Laws § 722.1437

The mother, the acknowledged father, an alleged father, or a prosecuting attorney may file an action for revocation of an acknowledgment of parentage. An action shall be filed within 3 years after the child's birth or within 1 year after the date that the acknowledgment of parentage was signed, whichever is later.

An action for revocation shall be supported by an affidavit signed by the person filing the action that states facts that constitute one of the following:

- Mistake of fact
- Newly discovered evidence that by due diligence could not have been found before the acknowledgment was signed
- Fraud
- Misrepresentation or misconduct
- Duress in signing the acknowledgment

If the court in an action for revocation finds that an affidavit is sufficient, the court shall order blood or tissue typing or DNA identification profiling as required under § 722.1443(5). The person filing the action has the burden of proving, by clear and convincing evidence, that the acknowledged father is not the father of the child.

The clerk of the court shall forward a copy of an order of revocation entered under this section to the state registrar. The state registrar shall vacate the acknowledgment of parentage and may amend the birth certificate as prescribed by the order of revocation.

Access to Information**Citation: Comp. Laws §§ 710.33; 722.1003**

If the mother's address is stated on the notice of intent to claim paternity, the vital records division shall send a copy of the notice by first-class mail to the mother of the child at the stated address.

The mother and father shall be provided a copy of the completed acknowledgment of parentage at the time of signing.

Minnesota*Current Through August 2017***Legal Definition of 'Father'****Citation: Ann. Stat. §§ 257.52; 257.55**

The term 'parent and child relationship' means the legal relationship existing between a child and the child's biological or adoptive parents on which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

A man is presumed to be the biological father of a child if:

- He and the child's biological mother are or have been married to each other and the child is born during the marriage or within 280 days after the marriage is terminated.
- Before the child's birth, he and the child's biological mother have attempted to marry each other, although the attempted marriage is or could be declared invalid, and:
 - » If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 280 days after its termination.
 - » If the attempted marriage is invalid without a court order, the child is born within 280 days after the termination of cohabitation.
- After the child's birth, he and the child's biological mother have married or attempted to marry, although the attempted marriage is or could be declared invalid, and:
 - » He has acknowledged his paternity of the child in writing filed with the State Registrar of Vital Statistics.
 - » With his consent, he is named as the child's father on the child's birth record.
 - » He is obligated to support the child under a written voluntary promise or by court order.
- While the child is under the age of majority, he receives the child into his home and openly holds out the child as his biological child.
- He and the child's mother acknowledge his paternity of the child in a writing that is signed by both of them and filed with the state registrar.

Paternity Registry**Citation: Ann. Stat. § 259.52**

The Commissioner of Health shall establish a fathers' adoption registry for the purpose of determining the identity and location of a putative father interested in a minor child who is, or is expected to be, the subject of an adoption proceeding in order to provide notice of the adoption proceeding to the putative father who is not otherwise entitled to notice.

Alternate Means to Establish Paternity**Citation: Ann. Stat. §§ 257.57; 257.62**

A child, the child's biological mother, or a man presumed to be the child's father may bring an action:

- At any time for the purpose of declaring the existence of the father and child relationship
- For the purpose of declaring the nonexistence of the father and child relationship, only if the action is brought within 2 years after the person bringing the action has reason to believe that the presumed father is not the father of the child, but in no event later than 3 years after the child's birth

The child, the mother, personal representative of the child, the public authority chargeable by law with the support of the child, or a man alleged or alleging himself to be the father may bring an action for the purpose of declaring the nonexistence of the father and child relationship if the action is brought:

- Within 6 months after the person bringing the action obtains the results of blood or genetic tests that indicate that the presumed father is not the father of the child
- Within 3 years after the party bringing the action has been provided the blood or genetic test results
- By the minor signatory within 6 months after the minor signatory reaches age 18

The court may, and upon request of a party shall, require the child, mother, or alleged father to submit to blood or genetic tests. A mother or alleged father requesting the tests shall file with the court an affidavit either alleging or denying paternity and setting forth facts that establish the reasonable possibility that there was, or was not, the requisite sexual contact between the parties.

If the results of blood or genetic tests indicate that likelihood of the alleged father's paternity is 99 percent or greater, there is an evidentiary presumption that the alleged father is the biological father. A determination that the alleged father is the biological father does not preclude the adjudication of another man as the legal father.

Required Information

Citation: Ann. Stat. § 259.52

The fathers' adoption registry must contain the following information:

- With respect to the putative father:
 - » His name, including any other names by which he may be known
 - » The address at which he may be served with notice of a petition, including any change of address
 - » His Social Security number, if known
 - » His date of birth
 - » If applicable, a certified copy of an order by a court of another state or territory of the United States adjudicating the putative father to be the father of this child
- With respect to the mother of the child:
 - » Her name, including all other names known to the putative father by which the mother may be known
 - » If known to the putative father, her last address
 - » Her Social Security number, if known
 - » Her date of birth
- If known to the putative father, the name, gender, place of birth, and date of birth or anticipated date of birth of the child
- The date that the Commissioner of Health received the putative father's registration
- Other information the Commissioner of Health determines by rule to be necessary for the orderly administration of the registry

Revocation of Claim to Paternity

Citation: Ann. Stat. § 257.57, Subd. 2

A man alleged or alleging himself to be the father may bring an action for the purpose of declaring the nonexistence of the presumed father and child relationship only if the action is brought within 6 months after the person bringing the action obtains the results of blood or genetic tests that indicate that the presumed father is not the father of the child.

Access to Information

Citation: Ann. Stat. § 259.52

The Commissioner of Health shall notify the mother of the child whenever a putative father has registered with the father's adoption registry. Notice shall be sent to the name and address submitted by the putative father.

Data in the fathers' adoption registry, including all data provided in requesting the search of the registry, are private data on individuals and are nonpublic data. Data in the registry may be released to:

- A person who is required to search the registry if the data relate to the child who is or may be the subject of the adoption petition
- The mother of the child listed on the putative father's registration form
- A public authority responsible for child support enforcement
- An attorney who has signed an affidavit from the Commissioner of Health attesting that the attorney represents the birth mother or the prospective adoptive parents

Mississippi

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Code § 43-21-105

A 'parent' is the father or mother to whom the child has been born, or the father or mother by whom the child has been legally adopted.

Paternity Registry

Citation: Ann. Code § 93-9-28

The Mississippi State Department of Health in cooperation with the Mississippi Department of Human Services shall develop a form and procedure that may be used to secure a voluntary acknowledgment of paternity from the mother and father of any child born out of wedlock in Mississippi.

The form shall clearly state on its face that the execution of the acknowledgment of paternity shall result in the same legal effect as if the father and mother had been married at the time of the birth of the child. The form shall also clearly indicate the right of the alleged father to request genetic testing through the Department of Human Services within 1 year and shall state the adverse effects and ramifications of not availing himself of this one-time opportunity to definitively establish the paternity of the child. When such form has been completed according to the established procedure and the signatures of both the mother and father have been notarized, then such voluntary acknowledgment shall constitute a full determination of the legal parentage of the child.

The completed voluntary acknowledgment of paternity shall be filed with the Bureau of Vital Statistics of the Department of Health. The name of the father shall be entered on the certificate of birth upon receipt of the completed voluntary acknowledgment.

Upon the birth of a child out of wedlock, the hospital, birthing center, midwife, or other birth attendant shall provide an opportunity for the child's mother and natural father to complete an acknowledgment of paternity by giving the mother and natural father the appropriate forms and information.

Alternate Means to Establish Paternity

Citation: Ann. Code § 93-17-6

Any person who is alleged or claiming to be the father of a child born out of wedlock who is proposed for adoption or any person who has been determined to be an alleged father by any administrative or judicial procedure may file a petition for determination of rights as a preliminary pleading to a petition for adoption in any court that would have jurisdiction and venue of an adoption proceeding. A petition for determination of rights may be filed at any time 30 days after the birth of the child.

The sole matter for determination under a petition for determination of rights is whether the alleged father is the natural father of the child based on Mississippi law governing paternity or other relevant evidence. If the court determines that the alleged father is not the natural father of the child, he shall have no right to object to an adoption under § 93-17-7.

If the court determines that the alleged father is the child's natural father and that he objects to the child's adoption, the court shall stay the adoption proceedings to allow the filing of a petition to determine whether the father's parental rights should be terminated pursuant to § 93-15-119 or other applicable provision of the Mississippi Termination of Parental Rights Law.

Required Information

Citation: Ann. Code § 93-9-28

The departments shall provide for obtaining the Social Security numbers of both the father and mother on voluntary acknowledgments.

Revocation of Claim to Paternity

Citation: Ann. Code § 93-9-28

A signed voluntary acknowledgment of paternity is subject to any signatory's right to rescind the acknowledgment within the earlier of:

- One year
- The date of a judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party

After the expiration of the 1-year period, a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger. The legal responsibilities of any signatory arising from the acknowledgment, including child support obligations, may not be suspended during the pendency of the challenge, except for good cause shown.

During the 1-year time period, the alleged father may request genetic testing through the Department of Human Services. The 1-year time limit for the right of the alleged father to rescind the signed voluntary acknowledgement of paternity shall be tolled from the date the alleged father files his formal application for genetic testing with the Department of Human Services until the date the test results are revealed to the alleged father by the department.

Access to Information

This issue is not addressed in the statutes reviewed.

Missouri

Current Through August 2017

Legal Definition of 'Father'

Citation: Rev. Stat. §§ 210.817; 210.822

The term 'parent and child relationship' means the legal relationship existing between a child and his or her natural or adoptive parents on which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

A man shall be presumed to be the natural father of a child if:

- He and the child's natural mother are or have been married to each other and the child is born during the marriage or within 300 days after the marriage is terminated.
- Before the child's birth, he and the child's natural mother have attempted to marry each other, although the attempted marriage is or may be declared invalid, and:
 - » If the attempted marriage may be declared invalid only by a court, the child is born during the attempted marriage or within 300 days after its termination.
 - » If the marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation.
- After the child's birth, he and the child's natural mother have married or attempted to marry each other, although the marriage is or may be declared invalid, and:
 - » He has acknowledged his paternity of the child in writing filed with the bureau.
 - » With his consent, he is named as the child's father on the child's birth certificate.
 - » He is obligated to support the child pursuant to a written voluntary promise or by court order.
- An expert concludes that the blood tests show that the alleged parent is not excluded and that the probability of paternity is 98 percent or higher, using a prior probability of 0.5.

Paternity Registry

Citation: Rev. Stat. § 192.016

The Department of Health and Senior Services shall establish a putative father registry that shall record the names and addresses of:

- Any person adjudicated by a court of this state to be the father of a child born out of wedlock
- Any person who has filed a notice of intent to claim paternity of the child with the registry before or after the birth of a child out of wedlock
- Any person adjudicated by a court of another state or territory of the United States to be the father of an out-of-wedlock child, where a certified copy of the court order has been filed with the registry by such person or any other person

An unrevoked notice of intent to claim paternity of a child may be introduced in evidence by any party other than the person who filed such notice in any proceeding in which such fact may be relevant.

Lack of knowledge of the pregnancy does not excuse the failure to file a claim of paternity in a timely manner pursuant to § 453.030. Failure to file in a timely manner shall result in the forfeiture of a man's right to withhold consent to an adoption proceeding unless:

- The person was led to believe through the mother's misrepresentation or fraud that:
 - » The mother was not pregnant, when in fact she was.
 - » The pregnancy was terminated, when in fact the baby was born.

- » After the birth, the child died, when in fact the child is alive.
- The person, upon the discovery of the misrepresentation or fraud, satisfied the requirements of § 453.030(3)(b) or (c) within 15 days of that discovery.

Alternate Means to Establish Paternity

Citation: Rev. Stat. §§ 210.826; 210.834

An action may be brought at any time for the purpose of declaring the existence or nonexistence of the father and child relationship presumed under § 210.822(1), by any of the following:

- A child
- The child's natural mother
- A man presumed to be the child's father
- A man alleging himself to be a father
- Any person having physical or legal custody of a child for a period of more than 60 days
- The Family Support Division

An action to determine the existence of the father and child relationship with respect to a child who has no presumed father may be brought by:

- The child
- The mother or the person who has legal custody of the child
- Any person having physical or legal custody of a child for a period of more than 60 days
- The Family Support Division
- The personal representative or a parent of the mother if the mother has died
- A man alleging himself to be the father
- The personal representative or a parent of the alleged father if the alleged father has died or is a minor

The court may, and shall upon request of any party, require the child, mother, alleged father, any presumed father who is a party to the action, and any male witness who testifies or shall testify about his sexual relations with the mother at the possible time of conception to submit to blood tests. Whenever the court finds that the results of the blood tests show that a person presumed or alleged to be the father of the child is not the father of such child, such evidence shall be conclusive of nonpaternity.

Required Information

Citation: Rev. Stat. § 192.016

A person filing a notice of intent to claim paternity of a child or an acknowledgment of paternity shall file the acknowledgment affidavit form developed by the state registrar. The form shall include the minimum requirements prescribed by the Secretary of the U.S. Department of Health and Human Services pursuant to 42 U.S.C. § 652(a)(7).

A person filing a notice of intent to claim paternity of a child shall notify the registry of any change of address.

Revocation of Claim to Paternity

Citation: Rev. Stat. § 192.016

A person who has filed a notice of intent to claim paternity may at any time revoke a notice of intent to claim paternity that was previously filed and, upon receipt of such notification by the registry, the revoked notice of intent to claim paternity shall be deemed null and void.

Access to Information

Citation: Rev. Stat. §§ 192.016; 453.014(1)

The department shall, upon request and within 2 business days of such request, provide the names and addresses of persons listed with the registry to:

- Any court or authorized agency
- The Children's Division of the Department of Social Services
- A licensed child-placing agency
- The child's parents
- An intermediary, including an attorney, a physician, or a member of the clergy of the parents

Such information shall not be divulged to any other person, except upon order of a court for good cause shown.

Montana*Current Through August 2017***Legal Definition of 'Father'****Citation: Ann. Code §§ 40-6-102; 42-1-103; 42-2-201**

The term 'parent and child relationship' means the legal relationship existing between a child and the child's natural or adoptive parents on which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

The term 'birth parent' means the woman who gave birth to the child or the father of genetic origin of the child. The term 'parent' means the birth or adoptive mother or the birth, adoptive, or legal father whose parental rights have not been terminated.

The term 'putative father' means an individual who may be a child's birth father but who:

- Was not married to the child's mother on or before the date that the child is born
- Has not established paternity of the child prior to the filing of a petition for termination of parental rights to the child for purposes of adoption

The term 'putative father' includes an individual who:

- Is younger than age 18
- Is not married to the child's mother even though the individual is a presumed father within the meaning of § 40-6-105.

Paternity Registry**Citation: Ann. Code §§ 42-2-202; 42-2-203; 42-2-204**

The putative father registry is established within the vital statistics bureau of the department. The department shall adopt rules to administer the registry.

The purpose of the putative father registry is to provide notice of termination of parental rights to a putative father who asserts a parental interest in a child so that the putative father may appear in a proceeding and have an opportunity to establish that the putative father's inchoate rights in the child have vested because a substantial relationship with the child has been established as provided in § 42-2-610.

In addition to any other notice to which the putative father is entitled, a putative father of a child who complies with the requirements of the putative father registry is entitled to notice of any proceedings involving termination of parental rights to the child.

A person who engages in sexual relations with a member of the opposite sex is presumed to know that a pregnancy could result.

An individual who is not married to the mother but who is presumed to be a father under § 40-6-105 and registers in accordance with this part is entitled to receive notice of a termination of parental rights proceeding.

Alternate Means to Establish Paternity**Citation: Ann. Code §§ 40-6-105; 40-6-107**

A man is presumed to be the natural father of a child when:

- The man and the child's mother are or have been married to each other, and the child is born during the marriage or within 300 days after the marriage has ended.
- Before the child's birth, the man and the child's mother have attempted to marry each other, although the attempted marriage is or could be declared invalid, and:
 - » If the attempted marriage could be declared invalid only by a court, the child is born during the marriage or within 300 days after its termination.
 - » If the attempted marriage is invalid without a court order, the child is born within 300 days after the end of cohabitation.
- After the child's birth, the man and the child's mother have married or attempted to marry, and:
 - » The child's mother and alleged father have acknowledged his paternity in writing or in a paternity acknowledgment form that is provided by the Department of Public Health and Human Services.
 - » With the man's consent, he is named as the father on the child's birth certificate.
 - » The man is obligated to support the child under a written voluntary promise or court order.
 - » While the child is a minor, the man receives the child into his home and openly represents the child to be his natural child.
 - » The child's mother and alleged father acknowledge his paternity of the child in a paternity acknowledgment form.
 - » The scientific evidence resulting from a blood test shows a 95 percent or higher statistical probability of paternity.
 - » The man is presumed to be the child's natural father under the laws of the state or Indian territory in which the child was born.

An action to determine the existence of the father and child relationship for a child who has no presumed father may be brought by the child, the mother, a personal representative of the child, the department, or a man alleged to be the father.

Required Information

Citation: Ann. Code § 42-2-205

In addition to any other notice to which the putative father is entitled, a putative father is entitled to notice of any proceedings to terminate parental rights involving a child whom the putative father might have fathered if he files the following information with the department in a timely manner:

- The putative father's:
 - » Full name
 - » Address at which he may be served by certified mail, return receipt requested, with notice of a proceeding to terminate parental rights
 - » Social Security number
 - » Date of birth
 - » Tribal affiliation, if applicable
- The mother's:
 - » Name, including all other names known to the putative father that the mother uses
 - » Address, Social Security number, and date of birth, if known
- The child's:
 - » Name and place of birth, if known
 - » The approximate date and location of a possible conception and the approximate expected date of delivery

A putative father shall register on a registration form prescribed by the department or with a legibly typed or handwritten statement that provides the required information and that is submitted to the department pursuant to § 42-2-207. The registration must be signed by the putative father and notarized.

A putative father who registers under this section is responsible for providing written updates regarding any change of the putative father's name or address.

Revocation of Claim to Paternity

Citation: Ann. Code §§ 42-2-223; 40-6-105

Unless a support order has been issued, a putative father may revoke a registration at any time by submitting to the department a signed, notarized statement revoking the registration.

An acknowledgment of paternity under § 40-6-105(1)(e) may be rescinded by a signatory at any time within 60 days after it was signed by filing a notice of withdrawal with the Department of Public Health and Human Services. The notice of withdrawal must include an affidavit attesting that a copy of the notice was provided to any parent who signed the acknowledgment form.

Access to Information

Citation: Ann. Code § 42-2-224

The department shall furnish a certified copy of the putative father's registration form upon written request by:

- A putative father whose name appears on the registration form being requested
- A mother whose name appears on the registration form being requested
- Upon reaching majority, a person who was the subject of a registration
- A prospective adoptive parent or an attorney representing a prospective adoptive parent in a direct parental placement adoption who has the notarized consent of the birth mother
- A licensed child-placing agency
- A court that presides over a pending adoption
- The child support enforcement division of the department
- A representative of the department involved in an adoption or a neglect and dependency proceeding

Nebraska*Current Through August 2017***Legal Definition of 'Father'**

This issue is not addressed in the statutes reviewed.

Paternity Registry**Citation: Rev. Stat. § 43-104.01**

The Department of Health and Human Services shall establish a biological father registry. The department shall maintain the registry and shall record the names and addresses of:

- Any person adjudicated by a court of this state or by a court of another state or territory of the United States to be the biological father of a child born out of wedlock, if a certified copy of the court order is filed with the registry by such person or any other person
- Any putative father who has filed with the registry, prior to the receipt of notice under §§ 43-104.12 to 43-104.16, a request for notification of intended adoption with respect to such child
- Any putative father who has filed with the registry a notice of objection to adoption and intent to obtain custody with respect to such child

A request or notice filed under this section or § 43-104.02 shall be admissible in any action for paternity and shall bar the putative father from denying paternity of such child thereafter.

A person who has been adjudicated by a Nebraska court to be the biological father of a child born out of wedlock who is the subject of a proposed adoption shall not be construed to be a putative father for purposes of §§ 43-104.01 to 43-104.05 and shall not be subject to the provisions of such sections as applied to such fathers. Whether such person's consent is required for the proposed adoption shall be determined by the Nebraska court having jurisdiction over the custody of the child pursuant to § 43-104.22, as part of proceedings required under § 43-104 to obtain the court's consent to such adoption.

Alternate Means to Establish Paternity**Citation: Rev. Stat. §§ 43-1408.01; 43-1411; 43-1414; 1415**

During the period immediately before or after the in-hospital birth of a child whose mother was not married at the time of either conception or birth of the child or at any time between conception and birth of the child, the person in charge of such hospital shall provide to the child's mother and alleged father, if the alleged father is readily identifiable and available, the documents and written instructions for such mother and father to complete a notarized acknowledgment of paternity. Such acknowledgment, if signed by both parties and notarized, shall be filed with the Department of Health and Human Services at the same time the certificate of live birth is filed.

A civil proceeding to establish the paternity of a child may be instituted, in the court of the district where the child is domiciled or found or, for cases under the Uniform Interstate Family Support Act, where the alleged father is domiciled, by:

- The mother or the alleged father of such child, either during pregnancy or within 4 years after the child's birth, unless:
 - » A valid consent or relinquishment has been made for purposes of adoption.
 - » A court has jurisdiction over custody of the child or jurisdiction over an adoption matter with respect to the child.
- The guardian or next friend of such child or the state, either during pregnancy or within 18 years after the child's birth

In any proceeding to establish paternity, the court may order or the department shall require the child, the mother, and the alleged father to submit to genetic testing. The results of the tests, including the statistical probability of paternity, shall be admissible evidence and shall be weighed along with other evidence of paternity. When the results of the tests show a probability of paternity of 99 percent or more, there shall exist a rebuttable presumption of paternity.

Required Information**Citation: Rev. Stat. § 43-104.01**

A request filed with the registry shall include:

- The putative father's name, address, and Social Security number
- The name and last-known address of the mother
- The month and year of the birth or the expected birth of the child

- The case name, court name, and location of any Nebraska court having jurisdiction over the custody of the child
- A statement by the putative father that he acknowledges liability for contribution to the support and education of the child after birth and to the pregnancy-related medical expenses of the mother of the child

The person filing the notice shall notify the registry of any change of address pursuant to procedures prescribed in rules and regulations of the department.

Revocation of Claim to Paternity

Citation: Rev. Stat. §§ 43-104.01; 43-1409

Any putative father who files request for notification of intended adoption or a notice of objection to adoption and intent to obtain custody with the biological father registry may revoke such filing. Upon receipt of such revocation by the registry, the effect shall be as if no filing had ever been made.

The signing of a notarized acknowledgment by the alleged father shall create a rebuttable presumption of paternity as against the alleged father. The signed, notarized acknowledgment is subject to the right of any signatory to rescind the acknowledgment within the earlier of (1) 60 days or (2) the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order in which the signatory is a party.

After the rescission period, a signed, notarized acknowledgment is considered a legal finding that may be challenged only on the basis of fraud, duress, or material mistake of fact with the burden of proof upon the challenger. The legal responsibilities of any signatory arising from the acknowledgment, including the child support obligation, shall not be suspended during the challenge, except for good cause shown.

Access to Information

Citation: Rev. Stat. § 43-104.01

The department shall not divulge the names and addresses of persons listed with the biological father registry to any other person except as authorized by law or upon order of a court of competent jurisdiction for good cause shown.

Nevada

Current Through August 2017

Legal Definition of 'Father'

Citation: Rev. Stat. §§ 128.016; 126.021; 126.051

The term 'putative father' means a person who is or is alleged or reputed to be the father of an illegitimate child.

The term 'parent and child relationship' means the legal relationship existing between a child and his or her natural or adoptive parents on which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

A man is presumed to be the natural father of a child if:

- He and the child's mother are or have been married to each other and the child is born during the marriage or within 285 days after the marriage is terminated.
- He and the child's mother were cohabiting for at least 6 months before the period of conception and continued to cohabit through the period of conception.
- Before the child's birth, he and the child's mother have attempted to marry each other, although the attempted marriage is invalid or could be declared invalid, and:
 - » If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 285 days after its termination.
 - » If the attempted marriage is invalid without a court order, the child is born within 285 days after the termination of cohabitation.
- While the child is a minor, he receives the child into his home and openly holds out the child as his natural child.

A conclusive presumption that a man is the natural father of a child is established if tests for the typing of blood or tests for genetic identification show a probability of 99 percent or more that he is the father. That presumption may be rebutted if he establishes that he has an identical sibling who may be the father.

Paternity Registry**Citation: Rev. Stat. §§ 440.280; 440.283; 126.053**

If the mother was unmarried at the time of her child's birth, the name of the father may be entered on the original certificate of birth if the mother and father of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to § 440.283.

Before providing a declaration for the acknowledgment of paternity to the mother of a child or a person who wishes to acknowledge the paternity of the child, the hospital or other entity shall ensure that the mother and the person who wishes to acknowledge paternity are given notice, orally and in writing, of the rights, responsibilities, and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of paternity.

After the expiration of the period described below, a declaration for the voluntary acknowledgment of paternity shall be deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child if the declaration is signed in this or any other state by the mother and father of the child. A declaration for the voluntary acknowledgment of paternity that is signed pursuant to this subsection is not required to be ratified by a court of this state before the declaration is deemed to have the same effect as a judgment or order of a court determining the existence of the relationship of parent and child.

Alternate Means to Establish Paternity**Citation: Rev. Stat. §§ 126.071; 126.131**

A child, his or her natural mother, a man presumed or alleged to be his or her father or an interested third party may bring an action pursuant to this chapter to declare the existence or nonexistence of the father and child relationship.

Evidence relating to paternity may include:

- Evidence of sexual intercourse between the mother and alleged father at any possible time of conception
- An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy
- The results of any test for the typing of blood or taking of specimens for genetic identification that is:
 - » Of a type acknowledged as reliable by an organization approved by the Secretary of the Nevada Department of Health and Human Services
 - » Performed by a laboratory that is accredited by such an organization
- An expert's opinion concerning the results of a blood test or test for genetic identification, weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity
- Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts
- All other evidence relevant to the issue of paternity of the child

Bills or receipts for the costs of medical care received during the pregnancy, the birth of the child, or tests for the typing of blood or taking of specimens for genetic identification to determine the paternity of the child are prima facie evidence of the amounts incurred for those services and are admissible as evidence without the foundational testimony of a third party.

Required Information**Citation: Rev. Stat. § 126.163(2)**

Within 10 days after a court issues an order establishing the paternity of a child, each party to the cause of action shall file with the court that issued the order and with the Division of Welfare and Supportive Services:

- His Social Security number
- His residential and mailing addresses
- His telephone number
- His driver's license number
- The name, address, and telephone number of his employer

Each party shall update the information filed with the court and with the Division of Welfare and Supportive Services within 10 days after that information becomes inaccurate.

Revocation of Claim to Paternity

Citation: Rev. Stat. § 126.053(2)

A person who signs an acknowledgment of paternity or parentage in this state may rescind the acknowledgment:

- Within 60 days after the acknowledgment is signed by both persons
- Before the date on which an administrative or judicial proceeding relating to the child begins if that person is a party to the proceeding, whichever occurs earlier

After the expiration of the period during which an acknowledgment may be rescinded, the acknowledgment may not be challenged except upon the grounds of fraud, duress, or material mistake of fact. The burden of proof is on the person challenging the acknowledgment to establish that the acknowledgment was signed because of fraud, duress, or material mistake of fact.

Except upon a showing of good cause, a person's obligation for the support of a child must not be suspended during a hearing to challenge a voluntary acknowledgment of paternity or parentage.

Access to Information

Citation: Rev. Stat. § 440.280

The state registrar's file of orders and declarations must be sealed, and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of the father or mother or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a.

New Hampshire

Current Through August 2017

Legal Definition of 'Father'

Citation: Rev. Stat. § 170-B:2

The term 'birth father' means a person or persons other than a legal father who has been named, pursuant to § 170-B:6, as the father of the child, or who is the subject of a pending paternity action, or who has filed an unrevoked notice of intent to claim paternity of the child pursuant to § 170-B:6.

The term 'legal father' means:

- The person designated as the father pursuant to § 5-C:24 on that child's birth certificate
- The person designated as the father pursuant to a court order resulting from a paternity action
- The person designated as the father upon legitimation pursuant to § 457:42
- The person who was determined by the court to be married to the birth mother at the time of conception, birth, or any time between conception and birth

Paternity Registry

Citation: Rev. Stat. § 170-B:6

A person who claims to be the father and who has registered his claim of paternity with the Office of Child Support Services in what shall be known as the New Hampshire Putative Father Registry or in the putative father registry of the state where the child was born shall be given notice by the court of an adoption and shall have the right to request a hearing to prove paternity.

The registration form filed with the appropriate putative father registry may be filed prior to the birth of the child but shall be filed prior to the birth mother's parental rights being surrendered or involuntarily terminated. Failure to register with the appropriate putative father registry prior to this time shall bar the alleged father from thereafter bringing an action to establish his paternity of the child and shall constitute an abandonment of said child and a waiver of any right to a notice of hearing in any adoption proceeding concerning the child.

Any person entitled to notice from the court shall have 30 days from the date of the court's notice to request a hearing at which he shall have the burden of proving by a preponderance of the evidence that he is the legal or birth father of the child. The failure to request such hearing within 30 days from the date of the court's notice shall result in a forfeiture of all parental rights and any right to notice by the court of any adoption proceedings concerning the child.

Alternate Means to Establish Paternity**Citation: Rev. Stat. §§ 168-A:2; 5-C:24**

Paternity shall be established upon the filing of:

- A petition to the superior court by the mother, putative father, child, or public authority chargeable by law with the support of the child and the granting of such petition by the court
- An affidavit of paternity with the clerk of the town where the birth of the child occurred that shall have the legal effect of establishing paternity without requiring further action pursuant to this chapter, unless rescinded pursuant to § 5-C:28

In the case of a child born in the state of New Hampshire whose paternity has not been established by means of an affidavit of paternity, the mother or the natural father may initiate a request for an acknowledgment of paternity.

When an unwed mother applies to the clerk of a town or city wishing to add the name of a father to her child's birth record the following shall apply:

- The affidavit of paternity shall be executed prior to the child's 18th birthday.
- The natural father to be named shall personally sign the affidavit.
- If signed separately, each signature shall be separately notarized.

Required Information**Citation: Rev. Stat. § 5-C:25**

Parents shall include the following information when completing an affidavit of paternity:

- Information about the child, including:
 - » The child's first, middle, and last names
 - » The child's city or town and state of birth
 - » The child's date of birth
 - » The child's name as it appears on the birth record
 - » The child's Social Security number, if known
 - » Whether the child is living
 - » The child's date and place of death, if applicable
- Information about and signature of the child's natural father, including:
 - » His full name and date of birth
 - » His state of birth, Social Security number, and address
 - » His signature and date signed, unless the natural father is a minor, in which case his parent or guardian's signature
- Information about and signature of the child's mother, including:
 - » Her maiden name
 - » Her Social Security number
 - » Her address
 - » If the mother is a minor, her parent or guardian's signature
 - » The date signed
- When the mother's husband agrees that he is not the child's natural father, the following information, and signature of, the mother's husband, including:
 - » The husband's name
 - » His Social Security number
 - » His address
 - » His signature and date signed, unless the husband is a minor, in which case his parent or guardian's signature shall be obtained
- The notarized signatures of the child's natural father, mother, and, if he is not the child's father, her husband, including the date signed and the date the notary's commission expires
- Certification of the hospital or birthing center, including the name and signature of the preparer and date signed, and the name and the address of the hospital or birthing facility

Revocation of Claim to Paternity

Citation: Rev. Stat. § 5-C:28

A parent or legal guardian may request to rescind an affidavit of paternity from the clerk of the city or town where the birth occurred within 60 days of the filing of an affidavit of paternity unless an administrative or judicial proceeding related to the child results in an earlier date.

Once the completed rescission of paternity form is filed, the clerk of the town or city shall remove the name of the father from the birth record and insert 'not stated' in the space provided for the father's name or, if the original birth record was filed prior to the completion of an affidavit of paternity, change the child's name on the birth record back to the name stated on the original record before the affidavit of paternity was filed.

After the 60-day rescission period has passed, any challenge to the affidavit shall be decided only by a court of competent jurisdiction.

Access to Information

Citation: Rev. Stat. § 5-C:28

The clerk of the city or town where the birth occurred shall distribute the rescission of paternity to:

- The birth mother
- The father named on the affidavit of paternity
- The parent or legal guardian of the minor signatory as stated on the affidavit of paternity
- The division
- The Department of Health and Human Services
- The husband, if a three-party affidavit of paternity was completed
- The hospital that was the originator of the affidavit of paternity, if applicable

New Jersey

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Stat. §§ 9:3-38; 9:17-39; 9:17-43

The term 'parent' means a birth parent or parents, including the birth father of a child born out of wedlock who has acknowledged the child or to whom the court has ordered notice to be given.

The term 'parent and child relationship' means the legal relationship existing between a child and the child's natural or adoptive parents, on which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

A man is presumed to be the biological father of a child if:

- He and the child's mother are or have been married to each other and the child is born during the marriage or within 300 days after the marriage is terminated.
- Before the child's birth, he and the child's mother have attempted to marry each other, although the attempted marriage is or could be declared invalid, and:
 - » If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage or within 300 days after its termination.
 - » If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation.
- After the child's birth, he and the child's mother have married or attempted to marry each other, although the attempted marriage is or could be declared invalid, and:
 - » He has acknowledged his paternity of the child in writing filed with the local Registrar of Vital Statistics.
 - » He has sought to have his name placed on the child's birth certificate as the child's father.
 - » He is obligated to support the child under a written voluntary agreement or court order.
- While the child is a minor, he receives the child into his home and openly holds out the child as his natural child.
- While the child is a minor, he provides support for the child and openly holds out the child as his natural child.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Ann. Stat. § 9:17-41

The parent and child relationship between a child and the natural father may be established by:

- Proof that his paternity has been adjudicated under prior law or under the laws governing probate
- Giving full faith and credit to a determination of paternity made by any other state or jurisdiction, whether established through voluntary acknowledgment or through judicial or administrative processes
- A certificate of parentage as provided by § 26:8-28.1 that is executed by the father, including an unemancipated minor, prior to or after the birth of a child
- A default judgment or order of the court
- An order of the court based on a blood test or genetic test

Required Information

Citation: Ann. Stat. § 26:8-28.1

The certificate of parentage shall contain, at a minimum, the following information:

- A sworn statement by the father that he is the natural father of the child
- The Social Security numbers, except in those cases in which a person is ineligible to apply for one, and addresses of the father and mother
- The signature of the mother and father authenticated by a witness or notary
- Instructions for filing the certificate of parentage with the agency designated by the state IV-D agency

Revocation of Claim to Paternity

Citation: Ann. Stat. § 9:17-41

A signed voluntary acknowledgment of paternity shall be considered a legal finding of paternity subject to the right of the signatory to rescind the acknowledgment within 60 days of the date of signing or by the date of establishment of a support order to which the signatory is a party, whichever is earlier.

The adjudication of paternity shall only be voided upon a finding that there exists clear and convincing evidence of fraud, duress, or a material mistake of fact, with the burden of proof upon the challenger.

Access to Information

This issue is not addressed in the statutes reviewed.

New Mexico

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Stat. § 32A-5-3

The term 'acknowledged father' means a father who:

- Acknowledges paternity of the child pursuant to the putative father registry
- Is named, with his consent, as the child's father on the child's birth certificate
- Is obligated to support the child under a written voluntary promise or pursuant to a court order
- Has openly held out the child as his own child by establishing a custodial, personal, or financial relationship with the child

The term 'alleged father' means an individual whom the birth mother has identified as the biological father, but the individual has not acknowledged paternity or registered with the putative father registry.

The term 'presumed father' means:

- The husband of the biological mother at the time the child was born
- An individual who was married to the mother and either the child was born during the term of the marriage or 300 days after the marriage was terminated
- Before the child's birth, an individual who attempted to marry the child's mother, although the attempted marriage is or could be declared invalid, and if the attempted marriage:

- » Could be declared invalid only by a court, the child was born during the attempted marriage or within 300 days after its termination
- » Is invalid without a court order, the child was born within 300 days after the termination of cohabitation

Paternity Registry

Citation: Ann. Stat. § 32A-5-20

A putative father registry shall be established by the Department of Health to record the names and addresses of:

- Any person adjudicated by a court of this state to be the father of a child
- Any person who has filed with the registry, before or after birth of a child out of wedlock, a notice of intent to claim paternity of the child
- Any person who has filed with the registry an instrument acknowledging paternity
- Any person adjudicated by a court of another state or territory of the United States to be the father of an out-of-wedlock child when a certified copy of the court order has been filed with the registry

An unrevoked notice of intent to claim paternity of a child may be introduced in evidence by any party in any proceeding in which that fact may be relevant.

Alternate Means to Establish Paternity

Citation: Ann. Stat. § 24-14-13

At or before the birth of a child to an unmarried woman, the person in charge of the institution, a designated representative, the attending physician, or the midwife shall provide an opportunity for the child's mother and natural father to complete an acknowledgment of paternity. The completed affidavit shall be filed with the Vital Records and Health Statistics Bureau of the Department of Health. The acknowledgment shall contain or have attached to it:

- A sworn statement by the mother consenting to the assertion of paternity
- A sworn statement by the father that he is the natural father of the child
- Written information, furnished by the Human Services Department, explaining the implications of signing, including legal parental rights and responsibilities
- The Social Security numbers of both parents

If a married mother claims that her husband is not the father of the child, the husband signs under penalty of perjury a denial of paternity on a form provided by the bureau, and the nonhusband agrees that he is the father, an acknowledgment of paternity may be signed under penalty of perjury by the mother and the nonhusband. Upon filing the acknowledgment of paternity and the denial of paternity with the bureau, the name of the nonhusband shall be entered on the certificate of birth as the father.

Required Information

Citation: Ann. Stat. § 32A-5-20

A person filing a notice of intent to claim paternity of a child or an acknowledgment of paternity shall include in the notice the following:

- His name
- His current address
- The mother's name and any other identifying information requested by the Department of Health
- The child's name, if known, and any other identifying information requested by the Department of Health

If the person filing the notice of intent to claim paternity of a child or acknowledgment changes his address, the person shall notify the Department of Health of his new address.

Revocation of Claim to Paternity

Citation: Ann. Stat. § 32A-5-20

A person who has filed a notice of intent to claim paternity may at any time revoke a notice previously filed. Upon receipt by the registry of the notice of revocation, the revoked notice of intent to claim paternity shall be deemed null and void.

Access to Information**Citation: Ann. Stat. § 32A-5-20**

The Department of Health shall, upon request, provide the names and addresses of persons listed with the registry to:

- Any court
- The department or an agency
- The petitioner's attorney
- The mother of the child

The information shall not be divulged to any other person, except upon order of the court for good cause shown. If the registry has not received a notice of intent to claim paternity or an acknowledgment of paternity, the Department of Health shall provide a written statement to that effect to the person making the inquiry.

New York

Current Through August 2017

Legal Definition of 'Father'**Citation: Dom. Rel. Law § 111-a**

Persons entitled to notice of an adoption proceeding shall include:

- Any person adjudicated by a court in this state to be the father of the child
- Any person adjudicated by a court of another state or territory of the United States to be the father of the child when a certified copy of the court order has been filed with the putative father registry
- Any person who has timely filed an unrevoked notice of intent to claim paternity of the child, pursuant to § 372-c of the social services law
- Any person who is recorded on the child's birth certificate as the child's father
- Any person who is openly living with the child and the child's mother at the time the proceeding is initiated and who is holding himself out to be the child's father
- Any person who has been identified as the child's father by the mother in a written, sworn statement
- Any person who was married to the child's mother within 6 months subsequent to the birth of the child and prior to the execution of a surrender instrument or the initiation of a proceeding pursuant to § 384-b of the social services law
- Any person who has filed with the putative father registry an instrument acknowledging paternity of the child

Paternity Registry**Citation: Soc. Serv. Law § 372-c**

The Department of Social Services shall establish a putative father registry that shall record the names and addresses of:

- Any person adjudicated by a court of this state to be the father of a child born out of wedlock
- Any person who has filed with the registry, before or after the birth of a child out of wedlock, a notice of intent to claim paternity of the child
- Any person adjudicated by a court of another state or territory of the United States to be the father of an out-of-wedlock child, where a certified copy of the court order has been filed with the registry by such person or any other person
- Any person who has filed with the registry an instrument acknowledging paternity

An unrevoked notice of intent to claim paternity of a child may be introduced in evidence by any party, other than the person who filed such notice, in any proceeding in which such fact may be relevant.

Alternate Means to Establish Paternity**Citation: Pub. Health Law § 4135-b; Family Ct. Act § 532**

Immediately preceding or following the in-hospital birth of a child to an unmarried woman, the person in charge of such hospital shall provide to the child's mother and putative father, if such father is readily identifiable and available, the documents and written instructions necessary for such mother and putative father to complete an acknowledgment of paternity witnessed by two persons not related to the signatory.

Such acknowledgment, if signed by both parties, at any time following the birth of a child, shall be filed with the registrar at the same time at which the certificate of live birth is filed, if possible, or anytime thereafter.

The court on its own motion or the motion of any party shall order the mother, her child, and the alleged father to submit to one or more genetic marker or DNA tests to aid in the determination of whether the alleged father is or is not the father of the child. If the record or report of the results of any such genetic marker or DNA test or tests indicate at least a 95 percent probability of paternity, the admission of such record or report shall create a rebuttable presumption of paternity and shall establish, if un rebutted, the paternity of a child.

Required Information**Citation: Soc. Serv. Law § 372-c**

A person filing a notice of intent to claim paternity of a child or an acknowledgment of paternity shall include therein his current address and shall notify the registry of any change of address pursuant to procedures prescribed by regulations of the department.

Revocation of Claim to Paternity**Citation: Soc. Serv. Law § 372-c**

A person who has filed a notice of intent to claim paternity may at any time revoke a notice of intent to claim paternity previously filed and, upon receipt of such notification by the registry, the revoked notice of intent to claim paternity shall be deemed null and void.

Access to Information**Citation: Soc. Serv. Law § 372-c**

The department shall, upon request, provide the names and addresses of persons listed with the registry to any court or authorized agency, and such information shall not be divulged to any other person, except upon order of a court for good cause shown.

North Carolina*Current Through August 2017***Legal Definition of 'Father'**

This issue is not addressed in the statutes reviewed.

Paternity Registry**Citation: Gen. Stat. § 130A-101**

A certificate of birth for each live birth that occurs in this state shall be filed with the local registrar of the county in which the birth occurs within 10 days after the birth.

If the mother was married at the time of either conception or birth, or between conception and birth, the name of the husband shall be entered on the certificate as the father of the child, except as provided in this section. The surname of the child shall be the same as that of the husband, except that upon agreement of the husband and mother or, upon agreement of the mother and father if paternity has been otherwise determined, any surname may be chosen.

The name of the putative father shall be entered on the certificate as the father of the child if one of the following conditions exists:

- Paternity has been otherwise determined by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered.
- The child's mother, mother's husband, and putative father complete an affidavit acknowledging paternity.

If the mother was unmarried at all times from date of conception through date of birth, the name of the father shall not be entered on the certificate unless the child's mother and father complete an affidavit acknowledging paternity.

Alternate Means to Establish Paternity**Citation: Gen. Stat. §§ 48-2-206; 49-14**

At any time after 3 months from the date of conception, the birth mother, agency, or adoptive parents chosen by the birth mother may file a special proceeding with the clerk requesting the court to determine whether consent of the biological father is required. The biological father shall be served with notice of the intent of the biological mother to place the child for adoption, allowing the biological father 30 days after service to assert a claim that his consent is required.

If the biological father fails to respond within the time required, the court shall enter an order that the biological father's consent is not required for the adoption. A biological father who fails to respond within the time required under this section is not entitled to notice under § 48-2-401(c) of an adoption petition filed within 3 months of the birth of the minor or to participate in the adoption proceeding.

The paternity of a child born out of wedlock may be established by civil action at any time prior to such child's 18th birthday. The establishment of paternity shall not have the effect of legitimation. Proof of paternity pursuant to this section shall be by clear, cogent, and convincing evidence.

If the action to establish paternity is brought more than 3 years after birth of a child or is brought after the death of the putative father, paternity shall not be established in a contested case without evidence from a blood or genetic marker test. For purposes of this subsection, the results of blood or genetic tests shall constitute clear, cogent, and convincing evidence of paternity if the tests show that the probability of the alleged parent's parentage is 97 percent or higher.

Required Information

Citation: Gen. Stat. § 130A-101

When the mother is married, the affidavit acknowledging paternity shall contain all of the following:

- A sworn statement by the mother consenting to the assertion of paternity by the putative father and declaring that the putative father is the child's natural father
- A sworn statement by the putative father declaring that he believes he is the natural father of the child
- A sworn statement by the mother's husband consenting to the assertion of paternity by the putative father
- Information explaining in plain language the effect of signing the affidavit, including a statement of parental rights and responsibilities and an acknowledgment of the receipt of the information
- The Social Security numbers of the putative father, mother, and mother's husband
- The results of a DNA test that has confirmed the paternity of the putative father

When the mother is not married, the affidavit acknowledging paternity shall contain the following:

- A sworn statement by the mother consenting to the assertion of paternity by the father and declaring that the father is the child's natural father and that the mother was unmarried at all times from the date of conception through the date of birth
- A sworn statement by the father declaring that he believes he is the natural father of the child
- Information explaining in plain language the effect of signing the affidavit, including a statement of parental rights and responsibilities and an acknowledgment of the receipt of the information
- The Social Security numbers of both parents

Revocation of Claim to Paternity

Citation: Gen. Stat. § 49-14

An order of paternity may be set aside by a trial court if each of the following applies:

- The paternity order was entered as the result of fraud, duress, mutual mistake, or excusable neglect.
- Genetic tests establish the putative father is not the biological father of the child.

The burden of proof in any motion to set aside an order of paternity shall be on the moving party. Upon proper motion alleging fraud, duress, mutual mistake, or excusable neglect, the court shall order the child's mother, the child whose parentage is at issue, and the putative father to submit to genetic paternity testing pursuant to § 8-50.1(b1). If the court determines, as a result of genetic testing, the putative father is not the biological father of the child and the order of paternity was entered as a result of fraud, duress, mutual mistake, or excusable neglect, the court may set aside the order of paternity. Nothing in this subsection shall be construed to affect the presumption of legitimacy where a child is born to a mother and the putative father during the course of a marriage.

Access to Information

This issue is not addressed in the statutes reviewed.

North Dakota*Current Through August 2017***Legal Definition of 'Father'****Citation: Cent. Code §§ 14-20-02; 14-20-10**

An 'acknowledged father' is a man who has established a father-child relationship under §§ 14-20-11 through 14-20-24. An 'adjudicated father' is a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.

An 'alleged father' is a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include:

- A presumed father
- A man whose parental rights have been terminated or declared not to exist
- A male donor

A 'presumed father' is a man who, by operation of law under § 14-20-10, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding. A man is presumed to be the father of a child if:

- He and the mother of the child are married to each other and the child is born during the marriage.
- He and the mother of the child were married to each other and the child is born within 300 days after the marriage is terminated.
- Before the birth of the child, he and the mother of the child married each other, even if the attempted marriage is or could be declared invalid, and the child is born during the marriage or within 300 days after its termination.
- After the birth of the child, he and the mother of the child married each other, whether or not the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child, and:
 - » The assertion is in a record filed with the Department of Health.
 - » He agreed to be and is named as the child's father on the child's birth certificate.
 - » He promised in a record to support the child as his own.
- For the first 2 years of the child's life, he resided in the same household with the child and openly held out the child as his own.

Paternity Registry**Citation: Cent. Code § 14-19-12**

At any time after an unmarried woman is determined to be pregnant, a voluntary paternity establishment entity may:

- Provide to the mother and the alleged father if the alleged father is present:
 - » Written materials about paternity establishment
 - » The forms necessary to voluntarily acknowledge paternity
 - » A written and oral description of the rights, responsibilities, and legal consequences of establishing paternity
 - » The opportunity to speak, either by telephone or in person, with staff who are trained to clarify information and answer questions about paternity establishment
- Provide the mother and the alleged father, if the alleged father is present, the opportunity to voluntarily acknowledge paternity

Before accepting a voluntary acknowledgment of paternity, a voluntary paternity establishment service entity shall afford due process safeguards by informing, in writing, the mother and the alleged father, if the alleged father is present, of the manner in which a relationship of father and child established under this chapter may be vacated or rescinded.

A voluntary paternity establishment service entity shall forward completed acknowledgments to the department.

Alternate Means to Establish Paternity**Citation: Cent. Code §§ 14-20-11; 14-20-12; 14-20-50**

The mother of a child and a man claiming to be the genetic father of the child may sign an acknowledgment of paternity with intent to establish the man's paternity. A presumed father may sign or otherwise authenticate an acknowledgment of paternity.

A respondent in a proceeding to adjudicate parentage may admit to the paternity of a child by filing a pleading to that effect or by admitting paternity under penalty of perjury when making an appearance or during a hearing.

If the court finds that the admission of paternity satisfies the requirements of this section and finds that there is no reason to question the admission, the court shall issue an order adjudicating the child to be the child of the man admitting paternity.

Required Information**Citation: Cent. Code § 14-20-12**

An acknowledgment of paternity must:

- Be in a record
- Be signed, or otherwise authenticated, under penalty of perjury by the mother and by the man seeking to establish his paternity
- State that the child whose paternity is being acknowledged:
 - » Does not have a presumed father, or has a presumed father whose full name is stated
 - » Does not have another acknowledged or adjudicated father
- State whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the testing
- State that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of paternity of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after 2 years

Revocation of Claim to Paternity**Citation: Cent. Code §§ 14-20-17; 14-20-18**

A signatory may rescind an acknowledgment of paternity by commencing a proceeding to rescind before the earlier of:

- Sixty days after the effective date of the acknowledgment or denial
- The date of the first hearing in a proceeding to which the signatory is a party before a court to adjudicate an issue relating to the child, including a proceeding that establishes support

After the period for rescission has expired, a signatory of an acknowledgment of paternity may commence a proceeding to challenge the acknowledgment only:

- On the basis of fraud, duress, or material mistake of fact
- Within 2 years after the acknowledgment is filed with the department

A party challenging an acknowledgment of paternity has the burden of proof.

Access to Information**Citation: Cent. Code § 14-20-23**

The department may release information relating to the acknowledgment of paternity to:

- A signatory of the acknowledgment
- Courts
- Appropriate state or federal agencies of this or another state

Northern Mariana Islands

Current Through August 2017

Legal Definition of 'Father'**Citation: Commonwealth Code Tit. 8, § 1704**

A man is presumed to be the natural father of a child if:

- He and the child's mother are or have been married to each other, and the child is born during the marriage or within 300 days after the marriage is terminated.
- Before the child's birth, he and the child's mother have attempted to marry each other, although the attempted marriage is or could be declared invalid, and:
 - » If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage or within 300 days after its termination.
 - » If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation.
- After the child's birth, he and the child's mother have married or attempted to marry each other, although the attempted marriage is or could be declared invalid, and:
 - » He has acknowledged his paternity of the child in writing filed with the commonwealth clerk of court office.
 - » With his consent, he is named as the child's father on the child's birth certificate.
 - » He is obligated to support the child under a written voluntary agreement or court order.

- While the child is a minor, he receives the child into his home and openly holds out the child as his natural child.
- He acknowledges his paternity of the child in a writing filed with the commonwealth clerk of court office.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Commonwealth Code Tit 8, § 1706

A child, his or her natural mother, or a man presumed to be the child's natural father, may bring an action:

- At any time for the purpose of declaring the existence of the father and child relationship presumed under tit. 8, § 1704
- For the purpose of declaring the nonexistence of the father and child relationship only if the action is brought within a reasonable time after obtaining knowledge of relevant facts, but in no event later than 5 years after the child's birth

After the presumption of paternity has been rebutted, paternity of the child by another man may be determined in the same action if he has been made a party. Any interested party may bring an action at any time for the purpose of determining the existence or nonexistence of the father and child relationship presumed under tit. 8, § 1704.

An action to determine the existence of the father and child relationship with respect to a child who has no presumed father may be brought by the child, the mother, a personal representative of a child, the Division of Youth Services, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative of the alleged father if the alleged father has died or is a minor.

Required Information

This issue is not addressed in the statutes reviewed.

Revocation of Claim to Paternity

This issue is not addressed in the statutes reviewed.

Access to Information

Citation: Commonwealth Code Tit. 8, § 1704

When the presumed father has filed an acknowledgment of paternity with the clerk of court office, the clerk of court office shall promptly inform the mother of the child of the fact.

Ohio

Current Through August 2017

Legal Definition of 'Father'

Citation: Rev. Code §§ 3111.01; 3111.03; 3107.01

The term 'parent and child relationship' means the legal relationship that exists between a child and the child's parents and upon which the law confers or imposes rights, privileges, duties, and obligations. The parent and child relationship includes the mother and child relationship and the father and child relationship. The parent and child relationship extends equally to all children and all parents, regardless of the marital status of the parents.

A man is presumed to be the natural father of a child under any of the following circumstances:

- The man and the child's mother are or have been married to each other, and the child is born during the marriage or is born within 300 days after the marriage is terminated.
- The man and the child's mother attempted, before the child's birth, to marry each other, the marriage is or could be declared invalid, and either of the following applies:
 - » The marriage can only be declared invalid by a court, and the child is born during the marriage or within 300 days after the termination of the marriage.
 - » The attempted marriage is invalid without a court order, and the child is born within 300 days after the termination of cohabitation.
- An acknowledgment of paternity has been filed pursuant to § 3111.23.

The term 'putative father' means a man, including one under age 18, who may be a child's father and to whom all of the following apply:

- He is not married to the child's mother at the time of the child's conception or birth.
- He has not adopted the child.
- He has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding or an administrative agency proceeding.
- He has not acknowledged paternity of the child pursuant to §§ 3111.21 to 3111.35.

Paternity Registry

Citation: Rev. Code §§ 3107.061; 3107.062

A man who has sexual intercourse with a woman is on notice that if a child is born as a result and the man is the putative father, the child may be adopted without his consent pursuant to § 3107.07.

The Department of Job and Family Services shall establish a putative father registry. A putative father may register before or no later than 15 days after the birth of the child.

Alternate Means to Establish Paternity

Citation: Rev. Code §§ 3111.02; 3111.31; 3111.09; 3111.10

The parent and child relationship between a child and the natural father of the child may be established by an acknowledgment of paternity.

The Department of Job and Family Services shall prepare an acknowledgment of paternity affidavit that includes in boldface type at the top of the affidavit the rights and responsibilities of and the due process safeguards afforded to a person who acknowledges that he is the natural father of a child.

The court upon its own motion may order and, upon the motion of any party to the action, shall order the child's mother, the child, the alleged father, and any other person who is a defendant in the action to submit to genetic tests. If the court finds that the conclusions of all the examiners are that the alleged father is not the father of the child, the court shall enter judgment that the alleged father is not the father of the child. If the examiners disagree in their findings or conclusions, the court shall determine the father of the child based upon all the evidence.

Evidence relating to paternity may include:

- Evidence of sexual intercourse between the mother and alleged father at any possible time of conception
- An expert's opinion concerning the statistical probability of the alleged father's paternity, which opinion is based upon the duration of the mother's pregnancy
- Genetic test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity
- Medical evidence relating to the alleged father's paternity of the child based on tests performed by experts
- All other evidence relevant to the issue of paternity of the child

If a man has been identified as a possible father of the child, the court may, and upon the request of a party shall, require the child, the mother, and the man to submit to appropriate tests.

Required Information

Citation: Rev. Code §§ 3107.062; 3111.31

To register in the putative father registry, a putative father must complete a registration form and submit it to the department. The registration form shall include:

- The putative father's name
- The name of the mother of the person he claims as his child
- The address or telephone number at which he wishes to receive any petition that may be filed to adopt a minor he claims as his child

On receipt of a completed registration form, the department shall indicate on the form the date of receipt and file it in the putative father registry.

The affidavit for acknowledgment of paternity shall include all of the following:

- The full name, Social Security number, date of birth, and address of each parent
- The full name, date of birth, and the residence of the child

- An affirmation by the mother that the information she supplied is true to the best of her knowledge and belief and that she is the natural mother of the child named on the form and assumes the parental duty of support of the child
- An affirmation by the father that the information he supplied is true to the best of his knowledge and belief, that he has received information regarding his legal rights and responsibilities, that he consents to the jurisdiction of the courts of this state, and that he is the natural father of the child named on the form and assumes the parental duty of support of the child
- The signatures of the mother of the child, the natural father, and the notary public
- Any other evidence necessary to complete the new birth record that is required by the department by rule

Revocation of Claim to Paternity

Citation: Rev. Code §§ 3111.27; 3111.28

For an acknowledgment of paternity to be rescinded, both of the following must occur:

- No later than 60 days after the date of the latest signature on the acknowledgment, one of the persons who signed it must do both of the following:
 - » Request a determination under § 3111.38 of whether there is a parent and child relationship between the man who signed the acknowledgment and the child who is the subject of it
 - » Give the office written notice of having complied with division (A)(1)(a) of this section and include in the notice the name of the child support enforcement agency conducting genetic tests to determine whether there is a parent and child relationship
- An order must be issued under § 3111.46 determining whether there is a parent and child relationship between the man and the child.

If the office verifies compliance, and the notice was sent within the time limit required by this section, the office shall note in its records the date the notice was received and that the acknowledgment to which the notice pertains is subject to rescission.

After an acknowledgment becomes final, a man presumed to be the father of the child who did not sign the acknowledgment, either person who signed the acknowledgment, or a guardian or legal custodian of the child may bring an action to rescind the acknowledgment on the basis of fraud, duress, or material mistake of fact. An action pursuant shall be brought no later than 1 year after the acknowledgment becomes final.

Access to Information

Citation: Rev. Code § 3107.063

An attorney arranging a minor's adoption, a mother, a public children services agency, a private noncustodial agency, or a private child-placing agency may request at any time that the department search the putative father registry to determine whether a man is registered as the minor's putative father. The request shall include the mother's name. On receipt of the request, the department shall search the registry. If the department determines that a man is registered as the minor's putative father, it shall provide the attorney, mother, or agency a certified copy of the man's registration form. If the department determines that no man is registered as the minor's putative father, it shall provide the attorney, mother, or agency a certified written statement to that effect.

If the department provides a certified copy of a putative father's registration form to an attorney, mother, or agency, the department also shall provide a written notice to the putative father informing him of the following:

- That he may be the father of the minor he claims as his child on the registration form
- That the minor is being or may be placed for adoption
- Of his right to consent or refuse to consent to the minor's adoption

Oklahoma

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Stat. Tit. 10A, § 1-1-105; Tit. 10, § 7700-102

The term 'putative father' means an alleged father as that term is defined in title 10, § 7700-102.

For purposes of the Uniform Parentage Act:

- An 'acknowledged father' is a man who has established a father-child relationship by signing an acknowledgment of paternity under Article 3 of the Uniform Parentage Act.
- An 'adjudicated father' is a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.

- An 'alleged father' is a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include a presumed father.
- A 'presumed father' is a man who is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.

Paternity Registry

Citation: Ann. Stat. Tit. 10, § 7506-1.1

The Department of Human Services shall establish a centralized paternity registry. The purpose of the registry is to:

- Protect the parental rights of a putative father who may wish to affirmatively assume responsibility for children he may have fathered
- Expedite adoptions of children whose biological fathers are unwilling to assume responsibility for their children by registering with the registry or otherwise acknowledging their children

The father or putative father of a child born out of wedlock may file:

- A notice of desire to receive notification of an adoption proceeding concerning the minor
- A notice of intent to claim paternity of the child
- An instrument acknowledging paternity of the child
- A waiver of interest
- Any other claim for acknowledging or denial of paternity authorized by law

An unrevoked notice of intent to claim paternity of a minor or an instrument acknowledging paternity may be introduced in evidence by any party in any proceeding in which such fact may be relevant.

Alternate Means to Establish Paternity

Citation: Ann. Stat. Tit. 63, § 1-311.3

Unless an adoption decree has been presented and consent to adoption has been given as otherwise provided by law, upon the birth of a child to an unmarried woman, the person required to prepare and file a birth certificate shall:

- Provide information to the child's mother and/or natural father and an acknowledgment of paternity on a form prescribed by the Department of Human Services
- Provide information, furnished by the Department of Human Services, to the mother and acknowledging father explaining:
 - » That the completed acknowledgment of paternity shall be filed with the Department of Health, Division of Vital Records
 - » The benefits of having her child's paternity established and of the availability of paternity establishment services, including a request for support enforcement services
 - » The implications of signing, including parental rights and responsibilities
 - » The time limitations to rescind and/or challenge the acknowledgment of paternity pursuant to the Uniform Parentage Act
- Provide the original acknowledgment of paternity to the Department of Health, Division of Vital Records

Required Information

Citation: Ann. Stat. Tit. 10, § 7506-1.1

A putative father who registers shall provide to the department:

- The putative father's:
 - » Name
 - » Address at which he may be served with notice of an adoption
 - » Social Security number
 - » Date of birth
 - » Tribal affiliation, if any
- The mother's name, including all other names known to the putative father that the mother uses
- If the registration is based upon an adjudication by a court of this or any other state, the case number, court, date of order, judgment or decree, and a copy of the decree
- Any other relevant information that is known to the putative father

Revocation of Claim to Paternity**Citation: Ann. Stat. Tit. 10, § 7506-1.2**

A putative father may revoke a notice of intent to claim paternity at any time by submitting a signed, notarized statement revoking the notice of intent to claim paternity.

If a court determines that the registrant is not the father of the child, the court shall order that the department remove the registrant's name from the registry.

Access to Information**Citation: Ann. Stat. Tit. 10, § 7506-1.1**

The department, upon request, shall provide the names and addresses of persons listed with the registry to:

- Any court or authorized agency
- Such other persons deemed necessary to receive such information

The information shall not be divulged to any other person except upon order of a court for good cause shown.

Oregon*Current Through August 2017***Legal Definition of 'Father'****Citation: Rev. Stat. §§ 109.070; 109.092; 109.096**

The parentage of a person is rebuttably presumed if:

- The person is married to the birth mother at the time of the child's birth, without a judgment of separation, regardless of whether the marriage is void.
- The person is married to the birth mother and the child is born within 300 days after the marriage is terminated by death, annulment, dissolution, or separation.

When it is determined that a woman is pregnant with a child, the woman and any man to whom she is not married and with whom she engaged in sexual intercourse at approximately the time of conception have an obligation to recognize that the man may be the other person responsible for the conception. During the months of pregnancy, the man may join the woman in acknowledging paternity and assuming the rights and duties of expectant parenthood. If after the birth of the child the mother decides to surrender the child for adoption and paternity has not been acknowledged or the putative father has not asserted his rights in filiation proceedings, the mother has the right to consent to the child's adoption without the consent of the father.

When the parentage of a child has not been established, the putative father is entitled to reasonable notice in adoption or other court proceedings concerning the custody of the child, if the petitioner knows, or by the exercise of ordinary diligence should have known:

- That the child resided with the putative father at any time during the 60 days immediately preceding the initiation of the proceeding, or at any time since the child's birth if the child is less than 60 days old when the proceeding is initiated
- That the putative father repeatedly has contributed or tried to contribute to the support of the child during the year immediately preceding the initiation of the proceeding, or during the period since the child's birth if the child is younger than age 1 when the proceeding is initiated

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity**Citation: Rev. Stat. §§ 109.070; 432.098; 109.251; 109.252; 109.258**

The paternity of a person may be established by a voluntary acknowledgement as follows:

- By the marriage of the parents of a child after the birth of the child, and the parents filing the voluntary acknowledgement of paternity form, as provided by § 432.098, with the State Registrar of the Center for Health Statistics
- By filing the voluntary acknowledgement of paternity form with the state registrar, which action will establish paternity for all purposes
- By establishment of paternity through a voluntary acknowledgement of paternity in another state

When a voluntary acknowledgment of paternity form is signed by both biological parents and witnessed by a third party, the form establishes parentage for all purposes when filed with the state registrar, provided there is no second parent already named in the report of live birth. When there is no second parent named on the child's record of live birth, the filing of such voluntary acknowledgment of paternity form shall cause the state registrar to place the name of the parent who has signed the voluntary acknowledgment of paternity form on the record of live birth of the child or, if appropriate, establish a replacement for the record containing the name of the child's parent, as that parent is named in the voluntary acknowledgment of paternity form.

The term 'blood tests' includes any test for genetic markers to determine parentage, including any test that extracts genetic material from any human tissue. The court on its own initiative or upon motion of any party to a paternity action shall order the mother, child, alleged father, and any other named respondent who may be the father to submit to blood tests. A disputable presumption of parentage is created if one or more blood tests result in a cumulative paternity index of 99 or greater.

Required Information

Citation: Rev. Stat. § 432.098

The director of the Oregon Health Authority shall adopt by rule a form of a voluntary acknowledgment of paternity that includes the minimum requirements specified by the United States Secretary of Health and Human Services.

The voluntary acknowledgment of paternity form must contain:

- A statement of rights and responsibilities, including any rights afforded to a minor parent
- A statement of the alternatives to and consequences of signing the acknowledgment
- Instructions on how to file the form with the state registrar and information about any fee required
- Lines for the Social Security numbers and addresses of the parents
- A statement that the rights, responsibilities, alternatives, and consequences listed on the acknowledgment were read to the parties prior to signing the acknowledgment

Revocation of Claim to Paternity

Citation: Rev. Stat. § 109.070

A party to a voluntary acknowledgment of paternity may rescind the acknowledgment within the earlier of:

- Sixty days after filing the acknowledgment
- The date of a proceeding relating to the child, including a proceeding to establish a support order, in which the party wishing to rescind the acknowledgment is also a party

To rescind the acknowledgment, the party shall sign and file with the state registrar a written document declaring the rescission.

A signed voluntary acknowledgment of paternity filed in this state may be challenged and set aside in circuit court at any time after the 60-day period on the basis of fraud, duress, or a material mistake of fact. The challenge may be brought by:

- A party to the acknowledgment
- The child
- The Department of Human Services if the child is in the care and custody of the department

The challenge shall be initiated by filing a petition with the circuit court. The party bringing the challenge has the burden of proof. If the court finds by a preponderance of the evidence that the acknowledgment was signed because of fraud, duress, or material mistake of fact, the court shall set aside the acknowledgment unless, giving consideration to the interests of the parties and the child, the court finds that setting aside the acknowledgment would be substantially inequitable.

Legal responsibilities arising from the acknowledgment, including child support obligations, may not be suspended during the challenge, except for good cause.

A voluntary acknowledgment of paternity is not valid if, before the party signed the acknowledgment:

- The party signed a consent to the adoption of the child by another individual.
- The party signed a document relinquishing the child to a child-caring agency.
- The party's parental rights were terminated by a court.
- In an adjudication, the party was determined not to be the biological parent of the child.

Access to Information**Citation: Rev. Stat. § 432.098**

Upon request, the state registrar shall provide a copy of any voluntary acknowledgment of paternity form to the state agency responsible for administration of the child support enforcement program created under title IV-D of the Social Security Act. The duty imposed upon the state registrar by this section is limited to records of live birth executed and filed with the state registrar after October 1, 1995.

Pennsylvania

Current Through August 2017

Legal Definition of 'Father'**Citation: Cons. Stat. Tit. 23, § 5102**

For purposes of prescribing benefits to children born out of wedlock by, from, and through the father, paternity shall be determined by any one of the following ways:

- If the parents of a child born out of wedlock have married each other
- If, during the lifetime of the child, it is determined by clear and convincing evidence that the father openly holds out the child to be his and either receives the child into his home or provides support for the child
- If there is clear and convincing evidence that the man was the father of the child, including a prior court determination of paternity

Paternity Registry**Citation: Cons. Stat. Tit. 23, § 5103**

The father of a child born to an unmarried woman may file with the Department of Public Welfare, on forms prescribed by the department, an acknowledgment of paternity of the child that shall include the consent of the mother of the child.

If the mother of the child fails or refuses to join in the acknowledgment of paternity, the department shall index it as a claim of paternity. The filing and indexing of a claim of paternity shall not confer upon the putative father any rights as to the child except that the putative father shall be entitled to notice of any proceeding brought to terminate any parental rights as to the child.

An acknowledgment of paternity shall constitute conclusive evidence of paternity without further judicial ratification in any action to establish support. The court shall give full faith and credit to an acknowledgment of paternity signed in another state according to its procedures.

Alternate Means to Establish Paternity**Citation: Cons. Stat. Tit. 23, § 5103; 4343; 5104**

The name of the father shall be included on the record of birth of the child of unmarried parents only if one of the following applies:

- The father and mother have signed a voluntary acknowledgment of paternity.
- A court or administrative agency of competent jurisdiction has issued an adjudication of paternity.

Upon the request of any party to an action to establish paternity, supported by a sworn statement from the party, the court section shall require the child and the parties to submit to genetic tests. Genetic test results indicating a 99 percent or greater probability that the alleged father is the father of the child shall create a presumption of paternity that may be rebutted only by clear and convincing evidence that the results of the genetic tests are not reliable in that particular case.

In any matter in which paternity, parentage, or identity of a child is a relevant fact, the court may or, upon motion of any party to the action, shall order the mother, child, and alleged father to submit to blood tests. If the court finds that the conclusions of all the experts, as disclosed by the evidence based upon the tests, are that the alleged father is not the father of the child, the question of paternity, parentage, or identity of a child shall be resolved accordingly.

Required Information**Citation: Cons. Stat. Tit. 23, § 5103**

This acknowledgment shall contain:

- A signed, witnessed statement by the birth mother consenting to the acknowledgment of paternity
- A signed, witnessed statement by the birth father acknowledging his paternity
- A written explanation of the parental duties and parental rights that arise from signing such a statement
- The Social Security numbers and addresses of both birth parents

Revocation of Claim to Paternity**Citation: Cons. Stat. Tit. 23, § 5103**

A signed, voluntary, witnessed acknowledgment of paternity shall be considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of the following:

- Sixty days
- The date of an administrative or judicial proceeding relating to the child, including, but not limited to, a domestic relations section conference or a proceeding to establish a support order in which the signatory is a party

After the expiration of the 60 days, an acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact that must be established by the challenger through clear and convincing evidence. An order for support shall not be suspended during the period of challenge except for good cause shown.

Access to Information

This issue is not addressed in the statutes reviewed.

Puerto Rico

Current Through August 2017

Legal Definition of 'Father'**Citation: Ann. Laws Tit. 31, § 504**

Natural children are those born out of wedlock to parents who, at the moment when such children were conceived or were born, could have married with or without dispensation. The natural child may be recognized by the father and mother conjointly or by one of them only, either in the record of birth or in the testament or in any other public instrument.

The father is obliged to recognize the natural child when:

- There exists an indubitable statement in writing of this father wherein he expressly acknowledges his paternity.
- The child has uninterruptedly enjoyed the condition of a natural child of the defendant father, justified by acts of the same father or of his family.
- The mother was known to have lived in concubinage with the father, both during her pregnancy and at the time of the birth of the child.
- The child may present any authentic evidence of paternity.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity**Citation: Ann. Laws Tit. 8, § 548**

A court of Puerto Rico has jurisdiction in a proceeding brought under this chapter, a law or procedure substantially similar to this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

Required Information

This issue is not addressed in the statutes reviewed.

Revocation of Claim to Paternity

This issue is not addressed in the statutes reviewed.

Access to Information

This issue is not addressed in the statutes reviewed.

Rhode Island

Current Through August 2017

Legal Definition of 'Father'

Citation: Gen. Laws § 15-8-3

A man is presumed to be the natural father of a child if:

- He and the child's mother are or have been married to each other, and the child is born during the marriage or within 300 days after the marriage is terminated.
- Before the child's birth, he and the child's mother have attempted to marry each other, although the attempted marriage is or could be declared invalid, and:
 - » If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage or within 300 days after its termination.
 - » If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation.
- After the child's birth, he and the child's mother have married or attempted to marry, although the attempted marriage could be declared invalid, and:
 - » He has acknowledged his paternity of the child in writing filed with the clerk of the family court.
 - » With his consent, he is named as the child's father on the child's birth certificate.
 - » He is obligated to support the child under a written voluntary promise or by court order.
- He acknowledges his paternity of the child in a writing filed with the clerk of the family court.
- He has submitted to blood testing, and the results establish a conclusive presumption.
- A sworn acknowledgment of paternity of a child born out of wedlock is signed by both parents.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Gen. Laws §§ 15-8-3; 15-8-27

A man may acknowledge his paternity of a child in a writing filed with the clerk of the family court who shall promptly inform the mother of the filing of the acknowledgment, and she does not dispute the acknowledgment within a reasonable time after being informed in a writing filed with the clerk of the family court. If another man is presumed to be the child's father, acknowledgment may be accomplished only with the written consent of the presumed father or after the presumption has been rebutted. The written acknowledgment of paternity shall be admissible as evidence of paternity.

Paternity also may be established by a sworn acknowledgment signed by both parents, either at the Department of Human Services or Division of Taxation within the Department of Administration. The acknowledgment shall be forwarded to the State Registrar of Vital Records for the purpose of amending the birth certificate. Before signing the sworn acknowledgment of paternity, the parents shall be given written notice of their respective rights and responsibilities.

In any action commenced before the family court, the father may acknowledge his paternity of the child with the clerk of the family court. The judge shall hold an informal hearing on the acknowledgement and shall enter an order establishing the paternity of the child and an order of support for the child; provided, that there are no objections from the natural mother or presumed father filed with the family court prior to the date of the informal hearing.

Required Information

Citation: Gen. Laws § 15-8-27

Each acknowledgement must be signed by the person filing it and contain:

- The name, Social Security number, date of birth, and address of the person filing the acknowledgement
- The name and last known address of the mother of the child
- The date of birth of the child or, if the child is unborn, the month and year in which the child is expected to be born
- The name and address of the presumed father, if any

Revocation of Claim to Paternity

Citation: Gen. Laws § 15-8-3

The sworn acknowledgment of paternity becomes a conclusive presumption if there is no court challenge to this acknowledgment within 60 days of the signing of this acknowledgment. The only defenses that may be raised to the signing of this acknowledgment after the 60-day period are fraud, duress, or mistake of fact.

A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise that conflict, the presumption founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

Access to Information

This issue is not addressed in the statutes reviewed.

South Carolina

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Code §§ 63-9-820; 63-9-310

An 'unmarried biological father' is a male who is not married to the biological mother of a child of whom he is or claims to be the natural father.

The father of a child born when the father was not married to the child's mother may establish the right to receive notice of an adoption proceeding as follows:

- If the child was placed with the prospective adoptive parents more than 6 months after the child's birth, and the father has maintained substantial and continuous or repeated contact with the child as demonstrated by:
 - » Payment by the father toward the support of the child of a fair and reasonable sum, based on the father's financial ability
 - » Visits by the father to the child at least monthly when the father is physically and financially able to do so
 - » Regular communication by the father with the child or with the person or agency having lawful custody of the child
- A father of a child born when the father was not married to the child's mother, who openly lived with the child for a period of 6 months within the 1-year period immediately prior to placing the child for adoption, and who during the 6-month period openly held himself out to be the father of the child is considered to have maintained substantial and continuous or repeated contact with the child.
- If the child was placed with the prospective adoptive parents 6 months or less after the child's birth:
 - » The father openly lived with the child or the child's mother for a continuous period of 6 months immediately prior to placing the child for adoption, and the father openly held himself out to be the father of the child during that time.
 - » The father paid a fair and reasonable sum, based on the father's financial ability, for the support of the child or for expenses incurred in connection with the mother's pregnancy or with the birth of the child, including, but not limited to, medical, hospital, and nursing expenses.

Paternity Registry

Citation: Ann. Code §§ 63-9-810; 63-9-820

The responsible father registry shall be established and maintained by the Department of Social Services. It is the purpose of the registry to provide notice to unmarried biological fathers who affirmatively assume responsibility for children they may have fathered by registering with the registry.

Except as set forth in § 63-9-730(B), in order to preserve the right to notice of an adoption proceeding or a petition for termination of parental rights, a registrant must file a claim of paternity with the registry. A claim of paternity filed with the registry must not be deemed to be an acknowledgment of paternity, and a claim of paternity filed with the registry, as well as any other information contained in the registry, is not admissible as evidence in any proceeding.

Except for a person who is required to receive notice pursuant to § 63-9-730(B), an unmarried biological father's failure to file a claim of paternity with the registry constitutes an implied irrevocable waiver of the father's right to notice of any proceedings pertaining to the termination of his parental rights and to the child's adoption. Such waiver includes a waiver of any right of the parent to be named as a party or served with a summons or any other document prepared in conjunction with a termination of parental rights proceeding or an adoption proceeding.

Alternate Means to Establish Paternity

Citation: Ann. Code §§ 63-17-10; 63-17-30; 63-17-60

An action to establish the paternity of an individual may be brought by a child; the child's natural mother; any person in whose care a child has been placed; an authorized agency, including the Department of Social Services; or a person who claims to be the father of a child.

When a paternity action has been commenced, the court, upon its motion or that of an interested party, may order the natural mother, the putative father, and the child to submit to genetic tests that have been developed for the purpose of proving or disproving parentage.

The following evidence is admissible at a hearing to determine paternity:

- Results of genetic tests that show a statistical probability of paternity of 95 percent or higher
- A verified voluntary acknowledgment of paternity
- A birth certificate containing the signature of the mother and the putative father
- An expert's opinion concerning the time of conception
- The testimony of a husband and wife as to any relevant matter, including marriage and parentage
- Any other relevant and competent evidence deemed admissible in the discretion of the court

A verified voluntary acknowledgment of paternity executed after January 1, 1998, creates a conclusive presumption of the putative father's paternity. The acknowledgment must be made by a sworn document, signed by the person acknowledging paternity, and witnessed by (1) that person's attorney, parent, or guardian or (2) a person age 18 or older who is not related to the child and not employed or acting under the authority of the department.

Required Information

Citation: Ann. Code § 63-9-820

A claim of paternity must be signed by the registrant and must include:

- The registrant's name, address, and date of birth
- The mother's name and, if known, her address and date of birth
- If known, the child's name, place of birth, and date of birth
- If known, the date, county, and state of conception of the child
- The date the claim is filed

Revocation of Claim to Paternity

Citation: Ann. Code §§ 63-9-820; 63-17-50

A person who has registered with the registry may at any time revoke a claim of paternity and shall file the revocation with the department in the manner prescribed by the department. The filing of a revocation of a claim of paternity makes the prior claim of paternity filed by the registrant null and void.

A verified voluntary acknowledgment of paternity creates a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of:

- Sixty days
- The date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order in which the signatory is a party

Upon the expiration of the 60-day period, a verified voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger. In the event of a challenge, legal responsibilities including child support obligations of any signatory arising from the acknowledgment may not be suspended during the challenge except for good cause shown.

Access to Information

Citation: Ann. Code § 63-9-820

The registry is not available for public inspection and is not subject to disclosure under the Freedom of Information Act pursuant to title 30, chapter 4, except that:

- The department may file a written request with the registry regarding a child for whom the department has an open case for child welfare services.

- The department shall provide the names and addresses of all registrants who have filed a claim of paternity for the child in question upon written request of a child-placing agency or an attorney assisting in the adoption or termination of parental rights of a child. The written request may be filed with the registry before or after the birth of the child and must include:
 - » The mother's name and, if known, her address and date of birth
 - » If known, the child's date of birth and place of birth
 - » If known, the date, county, and state of conception of the child

South Dakota

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Laws § 25-5A-1

The term 'parents' means the mother and father, if living, of a child.

The term 'putative father' means any person who claims to be, or is named as, the biological father or a possible biological father of a child and whose paternity of the child has not been judicially determined.

Paternity Registry

Citation: Ann. Laws § 25-8-50; 25-8-63

Upon the birth of a child to an unmarried woman, and prior to discharge, any hospital, physician, health-care provider, midwife, or nurse who assists in the birth of the child shall:

- Provide an opportunity for the child's mother and alleged father to sign under oath an affidavit of paternity
- Provide to the mother and to the alleged father any necessary information furnished by the Department of Social Services that describes, among other things:
 - » The rights and responsibilities of parentage
 - » The benefits of having the child's paternity established
 - » The alleged father's legal rights and responsibilities, including his right to request genetic testing
 - » The child's right to receive child support
 - » That a signed affidavit of paternity creates a rebuttable presumption of paternity
 - » That a signed affidavit of paternity allows the establishment of a support obligation without requiring further proceedings to establish paternity
 - » That completion of the affidavit of paternity is voluntary and is not required of either the mother or the alleged father

If obtained, the fully completed, signed, and notarized original affidavit of paternity shall be forwarded to the Department of Health within 7 days following the birth of the child. Every affidavit or adjudication of paternity shall be filed with the Department of Health for comparison with information contained within the state case registry.

Alternate Means to Establish Paternity

Citation: Ann. Laws §§ 25-8-7; 25-8-7.1

An action to determine paternity is a civil action governed by the Rules of Civil Procedure. They are not exclusive of other proceedings that may be available on principles of law or equity.

Upon determining paternity of a child, the court shall give judgment declaring the paternity of the father to the child. The court may award a money judgment to the appropriate party for the recovery of the reasonable expenses of the mother's pregnancy and confinement; for the education, support, or funeral expenses for the child; or for any other expenses with respect to the child as the court deems reasonable.

In any action or proceeding in which the parentage of a child is at issue, including disestablishment proceedings pursuant to § 25-8-64, upon motion of the court or the department or any of the interested parties, the court shall, for good cause shown, order the mother, the child, or any alleged father to submit to an examination of blood, tissue, or other bodily substances for the purpose of testing any genetic systems that are generally accepted within the scientific community for the conclusive determination of paternity probability. The results of the tests, together with the opinions and conclusions of the testing laboratory, shall be filed with the court.

Required Information

This issue is not addressed in the statutes reviewed.

Revocation of Claim to Paternity

Citation: Ann. Laws § 25-8-59

Any action contesting a rebuttable presumption of paternity shall be commenced in circuit court either 60 days after the creation of the presumption of paternity or the date of any administrative or judicial proceedings relating to the child, including proceedings to establish a support obligation, whichever occurs earlier, except in cases where there are allegations of fraud, duress, or material mistake of fact.

In cases involving allegations of fraud, duress, or material mistake of fact, any action contesting a rebuttable presumption of paternity shall be commenced within 3 years after the creation of any presumption. The burden of proof shall be upon the moving party, and the payment of child support or any other legal responsibilities of the parties may not be suspended during the pendency of the proceedings, except upon a showing of good cause by the moving party.

Access to Information

This issue is not addressed in the statutes reviewed.

Tennessee

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Code §§ 36-2-302; 36-2-304(a)

As used in this chapter, unless the context otherwise requires:

- 'Father' means the biological father of a child born out of wedlock.
- 'Parent' means the biological mother or biological father of a child, regardless of the marital status of the mother and father.

A man is rebuttably presumed to be the father of a child if:

- The man and the child's mother are married or have been married to each other, and the child is born during the marriage or within 300 days after the marriage is terminated.
- Before the child's birth, the man and the mother have attempted to marry each other, although the attempted marriage is or could be declared illegal, void, and voidable.
- After the child's birth, the man and the mother have married or attempted to marry each other, although such marriage is or could be declared illegal, void, or voidable and:
 - » The man has acknowledged his paternity of the child in a writing filed under the putative father registry.
 - » The man has consented in writing to be named the child's father on the birth certificate.
 - » The man is obligated to support the child under a written voluntary promise or by court order.
- While the child is a minor, the man receives the child into his home and openly holds the child out as his natural child.
- Genetic tests have been administered, an exclusion has not occurred, and the test results show a statistical probability of parentage of 95 percent or greater.

Paternity Registry

Citation: Ann. Code § 36-2-318

The Department of Children's Services shall establish a putative father registry. The registrar of the Division of Vital Records of the Department of Health shall notify the department's registry of all orders of parentage or acknowledgments of parentage received by the registrar.

Any person listed on the registry shall be notified by the department of any proceedings for the adoption of any child or the termination of parental rights of any child of which the department's adoption unit has actual notice of filing and for whom the registrant has made a claim of parentage, unless the person has previously executed an unrevoked surrender of the child or waiver of interest or has consented to the child's adoption, or unless the person's parental rights have been terminated by court action.

A person listed on the registry and entitled to notice of pending adoption or termination proceedings shall have 30 days from the receipt of such notice to file a complaint for parentage or to intervene in the adoption proceedings or termination of parental rights proceedings for the purpose of establishing a claim to parentage of the child or to present a defense to the termination or adoption case. The failure of such person to file a petition to intervene shall be sufficient cause for the court where the adoption proceedings or termination proceedings are pending to terminate the parental rights, if any, of such person.

Alternate Means to Establish Paternity**Citation: Ann. Code § 36-2-305**

The court may enter an order of parentage upon the agreement of the mother and father, unless the court on its own motion orders genetic testing. In any such agreement, the mother and father must affirmatively acknowledge their parentage of the child. Any agreement under this part shall comply with the requirements of § 36-2-311.

Absent an agreement or an acknowledgment of parentage, a complaint to establish parentage may be filed. A complaint to establish parentage of a child may be filed by:

- The child, if the child has reached the age of majority, or if the child is a minor, the child through a guardian or next friend
- The child's mother, or if the mother is a minor, the mother's personal representative, parent, or guardian
- A man claiming to be the child's father, or if the man is a minor, the man's parent, guardian, or personal representative
- The Department of Human Services

Required Information**Citation: Ann. Code § 36-2-318**

The registry shall contain the names of the following persons:

- Those persons; their addresses, if available; the name of the child; and the name of the biological mother of the child, if available, for whom the registrar of the Division of Vital Records has a record that an order of parentage has been entered
- Those persons who have filed with the registry a certified copy of a court order from this state or any other state or territory of the United States or any other country that adjudicates such person to be a father of a child born out of wedlock
- Those persons who have filed with the registry a copy of a sworn acknowledgment of parentage executed pursuant to the law of this state or any other state or territory or any other country
- Those persons who have filed only a written notice of intent to claim paternity of a child with the putative father registry either prior to, or within 30 days after, the birth of such child

Those persons who have filed only a written notice of intent to claim parentage of a child shall include with such notice:

- The person's name, current address, and current telephone number, if any
- The name of the child, if known, for whom such person claims parentage
- The name of the child's biological mother
- The current legal or physical custodian and that person's address and telephone number, if known
- Any other information that may identify the child and the child's whereabouts

Revocation of Claim to Paternity**Citation: Ann. Code § 36-2-318**

A person who has filed a notice of intent to claim parentage may revoke the notice at any time in writing to the registry, and upon receipt of such notification by the registry, the notice of intent to claim parentage shall be deemed null and void as of the date it is filed.

Access to Information

This issue is not addressed in the statutes reviewed.

Texas

Current Through August 2017

Legal Definition of 'Father'**Citation: Family Code §§ 160.102; 160.204**

An 'adjudicated father' is a man who has been adjudicated by a court to be the father of a child. A 'presumed father' is a man who, by operation of law under § 160.204, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding.

A man is presumed to be the father of a child if:

- He is married to the mother of the child, and the child is born during the marriage.
- He was married to the child's mother, and the child is born before the 301st day after the date the marriage is terminated.
- He married the child's mother before the birth of the child, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or before the 301st day after the date the marriage is terminated.

- He married the child’s mother after the birth of the child, regardless of whether the marriage is or could be declared invalid, he voluntarily asserted his paternity of the child, and:
 - » The assertion is in a record filed with the Vital Statistics Unit.
 - » He is voluntarily named as the child’s father on the child’s birth certificate.
 - » He promised in a record to support the child as his own.
- During the first 2 years of the child’s life, he continuously resided in the household in which the child resided, and he represented to others that the child was his own.

Paternity Registry

Citation: Family Code §§ 160.401; 160.402

A registry of paternity is established in the Vital Statistics Unit.

A man who desires to be notified of a proceeding for the adoption of or the termination of parental rights regarding a child that he may have fathered may register with the registry of paternity:

- Before the birth of the child
- No later than the 31st day after the date of the birth of the child

Alternate Means to Establish Paternity

Citation: Family Code §§ 160.301; 160.302; 160.402; 160.601

The mother of a child and a man claiming to be the biological father of the child may sign an acknowledgment of paternity with the intent to establish the man’s paternity. An acknowledgment of paternity must:

- Be in a record
- Be signed or otherwise authenticated by the mother and the man seeking to establish paternity
- State that the child whose paternity is being acknowledged:
 - » Does not have a presumed father or has a presumed father whose full name is stated
 - » Does not have another acknowledged or adjudicated father
- State whether there has been genetic testing and, if so, that the acknowledging man’s claim of paternity is consistent with the results of the testing
- State that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of the paternity of the child and that a challenge to the acknowledgment is permitted only under limited circumstances

A man is entitled to notice of a proceeding regardless of whether he registers with the registry of paternity if:

- A father-child relationship between the man and the child has been established under this chapter or another law.
- The man commences a proceeding to adjudicate his paternity before the court has terminated his parental rights.

The parentage of a child may be adjudicated in a civil proceeding.

Required Information

Citation: Family Code §§ 160.411; 160.402

The Vital Statistics Unit shall adopt a form for registering with the registry. The form requires the signature of the registrant and must state that:

- The form is signed under penalty of perjury.
- A timely registration entitles the registrant to notice of a proceeding for adoption of the child or for termination of the registrant’s parental rights.
- A timely registration does not commence a proceeding to establish paternity.
- The information disclosed on the form may be used against the registrant to establish paternity.
- Services to assist in establishing paternity are available to the registrant through the support enforcement agency.
- The registrant should also register in another state if the conception or birth of the child occurred in the other state.
- Information on registries in other states is available from the unit.
- Procedures exist to rescind the registration of a claim of paternity.

A registrant shall promptly notify the registry of any change in the information provided by the registrant. The Vital Statistics Unit shall incorporate all new information received into its records, but is not required to affirmatively seek to obtain current information for incorporation in the registry.

Revocation of Claim to Paternity**Citation: Family Code §§ 160.307; 160.308; 160.414**

A signatory may rescind an acknowledgment of paternity before the earlier of:

- Sixty days after the effective date of the acknowledgment
- The date a proceeding to which the signatory is a party is initiated before a court to adjudicate an issue relating to the child, including a proceeding that establishes child support

After the period for rescission has expired, a signatory of an acknowledgment of paternity may commence a proceeding to challenge the acknowledgment only on the basis of fraud, duress, or material mistake of fact. The proceeding may be commenced at any time before the issuance of an order affecting the child identified in the acknowledgment or denial, including an order relating to support of the child. A party challenging an acknowledgment of paternity or denial of paternity has the burden of proof.

Evidence based on genetic testing that the man who is the signatory of an acknowledgement of paternity is not rebuttably identified as the father of a child in accordance with § 160.505 constitutes a material mistake of fact.

A registrant in the putative fathers registry may rescind his registration at any time by sending a rescission in a record or another manner authenticated by him and witnessed or notarized to the registry.

Access to Information**Citation: Family Code § 160.412**

The Vital Statistics Unit is not required to attempt to locate the mother of a child who is the subject of a registration. The unit shall send a copy of the notice of the registration to a mother who has provided an address.

Information contained in the registry is confidential and only may be released on request to:

- A court or a person designated by the court
- The mother of the child who is the subject of the registration
- An agency authorized by law to receive the information
- A licensed child-placing agency
- A support enforcement agency
- A party, or the party's attorney of record, to a proceeding under this chapter or a proceeding to adopt or to terminate parental rights regarding a child who is the subject of the registration
- The registry of paternity in another state

Utah*Current Through August 2017***Legal Definition of 'Father'****Citation: Ann. Code § 78B-15-102**

As used in this chapter:

- 'Adjudicated father' means a man who has been adjudicated by a tribunal to be the father of a child.
- 'Alleged father' means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined.
- 'Declarant father' means a male who, along with the biological mother, claims to be the genetic father of a child and signs a voluntary declaration of paternity to establish the man's paternity.
- 'Determination of parentage' means the establishment of the parent-child relationship by the signing of a valid voluntary declaration of paternity or adjudication by a tribunal.

Paternity Registry**Citation: Ann. Code §§ 78B-15-401; 78B-15-402**

The Office of Vital Records shall register the following records that are filed with the office:

- All declarations of paternity
- All judicial and administrative determinations of paternity
- All notices of proceedings to establish paternity that are filed pursuant to §§ 78-30-4.13 and 78-30-4.14

A notice of initiation of paternity proceedings may not be accepted into the registry unless accompanied by a copy of the pleading that has been filed with the court to establish paternity. A notice of initiation of paternity proceedings may not be filed if another man is the adjudicated or declarant father.

An unmarried biological father who desires to be notified of a proceeding for adoption of a child must file a notice of the initiation of paternity proceedings as required by §§ 78B-6-110, 78B-6-120, 78B-6-121, and 78B-6-122.

A registrant shall promptly notify the registry in writing of any change in the information registered. The Office of Vital Records shall incorporate all new information received into its records, but need not affirmatively seek to obtain current information for incorporation in the registry.

Alternate Means to Establish Paternity

Citation: Ann. Code §§ 78B-15-301; 78B-15-302; 78B-15-502; 78B-15-505; 78B-15-601; 78B-15-622

The mother of a child and a man claiming to be the genetic father of the child may sign a declaration of paternity to establish the paternity of the child. The declaration of paternity shall be in a form prescribed by the Office of Vital Records and shall be accompanied with a written and verbal notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the declaration.

Upon the motion of any party to the action, the court shall order the child and other designated individuals to submit to genetic testing, if the request for testing is supported by the sworn statement of a party to the proceeding:

- Alleging paternity and stating facts establishing a reasonable probability of the requisite sexual contact between the individuals
- Denying paternity and stating facts establishing a possibility that sexual contact between the individuals, if any, did not result in the conception of the child

A man is presumed to be identified as the father of a child if the genetic testing complies with this part and the results disclose that the man has at least a 99 percent probability of paternity. A man identified as the father of the child may rebut the genetic testing results only by other genetic testing satisfying the requirements of this part that excludes the man as a genetic father of the child or identifies another man as the possible father of the child. If a presumption of paternity is not rebutted by a second test, the court shall issue an order establishing paternity.

The parentage of a child may also be determined at an adjudicative proceeding. The tribunal shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child.

Required Information

Citation: Ann. Code § 78B-15-302

A declaration of paternity must:

- Be in a record
- Be signed by the birth mother and declarant father in the presence of two witnesses who are not related by blood or marriage
- State that the child whose paternity is being declared:
 - » Does not have a presumed father or has a presumed father whose full name is stated
 - » Does not have another declarant or adjudicated father
- State whether there has been genetic testing and, if so, that the declarant man's claim of paternity is consistent with the results of the testing
- State that the signatories understand that the declaration is the equivalent of a legal finding of paternity of the child

If either the birth mother or the declarant father is a minor, the voluntary declaration must also be signed by that minor's parent or legal guardian.

A presumed father may sign or otherwise authenticate an acknowledgment of paternity. The Social Security number of any person who is subject to declaration of paternity shall be placed in the records relating to the matter.

Revocation of Claim to Paternity

Citation: Ann. Code §§ 78B-15-306; 78B-15-307

A signatory may rescind a declaration of paternity by filing a voluntary rescission document with the Office of Vital Records in a form prescribed by the office before the earlier of:

- Sixty days after the effective date of the declaration
- The date of notice of the first adjudicative proceeding to which the signatory is a party, before a tribunal to adjudicate an issue relating to the child, including a proceeding that establishes support

Upon receiving a voluntary rescission document from a signatory, the Office of Vital Records shall provide notice of the rescission by mail to the other signatory at the last known address of that signatory. After the period for rescission has expired, a signatory of a declaration of paternity or a support-enforcement agency may commence a proceeding to challenge the declaration only on the basis of fraud, duress, or material mistake of fact. A party challenging a declaration of paternity or denial of paternity has the burden of proof.

A challenge brought on the basis of fraud or duress may be commenced at any time. A challenge brought on the basis of a material mistake of fact may be commenced within 4 years after the declaration is filed with the Office of Vital Records. Genetic test results that exclude a declarant father or that rebuttably identify another man as the father constitute a material mistake of fact.

Access to Information

Citation: Ann. Code §§ 78B-15-312; 78B-15-405

The Office of Vital Records may release information relating to the declaration of paternity to a signatory of the declaration or denial and to tribunals and federal, tribal, and state support-enforcement agencies of this or another state.

The Office of Vital Records shall send a copy of the filing to a person or entity set forth below who has requested a copy. The copy of the filing shall be sent to the most recent address provided by the requestor.

Information contained in records that are filed pursuant to § 78-45g-401 is confidential and only may be released on request to:

- A tribunal or a person designated by the tribunal
- The mother of the child who is the subject of the filing
- An agency authorized by law to receive the information
- A licensed child-placing agency
- The Office of Recovery Services, the Office of the Attorney General, or a support-enforcement agency of another state or tribe
- A party or the party's attorney of record in a proceeding under this chapter, a proceeding for adoption of, or for termination of parental rights regarding, a child who is the subject of the filing
- The registry of paternity in another state

Vermont

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Stat. Tit. 15, § 308

A person alleged to be a parent shall be rebuttably presumed to be the natural parent of a child if:

- The alleged parent fails to submit to genetic testing as ordered without good cause.
- The alleged parents have voluntarily acknowledged parentage under the laws of this state, or any other state, by filling out and signing a Voluntary Acknowledgement of Parentage form and filing the completed and witnessed form with the Department of Health.
- The probability that the alleged parent is the biological parent exceeds 98 percent, as established by a scientifically reliable genetic test.
- The child is born while the alleged parents are legally married to each other.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Ann. Stat. Tit. 15, §§ 307; 304

In any case in which the parents of a child are not married, parents of the child may acknowledge parentage by filling out and signing a voluntary acknowledgment of parentage form prescribed and made available by the Department of Health and by filing the form with the department.

A witnessed voluntary acknowledgment of parentage form signed by both biological parents under this section shall be a presumptive legal determination of parentage upon filing with the department, provided no court has previously adjudicated parentage or no legal presumption of legitimacy otherwise applies.

On motion of a party, the court shall require the child, the defendant or defendants, and any acknowledged parent to submit to appropriate genetic testing for the determination of parentage. The results of genetic testing are relevant to proceedings under this chapter in order to prove parentage or to disprove parentage.

Upon the filing of a parentage action, the Office of Child Support may issue a notice to the child, alleged parent, and any acknowledged parent to appear and submit to appropriate genetic testing for the determination of parentage, if the notice is accompanied by a sworn statement with either of the following:

- Alleging parentage and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties
- Denying parentage and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties

Required Information

Citation: Ann. Stat. Tit. 15, § 307

The voluntary acknowledgment of parentage form shall be confidential and shall include:

- The parents' mailing addresses and Social Security numbers
- Instructions for filing the form with the department
- Information concerning the legal implications of completing the form, including the procedure for establishing parentage, parental rights and responsibilities, and child support obligations

The form shall contain language emphasizing the gravity of the effects of acknowledging parentage and the rights and responsibilities that attach. The form also shall contain the following statement: 'Parentage creates specific legal obligations. This signed form may be used in court in support of a parentage claim. You should seek legal advice before signing this form if you have any questions or if you are confused about your rights and responsibilities.'

Revocation of Claim to Paternity

Citation: Ann. Stat. Tit. 15, § 307

A person who has signed a voluntary acknowledgment of parentage form may rescind the acknowledgment within 60 days after signing the form or prior to a judicial determination of parentage, whichever occurs first. The rescission shall be in writing and shall be filed with the department. If a voluntary acknowledgment of parentage form is not rescinded timely as provided for in this subsection, the determination of parentage may be challenged only pursuant to Rule 60 of the Vermont Rules of Civil Procedure. During the pendency of such a challenge, the legal responsibilities, including child support obligations, of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

Access to Information

Citation: Ann. Stat. Tit. 15, § 307

The department shall only make the completed voluntary acknowledgment of parentage form available to the parties who signed it and the Office of Child Support. The office shall not have access to the form except for the purpose of initiating a parentage or support proceeding on behalf of a dependent child, in which case the department shall make available to the office, upon explicit request, the appropriate information.

Virgin Islands

Current Through August 2017

Legal Definition of 'Father'

This issue is not addressed in the statutes reviewed.

Paternity Registry

Citation: Ann. Code Tit. 16, § 292

Paternity may be voluntarily established through the execution of an acknowledgment of paternity. The acknowledgment of paternity shall be the exclusive means to voluntarily establish paternity of children born out of wedlock outside of the court and administrative process as set out in this chapter.

An acknowledgment of paternity, if completed in compliance with the requirements of this section, shall be considered a conclusive legal finding of paternity with the same force and effect as a court or administrative adjudication of paternity and without the necessity of a court or hearing officer ratification.

All birthing hospitals and facilities shall provide the biological parents of children born out of wedlock, with focus on the period immediately before or after the birth of a child, with the opportunity to voluntarily acknowledge paternity of such child through the signing of an acknowledgment of paternity.

Any acknowledgment of paternity completed pursuant to this section, whether at a birthing hospital or facility or any other specified location, shall be filed with the appropriate Department of Health, Office of Vital Statistics within 30 days of signing.

Alternate Means to Establish Paternity

Citation: Ann. Code Tit. 16, § 293

Proceedings under this chapter may be instituted by:

- Any female resident of the Virgin Islands who has delivered an out-of-wedlock child
- Any male resident of the Virgin Islands who is alleging to be the father of an out-of-wedlock child
- Any legal custodian of an out-of-wedlock child

Proceedings can be instituted at any time before a child's 18th birthday.

Proceedings are commenced by the filing of a petition before the court alleging that the person named as the respondent, or the petitioner if the petitioner is a person alleging to be the child's father, is the father of the child born out of wedlock. If both parties to a proceeding appear before the court and consent to the establishment of paternity of a child born out of wedlock, a respective order establishing paternity shall be issued.

In a contested paternity action, the court, on its own motion or on the motion of any party to the action, shall order the mother, the putative father, and the child to submit to blood, genetic, or DNA tests by a duly qualified physician or laboratory.

Test results shall constitute a conclusive presumption of paternity if the results indicate a statistical probability of paternity of 99 percent or higher.

Required Information

Citation: Ann. Code Tit. 16, § 292

The acknowledgment of paternity must be sworn to or affirmed by both parents of a child born out of wedlock before a duly authorized notary public.

The acknowledgment of paternity shall include a written notice of the alternatives to, legal consequences of, and the rights (including, if a parent is a minor, any rights afforded to minority status) and responsibilities that arise from signing the acknowledgment of paternity. This notice must be provided in writing and orally to both signatories prior to signing the acknowledgment of paternity.

Revocation of Claim to Paternity

Citation: Ann. Code Tit. 16, § 292

An acknowledgment of paternity is subject to the right of any signatory to rescind the acknowledgment within 60 days of the date of signing. The rescission is accomplished by filing a notarized request to rescind with the Paternity and Child Support Division, Department of Justice.

Any challenge to the acknowledgment of paternity after the expiration of the 60-day rescission period must be filed in the court and shall only be based on fraud, duress, or material mistake of fact, with the burden of proof upon the challenger. The legal responsibilities of any signatory that may arise under the acknowledgment of paternity may not be suspended during the court challenge unless the court finds good cause.

Access to Information

Citation: Ann. Code Tit. 16, § 292

The court and the Paternity and Child Support Division shall forward a copy of all judicial or administrative adjudications of paternity, whether based on consent or not, to the appropriate Office of Vital Statistics. The Office of Vital Statistics shall maintain a record of all acknowledgments of paternity and all judicial and administrative adjudications of paternity and shall make such record available to the Paternity and Child Support Division in a manner consistent with applicable federal law and regulations.

Virginia

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Code § 63.2-1202(D)

A man shall be presumed to be the father of a child if:

- He and the mother of the child are married to each other and the child is born during the marriage.
- He and the mother of the child were married to each other and the child is born within 300 days of their date of separation, as evidenced by a written agreement or decree of separation, or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce.
- Before the birth of the child, he and the mother of the child married each other in apparent compliance with the law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300 days of their date of separation, as evidenced by a written agreement or decree of separation, or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce.

Such presumption may be rebutted by sufficient evidence that would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation with the birth mother for a period of at least 300 days prior to the birth of the child.

Paternity Registry

Citation: Ann. Code §§ 63.2-1249; 63.2-1250

A Virginia Birth Father Registry is hereby established in the Department of Social Services. Any man who has engaged in sexual intercourse with a woman is deemed to be on legal notice that a child may be conceived and that the man is entitled to all legal rights and obligations resulting therefrom. Lack of knowledge of the pregnancy does not excuse failure to timely register with the registry. A man who desires to be notified of a placement of a child for adoption or a proceeding for termination of parental rights regarding a child that he may have fathered shall register with the registry within 10 days of the child's birth. Registration is complete when the signed registration form is first received by the department.

Failure to register timely with the registry shall waive all rights of a man who is not acknowledged to be, presumed to be, or adjudicated to be the father to withhold consent to an adoption proceeding, unless the man was led to believe through the birth mother's misrepresentation that (i) the pregnancy was terminated or the mother miscarried when in fact the baby was born, or (ii) the child died when in fact the child is alive. Upon discovery of the misrepresentation, the man shall register with the registry within 10 days.

A man will not compromise any rights by failing to register if:

- A father-child relationship between the man and the child has been established pursuant to §§ 20-49.1 and 20-49.8, or if the man is a presumed father as defined in § 63.2-1202.
- The man commences a proceeding to adjudicate his paternity before a petition to accept consent or waive adoption consent is filed in the juvenile and domestic relations district court or before a petition for adoption or a petition for the termination of his parental rights is filed with the court.

Alternate Means to Establish Paternity

Citation: Ann. Code § 20-49.1

The parent and child relationship between a child and a man may be established by:

- Scientifically reliable genetic tests, including blood tests, which affirm at least a 98 percent probability of paternity.
- A voluntary written statement of the father and mother made under oath acknowledging paternity and confirming that prior to signing the acknowledgment the parties were provided with a written and oral description of the rights and responsibilities of acknowledging paternity and the consequences arising from a signed acknowledgment, including the right to rescind.

Written acknowledgments of paternity made under oath by the father and mother prior to July 1, 1990, shall have the same legal effect as a judgment entered pursuant to § 20-49.8.

Required Information**Citation: Ann. Code § 63.2-1250**

The department shall prepare a form for registering that shall require:

- The registrant's name, date of birth, and Social Security number
- The registrant's driver's license number and state of issuance
- The registrant's home address, telephone number, and employer
- The name, date of birth, ethnicity, address, and telephone number of the putative mother, if known
- The state of conception
- The place and date of birth of the child, if known
- The name and gender of the child, if known
- The signature of the registrant

The form also shall state the following:

- Timely registration entitles the registrant to notice of a proceeding for adoption of the child or termination of the registrant's parental rights.
- Registration does not commence a proceeding to establish paternity.
- The information disclosed on the form may be used against the registrant to establish paternity.
- Services to assist in establishing paternity are available to the registrant through the department.
- The registrant should also register in another state if conception or birth of the child occurred in another state
- Information on registries of other states may be available from the department.
- The form is signed under penalty of perjury.
- Procedures exist to rescind the registration of a claim of paternity.

A registrant shall promptly notify the registry of any change in information, including change of address. The department shall incorporate all updated information received into its records, but is not required to request or otherwise pursue current or updated information for incorporation in the registry.

Revocation of Claim to Paternity**Citation: Ann. Code § 20-49.1**

An acknowledgment of paternity may be rescinded by either party within 60 days from the date on which it was signed unless an administrative or judicial order relating to the child in an action to which the person seeking rescission was a party is entered prior to the rescission.

A written statement shall have the same legal effect as a judgment entered pursuant to § 20-49.8 and shall be binding and conclusive unless, in a subsequent judicial proceeding, the person challenging the statement establishes that the statement resulted from fraud, duress, or a material mistake of fact. In any subsequent proceeding in which a statement acknowledging paternity is subject to challenge, the legal responsibilities of any person signing it shall not be suspended during the pendency of the proceeding, except for good cause shown.

Access to Information**Citation: Ann. Code § 63.2-1251**

The department is not required to locate the mother of a child who is the subject of a registration, but the department shall send a copy of the notice of registration to the mother if an address is provided.

Information contained in the registry is confidential and only may be released on request to:

- A court or a person designated by the court
- The mother of the child who is the subject of the registration
- An agency authorized by law to receive such information
- A licensed child-placing agency
- A support enforcement agency
- The child's guardian ad litem
- A party or the party's attorney of record in an adoption proceeding or in a proceeding for terminating parental rights
- A putative father registry in another state
- A local department of social services for the purpose of establishing paternity of a child accepted for placement by a local board pursuant to § 63.2-900

Washington*Current Through August 2017***Legal Definition of 'Father'****Citation: Rev. Code §§ 26.26.011; 26.26.116**

'Acknowledged father' means a man who has established a father-child relationship. An 'adjudicated parent' means a person who has been adjudicated by a court to be the parent of a child. An 'alleged parent' means a person who is alleged to be the genetic parent but whose parentage has not been determined.

'Presumed parent' means a person who is recognized as the parent of a child until that status is rebutted or confirmed in a judicial proceeding. A person is presumed to be the parent of a child if:

- The person and the mother or father of the child are married or in a domestic partnership and the child is born during the marriage or partnership.
- The person and the mother or father of the child were married or in a domestic partnership and the child is born within 300 days after the marriage or partnership is terminated.
- Before the birth of the child, the person and the mother or father of the child married or entered into a domestic partnership in apparent compliance with law, even if the attempted marriage or domestic partnership is, or could be, declared invalid, and the child is born during the invalid marriage or partnership or within 300 days after its termination.
- After the birth of the child, the person and the mother or father of the child have married or entered into a domestic partnership in apparent compliance with law, whether or not the marriage or partnership is, or could be, declared invalid, and the person voluntarily asserted parentage of the child, and:
 - » The assertion is in a record filed with the State Registrar of Vital Statistics.
 - » The person agreed to be named as the child's parent on the child's birth certificate.
 - » The person promised in a record to support the child as his or her own.

A person is presumed to be the parent of a child if, for the first 2 years of the child's life, the person resided in the same household with the child and openly held out the child as his or her own.

Paternity Registry**Citation: Rev. Code §§ 26.26.300; 26.26.305**

The mother of a child and a man claiming to be the genetic father of the child may sign an acknowledgment of paternity with intent to establish the man's paternity.

An acknowledgment of paternity must:

- Be in a record
- Be signed under penalty of perjury by the mother and by the man seeking to establish his paternity
- State that the child whose paternity is being acknowledged:
 - » Does not have a presumed father or has a presumed father whose full name is stated
 - » Does not have another acknowledged or adjudicated father
- State whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the genetic testing
- State that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of paternity of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after 2 years, except as provided in § 26.26.330

Alternate Means to Establish Paternity**Citation: Rev. Code § 26.26.101**

The parent-child relationship is established between a child and a man or woman by:

- The woman having given birth to the child, except as otherwise provided in §§ 26.26.210 through 26.26.260
- An adjudication of the person's parentage
- Adoption of the child by the person
- An affidavit and physician's certificate in a form prescribed by the Department of Health wherein the donor of eggs or surrogate gestation carrier sets forth her intent to be legally bound as the parent of a child or children born through assisted reproduction by filing the affidavit and physician's certificate with the Registrar of Vital Statistics within 10 days after the date of the child's birth

- An un rebutted presumption of the person's parentage of the child under § 26.26.116
- The man's signing of an acknowledgment of paternity under §§ 26.26.300 through 26.26.375, unless the acknowledgment has been rescinded or successfully challenged
- The person's having consented to assisted reproduction by his or her spouse or domestic partner under §§ 26.26.700 through 26.26.730 that resulted in the birth of the child
- A valid surrogate parentage contract, under which the person asserting parentage is an intended parent of the child, as provided in §§ 26.26.210 through 26.26.260

Required Information

Citation: Rev. Code § 26.26.355

The State Registrar of Vital Statistics shall prescribe forms for the acknowledgment of paternity. The acknowledgment of paternity shall state, in prominent lettering, that signing the acknowledgment of paternity is equivalent to an adjudication of paternity and confers upon the acknowledged father all the rights and duties of a parent, such as the payment of child support, if the acknowledgment is not challenged or rescinded.

Revocation of Claim to Paternity

Rev. Code §§ 26.26.330; 26.26.335

A signatory may rescind an acknowledgment of paternity by commencing a court proceeding to rescind before the earlier of:

- Sixty days after the effective date of the acknowledgment
- The date of the first hearing in a proceeding to which the signatory is a party before a court to adjudicate an issue relating to the child, including a proceeding that establishes support

If the signatory to an acknowledgment or denial of paternity was a minor when he signed the acknowledgment or denial, the signatory may rescind the acknowledgment or denial of paternity by commencing a court proceeding to rescind on or before the signatory's 19th birthday.

After the period for rescission has expired, a signatory of an acknowledgment of paternity may commence a proceeding to challenge the acknowledgment only:

- On the basis of fraud, duress, or material mistake of fact
- Within 4 years after the acknowledgment is filed with the State Registrar of Vital Statistics

In actions commenced more than 2 years after the birth of the child, the child must be made a party to the action. A party challenging an acknowledgment of paternity has the burden of proof.

Access to Information

Citation: Rev. Code § 26.26.360

The State Registrar of Vital Statistics may release information relating to the acknowledgment or denial of paternity to:

- A signatory of the acknowledgment or denial
- The courts of this or any other state
- The agencies of this or any other state operating a child support program under title IV-D of the Social Security Act
- The agencies of this or any other state involved in a dependency determination for a child named in the acknowledgment or denial of paternity

West Virginia

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Code §§ 48-22-105; 109; 110; 113; 114

The term 'birth father' means the biological father of the child.

The term 'determined father' means, before adoption, a person:

- In whom paternity has been established pursuant to the provisions of article 24-101, et seq., whether by adjudication or acknowledgment
- Who has been otherwise judicially determined to be the biological father of the child entitled to parental rights
- Who has asserted his paternity of the child in an action commenced pursuant to the provisions of article 24-101, et seq., that is pending at the time of the filing of the adoption petition

The term 'legal father' means, before adoption, the male person having the legal relationship of parent to a child:

- Who is married to the child's mother at the time of conception
- Who is married to the child's mother at the time of the birth of the child
- Who is the biological father of the child and who marries the mother before an adoption of the child

The term 'outsider father' means the biological father of a child born to or conceived by the mother while she is married to another man who is not the biological father of the child.

The term 'putative father' means, before adoption, any man named by the mother as a possible biological father of the child, pursuant to the provisions of § 48-22-502, who is not a legal or determined father.

Paternity Registry

This issue is not addressed in the statutes reviewed.

Alternate Means to Establish Paternity

Citation: Ann. Code §§ 48-24-101; 48-24-103; 48-24-106

A civil action to establish the paternity of a child may be instituted, by verified complaint, in the family court of the county where the child resides. A 'paternity proceeding' is a summary proceeding wherein a family court upon the petition of the state or another proper party may intervene to determine and protect the respective personal rights of a child for whom paternity has not been lawfully established. A decree or order made and entered by a court in a paternity proceeding shall include a determination of the filial relationship, if any, that exists between a child and his or her putative father.

The court may, on its own motion or shall upon the motion of any party, order the mother, her child, and the man to submit to genetic tests to aid in proving or disproving paternity. If the request is made by a party alleging paternity, the statement shall set forth facts establishing a reasonable possibility or requisite sexual contact between the parties. If the request is made by a party denying paternity, the statement may set forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties. The results shall be considered as follows:

- Test results that exclude the man as the father shall be clear and convincing evidence of nonpaternity.
- Test results that show a statistical probability of paternity of less than 98 percent are admissible and shall be weighed along with other evidence of the respondent's paternity.
- Undisputed test results that show a statistical probability of paternity of more than 98 percent shall legally establish the man as the father of the child for all purposes.

A written, notarized acknowledgment executed pursuant to law legally establishes the man as the father of the child for all purposes.

Required Information

This issue is not addressed in the statutes reviewed.

Revocation of Claim to Paternity

This issue is not addressed in the statutes reviewed.

Access to Information

This issue is not addressed in the statutes reviewed.

Wisconsin

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Stat. §§ 891.405; 891.41

A man is presumed to be the natural father of a child if he and the mother have acknowledged paternity under § 69.15(3)(b) and no other man is presumed to be the father under § 891.41(1).

A man is presumed to be the natural father of a child if any of the following applies:

- He and the child's natural mother are or have been married to each other and the child is conceived or born after marriage and before the granting of a decree of legal separation, annulment, or divorce between the parties.
- He and the child's natural mother were married to each other after the child was born, but he and the child's natural mother had a relationship with one another during the period of time within which the child was conceived and no other man has been adjudicated to be the father or presumed to be the father of the child.

Paternity Registry**Citation: Ann. Stat. § 48.025**

Any person claiming to be the father of a nonmarital child who is not adopted, whose parents do not subsequently intermarry, and whose paternity has not been established may file with the department a declaration of his interest in matters affecting the child.

A declaration may be filed at any time before a termination of the father's parental rights. This paragraph does not apply to a declaration that is filed on or after July 1, 2006.

A declaration may be filed at any time before the birth of the child or within 14 days after the birth of the child, except that a man who receives a notice under § 48.42(1g)(b) may file a declaration within 21 days after the date on which the notice was mailed. This paragraph does not apply to a declaration filed before July 1, 2006.

Alternate Means to Establish Paternity**Citation: Ann. Stat. §§ 767.80; 767.805; 767.84**

An action to determine the paternity of a child may be brought by the following persons:

- The child
- The child's natural mother
- A male presumed or alleged to be the father of the child
- The legal or physical custodian of the child
- The state
- The child's guardian ad litem

A statement acknowledging paternity that is on file with the state registrar under § 69.15(3)(b)3 after the last day on which a person may rescind the statement in a timely manner is a conclusive determination that shall have the same effect as a judgment of paternity.

The court may, and upon request of a party shall, require the child, mother, any male for whom there is probable cause to believe that he had sexual intercourse with the mother during a possible time of the child's conception, or any male witness who testifies or will testify about his sexual relations with the mother at a possible time of conception to submit to genetic tests. If the results of the genetic tests show that the alleged father is not excluded and that the statistical probability of the alleged father's parentage is 99 percent or higher, the alleged father shall be rebuttably presumed to be the child's parent. Genetic test results excluding an alleged father as the father of the child are conclusive evidence of nonpaternity, and the court shall dismiss any paternity action with respect to that alleged father. Genetic test results excluding any male witness from possible paternity are conclusive evidence of nonpaternity of the male witness.

Required Information**Citation: Ann. Stat. § 48.025**

The declaration shall be in writing, shall be signed and verified upon oath or affirmation by the person filing the declaration, and shall contain:

- The person's name and address
- The name and last known address of the mother
- The month and year of the birth or expected birth of the child
- A statement that the person filing the declaration has reason to believe that he may be the father of the child

If the person filing the declaration is under age 18, the declaration shall also be signed by a parent or guardian of the person.

Revocation of Claim to Paternity**Citation: Ann. Stat. §§ 48.025; 767.805; 69.15(3m)**

A person who has filed a declaration with the department may revoke the declaration at any time by filing a statement with the department, signed and verified upon oath or affirmation that the person, to the best of his knowledge and belief, is not the father of the child or that another person has been adjudicated as the father of the child. If the person filing the revocation is under 18 years of age, the revocation shall also be signed by a parent or guardian of the person.

A statement acknowledging paternity that is filed with the state registrar may be rescinded by either person who signed the statement as a parent of the registrant if all of the following apply:

- The statement was signed and filed on or after April 1, 1998.
- The person rescinding the statement files with the state registrar a document prescribed by the state registrar for rescinding a statement acknowledging paternity.
- The person rescinding the statement files the document before the day on which a court makes an order in an action affecting the family involving the man who signed the statement and the child who is the subject of the statement, or before 60 days elapse after the statement was filed, whichever occurs first.

Access to Information

Citation: Ann. Stat. § 48.025

The department shall keep confidential and may not open to public inspection or disclose the contents of any declaration except as provided below, or by order of the court, for good cause shown.

A copy of a declaration filed with the department shall be sent to the mother at her last known address. Nonreceipt of such copy shall not affect the validity of the declaration. The mother may send a written response to the declaration to the department, and the written response shall be filed with the declaration. Failure to send a written response shall not constitute an admission of the statements contained in the declaration.

A court of this or another state may request the department to search its files to determine whether a person who may be the father of the child who is the subject of the proceeding has filed a declaration.

Wyoming

Current Through August 2017

Legal Definition of 'Father'

Citation: Ann. Stat. § 1-22-101

A 'parent' is the child's father or mother whose parental rights have not been judicially terminated.

A 'putative father' is the alleged or reputed father of a child born out of wedlock, whether or not the paternity rights and obligations of the father have been judicially determined.

Paternity Registry

Citation: Ann. Stat. § 1-22-117

The Department of Family Services shall establish a putative father registry that shall record the names and addresses of:

- Any person adjudicated by a court of this state to be the father of a child born out of wedlock
- Any person who has filed with the registry, before or after the birth of a child out of wedlock, a notice of intent to claim paternity of the child
- Any person adjudicated by a court of another state or territory of the United States to be the father of an out-of-wedlock child, when a certified copy of the court order has been filed with the registry by that person or any other person
- Any person who has filed with the registry an instrument acknowledging paternity

An unrevoked notice of intent to claim paternity of a child may be introduced in evidence by any party, other than the person who filed such notice, in any proceeding in which such fact may be relevant.

Alternate Means to Establish Paternity

Citation: Ann. Stat. §§ 1-22-108; 14-2-702; 14-2-705

The putative father has no right to assert paternity in adoption, dependency, or termination of parental rights proceedings unless:

- He is known and identified by the mother or agency.
- He has lived with or married the mother after the birth of the child and prior to the filing of the petition to adopt.
- Prior to the interlocutory hearing of the adoption proceedings, he has acknowledged the child as his own by affirmatively asserting paternity or registered as a putative father.

The court shall order the child and other designated individuals to submit to genetic testing if the request for testing is supported by the sworn statement of a party to the proceeding:

- Alleging paternity and stating facts establishing a reasonable probability of the requisite sexual contact between the individuals
- Denying paternity and stating facts establishing a possibility that sexual contact between the individuals, if any, did not result in the conception of the child

A man is rebuttably identified as the father of a child if the genetic testing complies with this article and the results disclose that the man has at least a 99 percent probability of paternity.

Required Information

Citation: Ann. Stat. § 1-22-117

A person filing a notice of intent to claim paternity of a child or an acknowledgment of paternity shall include therein his current address and shall notify the registry of any change of address pursuant to procedures prescribed by regulations of the department.

Revocation of Claim to Paternity

Citation: Ann. Stat. § 1-22-117

A person who has filed a notice of intent to claim paternity may at any time revoke a notice of intent to claim paternity previously filed therewith and, upon receipt of the notification by the registry, the revoked notice of intent to claim paternity shall be deemed null and void.

Access to Information

Citation: Ann. Stat. § 1-22-117

The department shall, upon request, provide the names and addresses of persons listed with the registry to any court or authorized agency, and such information shall not be divulged to any other person, except upon order of a court for good cause shown.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

