



## **PATERNITY ACTIONS FACT SHEET**



### **What is "establishing paternity"?**

"Establishing paternity" means that there is a court order identifying the biological father of the child. The courts don't have actions "establishing maternity" because there is little question about who gave birth to the child. Sometimes the parties agree about the identity of the father; then the court uses the paternity proceeding to settle the other issues raised by the parties (visitation, custody, etc.). If the parties don't agree about the identity of the father, the court will often order a DNA or blood tests to establish paternity. These tests usually determine the identity of the father; you will only have to have a trial on the issue of paternity if one party says that the blood tests were wrong.

### **How does a paternity proceeding start?**

One of the unmarried parents can start a paternity proceeding by filling out the appropriate forms and filing them with the court. These proceedings are kept confidential except for the court's final order.

### **When can a paternity proceeding be brought?**

Either parent can bring a paternity proceeding before or after the child is born, and paternity can be established any time before the child turns 18.

### **Should I get a child support order if the other parent doesn't have any money?**

Yes. The other parent may start working or otherwise have money in the future. If they do, having a child support order will make it easier to get money. A child support order also can make the non-custodial parent responsible for medical insurance, health care, and child care expenses.

### **Why shouldn't I just say the child is mine?**

If you admit paternity, or are found by the court to be the father, you must provide financial support until that child reaches the age of 18. If you only had to provide \$400 per month in support until age 18, you would pay over \$80,000. Therefore, it is important to ensure that you only provide support for your actual child.

### **Will the Army give me money to support my child?**

Yes, if not already entitled to it, a Soldier can get the BAH-DIFF for support of a child born out of wedlock.

1. Upon receiving a claim of paternity, a Soldier's commander is required to counsel the Soldier regarding the claim. If a Soldier denies that he is the father of the child, or, if the Soldier admits paternity but refuses to provide support, the Commander can take no further action without a court order.

2. The court order must identify the Soldier as the father of the child. Additionally, the court order must direct that the Soldier provide support for the child. Upon finding of paternity and a subsequent court order, the father will be liable for child support. Some states require back-payments of child support from the date of the child's birth. AR 608-99 mandates that Soldiers pay any child support required by a court order. The Soldier should review the Legal Assistance Office fact sheet on Family Support Obligations.

### **Who do I contact for assistance?**

If you have questions or wish to discuss your case further, contact the Fort Benning Legal Assistance Office at (706)545-3282/3281 for an appointment to speak with an attorney.



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