

## **“PATERNITY...WHAT DOES IT MEAN TO YOU?”**

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The word “paternity” refers to the identity of the legal and biological father of a child. Except in rare cases, when a woman gives birth to a child, she is considered to be the legal mother of that child. However, the biological father does not automatically become the legal father unless he was married to the mother at the time of the birth. If the father was not married to the mother at the time of the birth, he must first establish paternity before he is entitled to any rights or subject to any responsibilities as the child’s legal father.

In Texas, there are two basic ways to establish paternity. The first and simplest way is by completing an Acknowledgement of Paternity (AOP) form. The AOP form is widely available at most hospitals, birthing facilities, and child support offices. If the parents sign the AOP at the hospital at the time of the birth, the hospital will file the form free of charge. If a father’s name is not put on the birth certificate at the time of birth, the parents can still file an AOP later. When both parents sign and file the AOP form with the Bureau of Vital Statistics, the father’s name can be added to the birth certificate for a nominal fee. The decision to sign the AOP should not be made hastily. The father should only sign if he is absolutely certain he is the father of the child and the mother agrees. Once the form is completed and filed with the Bureau of Vital Statistics, the father becomes the legal father.

The second way to establish paternity is through a court proceeding. This is best suited for situations where the father and the mother cannot agree as to who the real father is. If a paternity is contested, either parent can hire a private attorney to initiate a paternity suit. Once the suit is filed, the court could order scientifically accepted paternity testing to ascertain the possibility of the alleged father’s paternity. Usually, such testing will require blood and tissue samples from the father, mother, and the child. Generally, the party initiating the paternity suit will likely pay for the cost of the genetic testing. However, if the father initially denies paternity, but the testing later indicates a genetic match, then the court will likely order the father to reimburse the mother for the cost associated with the testing. If you can’t afford a private attorney, the Child Support Division of the Office of the Attorney General of Texas may be able to provide limited assistance in establishing paternity, but it will not get involved in child custody or visitation matters.

Once the paternity is established, the father now has a legal obligation to ensure the welfare and health of his child. This could mean that he has to pay regular child support, provide health insurance coverage, and be responsible for any additional expenses until the child reaches the age of majority. Texas has established a formula to calculate what amount a non-custodial father (or mother) should pay for child support. If the father’s net monthly income is less than \$6000, he will pay 20% of his net income for one child, 25% for two children, 30% for three children, 35% for four children, 40% for five children, and not less than 40% for six children. Also, if the court believes that the

father is not making as much money as he should, the child support amount may be based on the father's earning potential or income that he could potentially earn.

Fathers beware! In Texas, there are many penalties that can be assessed against the father who does not comply with a child support order. They can range from, posting the father's picture in private and public locations and in the news, revoking his driver's license, taking his tax refunds, denying occupational licenses, denying state loans or grants, referring the debt to private collection agencies, or even placing him in jail.

Furthermore, Army Regulation 608-99 requires soldiers to support their spouses and children. Court orders and support agreements determine the amount of support in most cases, but where no court order or support agreement exists, BAH Type II rate will determine how much support will be given to the dependants on the first day of each month. Understand that BAH Type II is based on the soldier's rank, irrespective of his geographical location. At Fort Hood, BAH Type II is less than Full BAH. Any inquiries regarding the specific money amount should be made at your nearest legal assistance office. Noncompliance with this regulation could result in various disciplinary measures including counseling, letter of reprimand, bar to reenlistment, nonjudicial punishment, administrative separation, and in some cases, court-martial under Article 92 (Failure to obey order or regulation) of the Uniform Code of Military Justice.

For further questions and information regarding paternity related issues, please contact your local legal assistance office or the Child Support Division, Office of the Attorney General at 1-800-252-8014 or via web at [www.oag.state.tx.us](http://www.oag.state.tx.us).