PATERNITY OF CHILDREN IN PHILADELPHIA COUNTY WHEN PARENTS ARE NOT MARRIED

What is Paternity?

Paternity is a **legal** determination of fatherhood. A father who is not married to the mother of the child(ren) is not the father **for legal purposes** unless:

- Both parents have signed an Acknowledgment of Paternity, or
- A Domestic Relations court has entered an order that establishes the legal father of the child.

Until paternity is determined, the man alleged to be the father is called the "putative father."

What is a Voluntary Acknowledgment of Paternity and When Can It Be Signed?

- At the time of birth, the hospital will give unmarried parents a voluntary Acknowledgment of Paternity (Form PA-CS 611) to complete and sign. A man who has signed a voluntary Acknowledgment of Paternity may revoke it within 60 days after it is filed with the Division of Vital Statistics of the Pennsylvania Department of Health. After the 60 days has passed, a man may remove his name from the birth certificate only by a court order approving the removal of his name on the grounds that the father signed the Acknowledgment under fraud and/or duress.
- After leaving the hospital, if both parties wish to file a voluntary Acknowledgment of Paternity as to the identity of the father, it will be necessary to contact the Pennsylvania Department of Human Services, Bureau of Child Support Enforcement at 800-932-0211, for forms and instructions. The Department of Human Services will notify Vital Records that an Acknowledgment of Paternity has been filed. The Division of Vital Records will then add the father's name to the child's birth record. At that time, the Division of Vital Records will issue a certified copy listing both parents' names at no charge.

This brochure is meant to give you general information and not legal advice.

- If a man claiming to be the father of a child files a voluntary Acknowledgment of Paternity with the Pennsylvania Department of Human Services and the mother of the child fails or refuses to join in the acknowledgement of paternity, the Department of Human Services 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.

When is a Court Order of Paternity Necessary?

A court order establishing paternity will be necessary if:

- The mother wants the court to:
  - order the payment of child support, or
  - determine her custodial rights of the children or the father's right to see the child(ren).
- The father wants to spend time with the child(ren) and the mother denies that he is the father and won't allow him any time with the child(ren).
- The child seeks eligibility for benefits that are only available through a father, such as medical insurance, Social Security benefits, Veteran's benefits, Worker's Compensation death benefits, or inheritance.

How Does a Court Establish Paternity?

If there is no signed Acknowledgment of Paternity, paternity may be established in any of the following proceedings:

- **Complaint for Child Support:** After a complaint for child support is filed by the mother against a putative father, a conference will be scheduled and the conference officer will ask about paternity at the conference. The parties have the right to voluntarily sign an Acknowledgment of Paternity at the conference. If the putative father denies he is the father, the parties will be given an appointment to appear at the courthouse for genetic testing.

For information on child support, See brochure CHILD SUPPORT IN PHILADELPHIA or go to www.humanservices.state.pa.us/CSWS/index.aspx

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- **Complaint for Custody:** Paternity may also be examined in a custody case.
    - If a father files for custody and/or partial physical custody but was not married to the mother at the time the child was born, he must first file an Acknowledgment of Paternity with the court. At the first hearing, the mother will be given an opportunity to agree or dispute the man's paternity. If the mother disagrees, the man claiming to be the father will be directed to file a **Complaint to Establish Paternity and For Genetic Testing**.
    - If a mother files for custody, the person she names as the father will be asked to sign an Acknowledgment of Paternity. If he refuses, the court may award custody to the mother.
- **Complaint to Establish Paternity and For Genetic Testing:** If you are not seeking child support or custody, but want an order for other reasons, file a Complaint to Establish Paternity.
- **What Does it Cost?**
  The cost is $42.68. If you If you cannot pay the filing fee, you may ask to be excused from paying the fee by filing a petition to proceed *In Forma Pauperis* (IFP). Ask for and fill out an IFP Petition. If you are on public assistance or SSI, bring your public assistance photo ID or proof that you receive SSI.

How is Genetic Testing Done?

- Both parents and the child(ren) must appear at court at a scheduled time for testing. Testing is done in the lab on the 9th floor of Philadelphia Family Court, 1501 Arch Street, Philadelphia PA. The lab takes a picture of each person tested and swabs the lining of the inner cheek to collect cells for testing.
- If testing is done in connection with the support action and the testing proves that the man is the father, the court may require that he pay for the test. The cost is $30.00 per person. If the test shows that the man is not the father and therefore not responsible for child support, there is no cost.
- If the testing is done in a custody case or in a Complaint to Establish Paternity and for Genetic Testing, the costs shall be paid by the party requesting the test.

Should I Get Genetic Testing Done on My Own?

You may get genetic testing done privately. However, the results of the test will not determine your legal responsibilities with the child(ren). Private test results will probably not be admissible in court, because the testing was not court supervised.

How Are the Results of Court-Ordered Genetic Testing Treated?

- The parties can agree to accept the tests without a hearing. If they do and the results show that the man is not the father, then any petition for support or custody rights will be dismissed.
- Test results showing a 99% or greater probability of paternity creates a presumption of paternity that can be rebutted only by clear and convincing evidence that the test results are not reliable.
- In support cases, if the putative father fails to show for testing after having received notice of the testing schedule, the court may enter an order of paternity by default.
- In support cases, an order establishing paternity may also include an order for payment of support.

What if I Disagree With an Acknowledgment or Court Order Establishing Paternity?

You may file:

- A Complaint for Genetic Testing, or
- A Motion to Set Aside a Prior Adjudication of Paternity
- An Appeal to Superior Court of Pennsylvania

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