



# PATERNITY CHILD SUPPORT AND YOU

A parent's guide to the legal side of fatherhood and financial support.

## **Are your child's rights protected?**

In Texas, children born to unmarried parents do not have the same established legal rights with their fathers as children born to married parents.



# WHAT IS PATERNITY?

*Paternity means legal fatherhood.*

## **FOR MARRIED PARENTS...**

When a baby is born to married parents, the law automatically recognizes two legal parents - husband and wife. Married couples do not need to take any additional legal steps to establish paternity.

## **FOR UNMARRIED PARENTS...**

When a baby is born to parents who are not married to each other, the law does NOT recognize the biological father as a legal parent. In other words, a biological father who is not married to the mother of their child does NOT have legal rights to his child until he becomes a legal parent. Paternity must be established first. Read on to learn more about establishing paternity.

## **BENEFITS OF ESTABLISHING PATERNITY**

By establishing paternity, unmarried parents give their children legal rights and privileges to Dad.

### **BENEFITS FOR CHILD**

- A child knows who his or her father is and the father's side of the family.
- The legal bond of paternity establishment supports the emotional bond between a father and his child.
- It gives a child a sense of identity and connection to extended family.

### **BENEFITS FOR MOM**

- It establishes your child's legal right to his or her father.
- It makes your child's father legally responsible for his child.
- It is a required step before asking the court to order child support, custody or parenting time.
- It helps your child become eligible for the father's inheritance, medical benefits, Social Security and possibly veteran's benefits.

### **BENEFITS FOR DAD**

- Your name can appear on your child's birth certificate.
- It's the first step in protecting your legal connection to your child.
- It gives you the legal right to care for your child.
- It gives you the right to ask for your child's school and medical records.
- It gives you the right to ask the court for custody, parenting time or child support.
- The legal bond of paternity establishment supports the emotional bond between a father and his child.

# THREE WAYS TO ESTABLISH PATERNITY

VOLUNTARY PATERNITY ESTABLISHMENT	AGREED PATERNITY ORDER	COURT-ORDERED PATERNITY
<p><b>How It Works</b> Parents sign a free legal document called an <i>Acknowledgment of Paternity (AOP)</i>. This is the most common way to establish paternity.</p>	<p><b>How It Works</b> Parents, and then a judge, sign a legal agreement (court order) stating who the father of the child is. Parents must agree to specific legal rights about custody, visitation, child support and medical support.</p>	<p><b>How It Works</b> A court order resolves paternity when parents <u>do not agree</u> on the father's identity.</p>
<p><b>What It Does</b> It establishes a legal father for the child.</p>	<p><b>What It Does</b> It establishes a legal father for the child plus legal rights regarding custody, visitation, child and medical support.</p>	<p><b>What It Does</b> It establishes a legal father for the child plus legal rights regarding custody, visitation, child and medical support.</p>
<p><b>Steps to Take</b></p> <ul style="list-style-type: none"> <li>• Ask hospital staff about the AOP.</li> <li>• Parents can sign an AOP at any time before or after birth by working with an AOP-certified entity.</li> <li>• Parents must show a valid form of ID.</li> <li>• Call the AOP Hotline <b>(866) 255-2006</b> to find the certified entity closest to you. <a href="https://www.texasattorneygeneral.gov/child-support">https://www.texasattorneygeneral.gov/child-support</a></li> </ul>	<p><b>Steps to Take</b></p> <ul style="list-style-type: none"> <li>• You can submit an agreed paternity order to the court on your own, with the help of a private attorney or by working with your local child support office.</li> <li>• Apply for child support services by visiting our website, call us or go to your local child support office to apply for child support services.</li> <li>• Chat with us on our website or call us at <b>(800) 252-8014</b>, for questions and support completing your application.</li> </ul>	<p><b>Steps to Take</b></p> <ul style="list-style-type: none"> <li>• You can obtain court ordered paternity on your own, with the help of a private attorney or by working with your local child support office.</li> <li>• Apply for child support services by visiting our website, call us or go to your local child support office to apply for child support services.</li> <li>• Chat with us on our website or call us at <b>(800) 252-8014</b> for questions and support completing your application.</li> </ul>

**Not absolutely sure?** Get a paternity test. If there are any questions about who the father is, ask about a paternity test. A paternity test is 99 percent accurate.

- A paternity test is also called a DNA or genetic test. Seek testing by a lab accredited by the American Association Blood Bank.
- Over-the-counter tests CANNOT be used as evidence in court.
- As part of our child support services, you may receive a free DNA test.
- Questions? Call the AOP Hotline toll-free at **(866) 255-2006** or visit <https://csapps.oag.texas.gov/find-AOP-certified-entity>, to find an AOP certified entity near you.

# ACKNOWLEDGMENT OF PATERNITY (AOP) – A LEGAL DOCUMENT

## WHAT IS THE AOP?

The AOP is a legal document that parents who are not married to each other can complete to voluntarily establish paternity for their child.

## WHO CAN ESTABLISH PATERNITY VOLUNTARILY?

Biological parents who want to establish their child's legal rights to his or her father can voluntarily establish paternity by working with an AOP-certified entity. An AOP-certified entity is a person who has been certified and trained by the Office of the Attorney General to help parents complete the AOP. Minors can sign the AOP without parental consent.

## WHERE CAN I FIND A CERTIFIED ENTITY?

You can find an AOP-certified entity at a birthing hospital, vital statistics office, the Office of the Attorney General, and your local registry.

## NEED HELP WITH VOLUNTARILY ESTABLISHING PATERNITY?

If you need help finding an AOP-certified entity, or if the other parent is in the military, incarcerated or living in a different city or state, call the AOP Hotline at (866) 255-2006 or visit our website at <https://www.texasattorneygeneral.gov/child-support/paternity/acknowledgment-paternity-aop>.

## FAMILY VIOLENCE AND THINKING SAFETY FIRST!

The AOP asks for each parent's name, address and social security number.

If you do not feel safe providing this information due to family violence, please tell the AOP-certified entity before you complete the AOP. The AOP-certified entity can take special steps to safeguard your confidential information.

## WHAT IF THE MOTHER IS MARRIED TO A MAN WHO IS NOT THE BIOLOGICAL FATHER OF THE CHILD?

In this case, the Denial of Paternity section of the AOP must be completed by the mother and her husband (presumed father) before paternity can be established.

## WHAT IF I CANNOT COMPLETE THE AOP AT THE SAME TIME AS THE OTHER PARENT?

Tell your AOP-certified entity. There are special steps that can be taken so that parents can complete the AOP at separate times, dates or locations.

## WHAT IF I CHANGE MY MIND LATER?

Anyone who signs the AOP may file a *Rescission of the Acknowledgment of Paternity form (VS-158)* to rescind the AOP. The form must be filed within the first 60 days after the AOP has been filed with the Vital Statistic Services (VSS) or before a legal proceeding related to the child is started, whichever comes first. After that, a person may challenge the AOP in court under

certain situations. Parents must read the AOP carefully before signing it. The AOP is a legal document. Texas Penal Code, Section 37.10, specifies penalties for making false entries or providing false information on the AOP.

## THIS IS WHAT YOU'LL SEE ON THE BACK OF THE AOP

**This is a legal document.** If you are not sure that the man named in this Acknowledgment is the biological father of the child, you should **NOT** sign this document. You may want to get a genetic test. **The biological father who signs this Acknowledgment becomes the legal father of the child when this document is filed with the Department of State Health Services, Texas Vital Statistics.**

Signing this legal document gives you certain rights and responsibilities. Signing this document is voluntary. You should consult an attorney if you have any concerns about signing this document. This document requires an Entity Code completed in the lower right corner by an individual certified by the Office of the Attorney General to administer Acknowledgments of Paternity.

### Benefits, Rights and Responsibilities of Paternity

Establishing parentage makes it easier for a child to receive benefits such as social security, military and veteran's benefits, health care coverage and life insurance, as well as inheritance.

**This Acknowledgment has the same effect as a court order establishing paternity.** Both parents have parental right and duties as provided by state law. Either parent has the right to seek primary custody of the child. A parent not living with the child may have the right to visit and maintain a relationship with the child, either as both parents agree or as ordered by a court. By signing this Acknowledgment, you may be ordered to pay child support and medical support.

This document may be completed before the birth of the child, at the time of birth, or at any time after the birth of the child prior to any court hearing in a proceeding involving the child. If this document is signed before the birth of the child, it is binding for any child born no later than 300 days after the signature date on this document. When this Acknowledgment is properly filed with Texas Vital Statistics, it creates a parent-child relationship between the man and child. Establishment of paternity is required for a father's name to be entered on a birth certificate.

**Child Support services can be obtained through the Office of the Attorney General, Child Support Division or by hiring an attorney.**

### Denial of Paternity

If a child's mother is married to a man other than the biological father at the time of birth or within 300 days of the ending of a marriage (by a finalized divorce,) the (ex) husband is presumed to be the legal father. To complete this document for a child that has a presumed father, the presumed father must deny paternity by completing the Denial of Paternity section. The mother must agree that the presumed father is not the biological father by also signing the denial section. The acknowledgment section must also be completed by the biological father and mother, or the denial will not be accepted. Upon the filing of this document, the presumed father is legally determined not to be the father of the child. His legal duty to support the child is removed. Likewise, his legal right of custody or visitation with the child is terminated.

### Change of Mind

If any party to this document changes his/her mind about acknowledging or denying paternity, he/she may file a Rescission of Acknowledgment of Paternity (VS-158) to rescind this document. The Rescission of Acknowledgment of Paternity must be filed within sixty (60) days after this legal document is filed with Texas Vital Statistics or before the date a proceeding related to the child is initiated, whichever occurs first. After sixty (60) days, or the date a proceeding for the child was initiated, a lawsuit is required to challenge this document. Fraud, duress, or material mistake of fact in signing this form must be proven during the lawsuit.

### If a Party is a Minor

Minors are authorized to complete the Acknowledgment of Paternity without parental consent. Minors are allowed to rescind or challenge this document in the same procedures as persons eighteen (18) or older.

All parties must receive oral notice of the above information before completing this Acknowledgment. You can receive oral notice of the information by calling 1-866-255-2006 and selecting option 1, "Notice of Rights and Responsibilities of a Parent."

If you have questions, you may call the Paternity Opportunity Program at 1-866-255-2006.

# INFORMATION ABOUT CHILD SUPPORT SERVICES FOR NEW PARENTS

The Child Support Division of the Office of the Attorney General (OAG) is committed to supporting Texas families with establishing paternity and obtaining and enforcing a child support order.

## Q: WHO MAY APPLY?

A: Anyone who would like to establish paternity, child support and/or medical support, regardless of income, age or residency.

## Q: WHY SHOULD I APPLY?

A: Child support provides an opportunity for parents to come together to commit to supporting the needs of their child(ren). Even parents who are together and getting along may want to consider applying for child support services. Here are some reasons to apply:

- **DNA Testing** – Unmarried parents may want the added security of genetic/DNA testing before establishing legal fatherhood (paternity). This removes any possibility of legal challenges in the future.
- **Establish a formal financial arrangement** – Parents may want a formal court order spelling out how much support is owed each month.
- **Help with** locating the absent parent, establishing paternity and establishing, modifying and enforcing a child support order.
- **Establishing Paternity** – Mothers who are married to someone other than the biological father may need help establishing paternity.
- **Rights and Responsibilities** – Parents can secure their rights to their child by establishing legal paternity and a child support order.

## Q: HOW DO I APPLY?

A: Applying for child support services means filling out an application with the Child Support Division and providing us with as much information as you can about your child, yourself and the other parent. This can be done:

- **Online** – Visit our website at [www.texasattorneygeneral.gov/child-support](http://www.texasattorneygeneral.gov/child-support)
- **In person** – you can visit your local office and request an application.
- **By mail**, chat with us at [www.texasattorneygeneral.gov/child-support](http://www.texasattorneygeneral.gov/child-support) or call us at **(800) 252-8014** and request an application be mailed to you.

## Q: HOW MUCH DOES IT COST?

A: Texas law requires a \$35 annual service fee on cases that involve parents who have never received Temporary Assistance for Needy Families (TANF). In addition, the Texas Legislature authorized a \$3 monthly State Disbursement Unit fee to offset costs to taxpayers to operate the child support disbursement unit. Custodial parents will pay the \$35 annual service

fee each year that they receive at least \$550 in child support collections. The fees will be deducted from the child support payments. Parents who have more than one child support case will pay a fee on each case that meets the criteria.

**Q: WILL I HAVE TO GO TO COURT?**

**A:** We first try to help all parents with their child support needs through the Child Support Review Process (CSRP). If parents can reach an agreement about paternity establishment, child support, visitation, and/or medical support, they can sign all the necessary documents and establish an order without going to court.

**Q: WHAT IF I CHANGE MY MIND AFTER I'VE OPENED A CASE?**

**A:** If the custodial parent has not received or no longer receives TANF or Medicaid and wishes to discontinue child support services, the case will be reviewed for closure. In most instances, payments on closed cases will continue to be processed until further order by the court.

**FATHERS IN LEGAL ORDERED TERMS**

<b>PRESUMED FATHER</b>	<p>A man who has legal parental rights because he:</p> <ul style="list-style-type: none"> <li>• was married to the mother at the time of the child's birth;</li> <li>• was married to the mother during the 300 days before the child's birth; or</li> <li>• continuously lived with the child and represented the child as his own for the first two years of the child's life.</li> </ul>
<b>ALLEGED FATHER</b>	<p>A man who someone claims is the father of the child. Paternity must be established for an alleged father to have legal parental rights.</p>
<b>BIOLOGICAL FATHER</b>	<p>A man who is related by blood to his child. Paternity must be established for a biological father to have legal parental rights.</p>
<b>LEGAL FATHER</b>	<p>A man who has legal parental rights and who established paternity:</p> <ul style="list-style-type: none"> <li>• voluntarily (Acknowledgment of Paternity);</li> <li>• through a court order; or</li> <li>• by never denying presumed fatherhood.</li> </ul>

# ADDITIONAL RESOURCES

## FREE PUBLICATIONS

Visit <https://www.texasattorneygeneral.gov/child-support/who-we-are/child-support-publications> for these and other Office of the Attorney General publications:

- **Dad's Guide to Fatherhood** – A guide for new dads on what to expect when your baby arrives and how to take care of the new baby.
- **Parenting Two-gether** – Includes useful tips, techniques, activities and online resources regarding basic baby care, paternity establishment, responsible fatherhood, and healthy relationships and marriage.
- **For Our Children: Learning to Work Together, A Co-Parenting Guide and Video** Explains the concept of and provides tips on how to "co-parent." The guide can be used by parents who are separated or divorced or have never been married.
- **Incarceration, Re-Entry and Child Support** – Provides information for parents who are incarcerated or recently released from incarceration, but who want to get back on track by paying child support and being involved in their child's life.
- **Quick Child Support Facts for Re-entering Parents** – If you are returning to the community after leaving prison, here are some things you need to know about child support.
- **Handbook for Noncustodial Parents** – Explains the Texas child support system and highlights the legal processes involved in paternity establishment and child support enforcement.
- **Frequently Asked Questions About Child Support** – This handbook answers everything you need (or want) to know about child support in Texas.

## CHILD SUPPORT

- Apply online with the Office of the Attorney General's Child Support Division:
  - Go to [www.texasattorneygeneral.gov/child-support](http://www.texasattorneygeneral.gov/child-support) and click on Get Started.
  - Chat with us at [www.texasattorneygeneral.gov/child-support](http://www.texasattorneygeneral.gov/child-support) or call us at **(800) 252-8014**
- **Parenting Time Help - Access and Visitation Hotline:** Call **(866) 292-4636**, Monday – Friday, 1- 5p.m. CST to talk with a parenting time specialist.
  - You can also visit [www.txaccess.org](http://www.txaccess.org).

## ACKNOWLEDGMENT OF PATERNITY

Visit our website for information regarding the establishment of paternity of a child and click here to find a certified entity who can assist you.

<https://csapps.oag.texas.gov/find-AOP-certified-entity>

## CALL THE AOP HOTLINE

**(866) 255-2006**