

# Paternity

We're all about children



Department of  
**Children &  
Family Services**

*Building a Stronger Louisiana*

**Give your baby the best start in life by getting paternity established as soon as possible.**

### **Why is establishing paternity important?**

**Identity:** It is important for all of us to know who we are. Children have the right to know both parents.

**Medical:** Children may benefit by knowing their medical history as children sometimes inherit health problems that can be treated better if the doctor knows both parents' medical histories.

**Support:** Children have the right to be supported by both parents. Children who are supported by only one parent often do not have enough money to meet their needs.

**Benefits:** Legal children may also have the right to other benefits, including Social Security, Veteran's benefits, and medical insurance.

**Inheritance:** Children should have the right to inherit from both parents.



## **How is paternity established?**

Paternity is established by signing an acknowledgment of paternity or by a court determining the biological father.

## **What does acknowledging paternity mean?**

Acknowledging paternity is a way to establish who is the biological father when the parents are not married to each other.

The parents may sign an acknowledgment of paternity form at the hospital when the child is born. The acknowledgment may also be signed at a later date. The acknowledgment should then be filed with the State Vital Records Registry.



## **If the acknowledgment of paternity is signed, will the father's name be on the birth certificate?**

If the unmarried parents sign the acknowledgment at the hospital when the child is born, the child's last name on the birth certificate may be the last name of the father, if the mother agrees; or the child's last name may be a combination of the last name of the father and the mother's maiden name.

## **What about support if the child is not receiving any government assistance?**

If a child is not receiving any cash assistance, the parents may make their own arrangements for child support. Either parent may apply for help from Child Support Enforcement.

Once an acknowledgment is signed the father may be obligated to support the child.

In any case in which Child Support Enforcement is providing services, the child support order will require one or both of the parents to provide medical support for the child.

Child Support Enforcement contacts the other parent to obtain information needed to determine the right amount of support to be paid and the availability of medical insurance. The court can then order the non-custodial parent to pay a certain amount of child support and order medical support from one or both parents.

## **What about custody and visitation?**

Child Support Enforcement has no authority in custody and visitation issues. After the biological father signs an acknowledgment of paternity, he has the right to pursue visitation with the child and the right to petition the court for custody.

## **What rights do parents have under the law?**

Louisiana Law gives parents rights in a paternity determination. Parents can be represented by an attorney. Parents have the right to DNA testing to prove whether the man is the biological father and the right to a trial to determine paternity. The State of Louisiana recommends DNA testing for non-legal children where paternity has not been established.

## **Can a minor acknowledge that he is the father of a child?**

If the biological father is under age 18, the acknowledgment must be authorized by his legal guardian. If the parents of the minor are married, the signature of his father alone will suffice. If the parents of the minor father are judicially separated, divorced, or were not married, the parent awarded custody may sign the authorization. If the parents have joint custody, both parents must sign. If one or both parents of the minor father are absent, the legal guardian may consent to the acknowledgment.

## **Do both parents have to be in Louisiana to acknowledge paternity?**

No. The acknowledgment of paternity can be mailed to a parent anywhere to be signed. Both parents must sign in front of two witnesses and a notary public. The form should then be filed with the Louisiana State Vital Records Registry.

## **Why should parents sign the acknowledgment of paternity if they are living together and plan to get married?**



If the parents are not married to each other when the child is born, the man is not the legal father. Living with the mother or getting married later does not make him the father in the eyes of the law. The child's rights can be protected only by

establishing paternity. Signing the acknowledgment is one way to establish paternity.

## **Can a party cancel an acknowledgment?**

An authentic act of acknowledgment may be canceled without cause under the following conditions (whichever comes first):

1. Within 60 days of signing the acknowledgment in a court hearing for that purpose only, or
2. In a court hearing relating to the child, including a child support proceeding, where the person who signed the acknowledgement is a party to the hearing.

At any time, a person who signed an acknowledgment may ask the court to cancel the acknowledgement upon proof of fraud, duress, material mistake of fact or error, or that the person is not the biological parent of the child.

An acknowledgement cannot be canceled without a court hearing.

## **What should we do if we are not sure who is the father?**

If either parent questions who is the father, a paternity test should be requested to determine if the alleged father is the biological father of the child.

## **How is the paternity testing done?**

The genetic, or DNA, test samples are collected and sent to a laboratory. The test compares many different details of the child's sample with similar details in the samples of the man and the mother.

## **What will the paternity test show?**

The paternity test will show if a man is NOT the biological father of a child. Or, the test can show that it is at least 99.9% certain that a man is the biological father of the child.

**If the paternity test shows that there is at least a 99.9% probability that a man is the biological father, can the man become the father without going to court?**

Yes. The parents can then establish legal paternity by signing the acknowledgment of paternity.

**Who pays for the paternity test?**

The parents may make private arrangements with the hospital or a paternity testing laboratory.

If either parent receives help from Child Support Enforcement, the state pays for the test. The court may order the father to repay the cost of the paternity testing if paternity is established.

**What about support if the child is receiving government assistance (FITAP or Medicaid)?**

If the child receives FITAP (Family Independence Temporary Assistance Program) or Medicaid, the mother is required to cooperate with Child Support Enforcement to name the father, give information to help find the father, and help legally determine who is the father of the child.

In Medicaid cases, the State establishes and enforces medical support orders, but the custodial parent may choose whether or not to receive child support services.

Child Support Enforcement contacts the other parent to obtain information needed to determine the right amount of support to be paid and the availability of medical insurance. The court can then order the non-custodial parent to pay a certain amount of child support and can order one or both parents to provide medical support.

For additional information  
please call Customer Service at:  
1-888-LAHELP-U (1-888-524-3578)  
225-922-8111 (TTY service for hearing impaired)  
OR  
visit the DCFS website at:  
[www.dcfslouisiana.gov/paternity](http://www.dcfslouisiana.gov/paternity)



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