

ESTABLISHING PARENTAGE

Establishing parentage is the process of legally establishing whom the father of a child is if the child's parents are not married. If the parents are married when the child is born, the law recognizes them as the legal parents.

The law assumes that the mother is the biological parent of the child, but even if the mother and father are living together or if the father's name is on the birth certificate, Vermont law does not recognize him as the father until a court has legally established his paternity.

Reasons for Establishing Parentage

- **Identity:** All children have the right to know both their mother and their father. They may also want to know where they inherited certain physical characteristics, such as the color of their eyes.
- **Security: emotional and financial:** If the parents do not establish parentage as soon as possible after the birth, one of the parents may decide to deny the father's paternity. It is important for emotional as well as financial reasons to establish paternity as soon as possible. Children benefit emotionally from knowing that the parent they do not live with cares about them. Parents who pay child support when their children are very young are more likely to continue to pay support until the child becomes an adult and be more involved with the child.
- **Parental Rights and Responsibilities and Parent-Child Contact:** Children benefit from the moral and emotional support of both parents. Once parentage has been legally established, the Court will make a determination of parental rights and responsibilities (*custody*) and parent-child contact (*visitation*).
- **Medical:** Children need to know whether they have inherited any special health problems. Also, it might be possible to obtain medical insurance for a child through the mother's or the father's employer, union, or military service.
- **Finances:** Children supported by only one parent are often poor throughout their childhood. They need and have the right to financial support by both parents. In order to get this financial support, parentage must be legally established.
- **Survivor's Benefits:** If the father dies before paternity is legally established, the child may not qualify for a number of benefits that legally belong to the child's father. Some of these are Social Security, pension, inheritance rights, veterans' benefits, and life insurance. Unless paternity has been established, the child may not be able to get these benefits.

Proving Parentage

- If either party denies that the alleged father is the biological father, or feels some doubt, the Court can order genetic testing. If the mother and child are receiving assistance from the Department of Prevention, Assistance, Transition, and Health Access (PATH), or the mother has applied for services from the Office of Child Support (OCS), OCS will pay for the (blood) test, and the Court Order will give the time and place for the parties and child to appear to have their blood drawn. Otherwise, the Court can provide information on a number of laboratories and their charges, and it is up to the parties to arrange **and pay for** the testing themselves.
- Either party is entitled to a Court hearing to present arguments as to why genetic testing should or should not be ordered, and is always entitled to hire an attorney to represent them at all stages of their court case.
- Choosing to simply ignore a court notice does not stop the court from proceeding, and by not showing up, you give up your right to present your arguments and concerns.
- If either party does not appear for a scheduled court hearing or blood test, OCS or the parent who is present may ask the Court to issue orders establishing parentage, parental rights and responsibilities, and child support without your input.
- If both parents agree that they are the parents, they may sign a Voluntary Acknowledgement of Parentage form. This form is available at hospitals and birthing centers, as well as OCS offices and the courts. If both parents sign this form, there may not be a need for a contested hearing on this issue.

PARENTAL RIGHTS AND RESPONSIBILITIES

Parentage carries both rights and responsibilities:

- Once parentage is established either the mother or father can seek parental rights and responsibilities (*custody*) or ask for parent-child contact (*visitation*). Usually a parent not seeking custody will want to see the children regularly (see pamphlet #4 Parental Rights and Responsibilities and #5 Parent-Child Contact).
- Once parental rights and responsibilities are established, child support will be determined (see pamphlet on #7 Child Support).

Establishing Parentage of a Teenager

Vermont law allows parentage to be established until a child is 21 (or later in some cases).

**You can obtain helpful information, as well as court forms at:
www.VermontJudiciary.org.**