

# The Medical-Legal Partnership for Children | Miami Valley

## WORKING TOGETHER FOR CHILDREN'S HEALTH

The MLPC is a partnership among: Advocates for Basic Legal Equality, Inc. (ABLE), Legal Aid of Western Ohio, Inc. (LAWO), Dayton Children's Hospital, Five Rivers Health Centers, and the Community Health Centers of Greater Dayton.

## ESTABLISHING PATERNITY

### INFORMAL PROCEDURE:

If you are married – By law, the husband is automatically presumed to be the father. As a result, paternity does not have to be established when a child is born to a marriage. If the husband is not the father, paternity must be established by administrative or court action.

If you are not married – An affidavit of paternity can be signed at the hospital by both mother and father before a notary at baby's birth. The hospital forwards the affidavit to Columbus. The mother cannot be married to a different person and the father's name on the birth certificate alone does not establish paternity.

### ADMINISTRATIVE PROCEDURE:

Establishing paternity through the Child Support Enforcement Agency (CSEA) – either mother or father can request assistance in establishing paternity from their local CSEA.

- » *Once contacted, CSEA will send applications to the mother and the alleged father party requesting the establishment.*
- » *All parties will receive notice of an administrative hearing to establish paternity. Parties can consent or genetic testing can be done. The father and child must be available for the genetic testing.*
- » *After paternity is established, CSEA can hold an administrative child support hearing.*

#### Contact CSEA:

- » Montgomery County (937) 225-4600
- » Green County (937) 562-6200
- » Clark County (937) 327-1700
- » Wood County (937) 440-3470

### COURT ACTION:

Juvenile Court – The appropriate place to file to establish paternity if the mother and alleged father are not married or if there has been court involvement with Child Protective Services (CSB). Once the Complaint is filed into Court:

- » *The parties can appear and agree to paternity—this is called consent. (Not possible if there is more than one possible father.)*
- » *The Court can order genetic testing (may be blood test or cheek swab).*
- » *If the absent parent does not appear for the hearing after they have received a copy of the Complaint and Notice of the hearing, the parent present in court can testify as to paternity and the Court can issue an Order establishing paternity.*
- » *The Court will also hold a hearing if parties dispute the genetic testing results.*

Domestic Relations Court – This Court decides paternity if the parties are getting a divorce and there is a question as to paternity of a child born prior to or during the marriage or conceived during the marriage.

- » *Paternity for a child born prior to the marriage, the parties can agree that the husband is the father or genetic testing can be done.*
- » *For a child who was born during the marriage but is not the husband's child, the alleged father(s) are joined to the divorce case. Court may transfer all issues to Juvenile Court after paternity determination.*
- » *A divorce will not be finalized until paternity of baby conceived during the marriage is resolved.*



Any legal information provided in this publication is the sole responsibility of ABLE. This publication is intended only as general information and should not be relied on as specific legal advice for any individual case or circumstances. **For legal advice applicable to your individual situation, please ask your medical provider for a referral to the MLPC, contact Legal Aid Line at 1-888-534-1432, or consult with an attorney of your choice.**

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