

Can a child request to establish paternity?

A child may file a lawsuit (through an adult if under age 18), if she believes that a person is her father. A judge may order DNA testing to determine if the named person is actually the father.

Resources:

Pegasus Legal Services for Children: Helps young parents with paternity, custody, timesharing, and child support.
Telephone: (505) 244-1101;
website: www.pegasuslaw.org.

Law Access New Mexico: Provides legal information, advice, brief service, and referrals to eligible low-income New Mexicans over the telephone.
Statewide: (800) 340-9771; Albuquerque: 998-4529;
Website: www.nmlegalaid.org.

Domestic Violence Helpline: Legal information regarding domestic violence, sexual assault, and stalking: 505-243-4300 or toll-free, 1-877-974-3400.

National Domestic Violence Hotline: Hotline provides 24-hour confidential and anonymous support through advocacy, safety planning, resources and hope.
24-hour Hotline: 1-800-799-SAFE(7233) ;
www.thehotline.org.

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Youth Law: Paternity

This brochure explains the meaning of paternity, why it is important, and how a person can establish themselves as the legal father of a child.



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What is paternity?

Paternity is the state or condition of being a legal father. Paternity gives the father parental rights and responsibilities including custody, timesharing rights, and the right to share in decision-making for their child. Once paternity is established, the father has legal responsibility to help support the child. Paternity can be established from birth until a child is 21 years old. The mother, father or child may request establishment of paternity.

What does establishing paternity do for a child?

- **Identity:** It helps children understand themselves better if they know their father.
- **Health:** In order to get the best medical care and treatment for the child, it is important to know the health history of both the mother and the father.
- **Support:** Children need the support of two parents in today's world.



- **Benefits:** Establishing paternity allows the child to be covered by health insurance, social security, inheritance and veteran's benefits.
- **Public Assistance:** Paternity also means the parties can seek public assistance if they qualify.

Establishing Paternity

If a man believes he is the father of a child, but he is not married to the mother, how does he prove he is the father?

If the mother is in agreement, a father can establish his paternity using an "Acknowledgement of Paternity" (AOP) form.

- The AOP form can be signed before or after the child is born, and takes effect once the child is born.
- The form must be signed by the mother and the father before a notary public.
- If either parent does not have a social security number he or she can leave that box blank.
- The AOP form must be sent to the New Mexico Bureau of Vital Records which creates an original birth certificate that states the names of the child's parents.
- To get an Acknowledgement of Paternity form go to <http://vitalrecordsnm.org/Forms/AOP-2012-EN.pdf> or call Vital Records at (505) 827-0121.

If the mother will not agree to sign the "Acknowledgement of Paternity" (AOP) form, the father must file a lawsuit in the district court located where the child lives and have a judge determine whether or not he is the father.

- If the mother agrees that he is the father, the judge can enter an order stating that the person is the father of the child. The father can send the order to the NM Bureau of Vital Records to have his name put on a new birth certificate.
- If the mother does not agree that he is the father, the judge can order a DNA test. The results of DNA testing can be used in court to prove whether or not a man is the father of a child. If the DNA test shows he is the father, the judge can enter an official order, which the father can send to the NM Bureau of Vital Records to get his name on the birth certificate.

How does DNA testing to establish paternity work?

DNA Testing is nearly 100% accurate. Results are final. If both parties agree to DNA testing, they must schedule and pay for the testing themselves. If the parties do not agree to DNA testing, then a judge must order that the testing be completed.