

## How is legal paternity established?

Paternity can be established in one of three ways:

**By Marriage** – If the couple is legally married when the wife becomes pregnant or when the child is born, the husband's name will be placed on the birth certificate as the father unless a court states otherwise.

### By a Voluntary Paternity

**Affidavit** -- A Paternity Affidavit is a notarized form signed by both the man and the woman, acknowledging the man as the father of the child. Signing the paternity affidavit is completely voluntary and legally establishes the man as the father of the child. If one or both parents are under the age of 18, one of the minor's parents or a legal guardian must sign the affidavit.

**By Court Order** – The court will decide if the alleged father is the biological father by his sworn statement or by genetic testing. If the alleged father denies paternity, the court will usually order DNA testing.

## How can I establish paternity for my baby?

Ask to complete a voluntary paternity affidavit at the hospital when the baby is born.

If paternity is not established at birth, telephone the Bureau for Child Support Enforcement in the county where you live for assistance.

## What if there are doubts about who the father is?

The paternity affidavit should not be completed and signed unless both parties who sign believe the man is the biological father of the child. If there is any doubt, a DNA test should be requested. Contact your local Bureau for Child Support Enforcement office for more information.



Bureau for Child Support Enforcement  
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Charleston, WV 25301  
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West Virginia Department of  
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Be a Hero in Your  
Child's Eyes!

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## What is paternity?



**Paternity** means legal fatherhood. A child has no legal father if the parents are not married when the child is born. The process of legally naming the father is called establishing paternity. Establishing paternity means the biological father also becomes the legal father.

Children develop a sense of who they are from their parents. You, as parents, have the right to know, love and care for your child, and to help guide your child's future. Both parents and the child deserve an opportunity to enjoy and grow in this relationship.

## What benefits do children receive?

- The emotional stability and benefits of knowing both parents
- Support from both parents
- A legal record of who his/her parents are
- Access to family medical records
- Medical and life insurance coverage through the employer of either parent
- Social Security and Veterans' benefits, if available
- Inheritance rights and protections

**Paternity is an  
Expression of Love**

## What benefits do mothers receive?

- Improved financial security for the family
- Information about family medical history
- Help in sharing the parental responsibilities

## What benefits do fathers receive ?

- Legal establishment of parental rights and responsibilities
- Opportunity to give his child his legal name if both parents agree
- Assurance the Social Security or veterans' benefits are paid to his child in the case of his death or disability
- Protection of his child's rights to his inheritance
- Custody and visitation rights if ordered by the court
- Emotional stability and benefits of the child knowing both of his or her parents
- Right to notice of a pending adoption of his child

