

Do Fathers Have Rights If Not On Birth Certificate In Utah?

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It has become very common for children to be born to parents who are not married in Utah and throughout the United States. Reportedly, around 40 percent of childbirths in the U.S. are to unmarried couples. The rate in Utah is lower, but it's still nearly 20 percent. Even though becoming parents without getting married is so widespread now, it sets up a number of legal issues that require establishing paternity in order to resolve them.

Wall Legal Solutions in Salt Lake City can help you in overcoming child custody matters and other difficulties that unmarried parents face involving child custody, child support, parent time schedules, and other typical issues in family legal cases.

Establishing Paternity Is Essential for Everyone Involved

Under Utah law, the husband in a married couple is automatically formally established as the father of any children born to the wife during the marriage, with some exceptions. For the father of a child born to an unmarried couple to be legally acknowledged as the parent in Utah, paternity must be formally established.

- **Father:** The unmarried father has no paternity rights. That means he has no right to child visitation or any communication with his child. The father will be required to submit to a child support paternity test to prove paternity so that the mother can claim child support.

- **Mother:** When an unmarried couple terminates their domestic relationship, the mother cannot legally request a court order for child support from the father until paternity is legally established. So, through the court, the mother will have to prompt the required test for proving paternity to obtain child support in Utah, if necessary.
- **Child:** Without proving paternity, a child in Utah whose parents are unmarried has no rights to be covered under the father's health insurance, to claim any inheritance if the father dies, or to any financial benefits for which children normally qualify.

How Long Does a Father Have to Establish Paternity?

There is no deadline on the amount of time a father has to establish paternity in Utah. But, the most advantageous time for both parents and the child is to do it at the hospital at the time the child is born. If paternity is not in doubt, the father can sign a Voluntary Declaration of Paternity at any hospital in Utah. The form is normally offered to the father in the hospital after a baby is born to an unmarried couple.

This convenient voluntary declaration legally establishes paternity in Utah and the father is not required to take a paternity test at any point in the future. The hospital can file the form along with the birth certificate with the Utah Office Of Vital Records for you, which serves to officially establish paternity.

Mothers Have the Primary Legal Right to Child Custody

The mother has a primary right to child custody under Utah law. So, do unmarried fathers have rights as parents in any legal sense at all? Again, no. The father who has not been married to the mother cannot acquire parental rights unless and until paternity has been legally established. That means that if legal action occurs between a child's unmarried parents, only the mother has any parental rights until the paternity issue is resolved.

For Help with Father's Rights, Call Wall Legal Solutions

Wall & Wall Attorneys at Law, P.C. serves our clients and their families to help them become free from their legal difficulties and move forward to happier years ahead.

For help establishing paternity or other family legal matters, call Wall & Wall Attorneys at Law, P.C. at (801) 441-2388, or contact us here on our website.
