

Paternity FAQs – Frequently Asked Questions About Paternity in Utah

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What is Paternity?

Paternity is defined as “fatherhood,” especially as it applies in a legal context. If parents are married when their child is born, the husband is automatically recognized as the child’s father and has all the legal rights and responsibilities of parenthood, unless it is determined that he is not the biological father.

When parents are not married to one another at the time of the child’s birth, the **biological father must establish paternity to be granted the legal rights and responsibilities** of fatherhood. Establishing paternity ensures that unmarried parents are afforded the same rights and duties of parenthood that they would have if they were married. **Legally establishing paternity can be done by either parent, the child, or the State of Utah**

Why is Establishing Paternity Important?

Establishing paternity is important for several reasons. Since the law holds both parents responsible for supporting a child, **establishing paternity ensures that the child receives financial support from both mother and father**.

Likewise, establishing paternity **allows a child to receive benefits on behalf of the father**, such as **Social Security** or **veterans benefits**. Acknowledging paternity ensures that the **child can receive an inheritance in the event of the father’s death**. The child can also be **added to the father’s medical insurance**. When paternity is *not* established, the child has *no legal right* to receive these benefits.

Establishing paternity can also provide information related to the **child’s health history**. **Information about immediate family members is especially valuable** if the child inherits a genetic condition or needs an organ or tissue transplant.

If the father was born or naturalized outside the United States, a child may be entitled to **certain rights, such as citizenship**, based on the father’s status. *Without* establishing paternity, the child *cannot* claim these rights.

Additionally, establishing paternity makes it possible for the father to **pursue his parental rights**. These include **custody**, **visitation** (parenting time), and having a role in *making decisions* regarding the child.

How is Paternity Determined?

If there is uncertainty as to whether a man is truly the child’s biological father, **genetic testing** can provide the answer. Genetic testing requires the parents and child to **submit a DNA sample**. This is usually done by *swabbing the inside of the mouth* with a buccal swab (similar to a cotton swab). *Blood tests* are also available, but they are far less common. The DNA is analyzed at a lab, and **results are usually available within one month**.

When selecting a testing site, be sure you choose a company that is accredited by the American Association of Blood Banks (AABB) so that test results are **legally admissible** as evidence. Genetic testing is also available through the **Office of Recovery Services**.

If We Aren’t Married, Does the Father Have to Pay Child Support?

Once the father has established paternity, you are then able to get a **court order** that will hold the father responsible for paying child support.

Do Minor Parents Have to Pay Child Support?

Individuals under 18 who become parents have the same rights and responsibilities as their adult counterparts. Thus, a minor father can be ordered to pay child support. The amount depends on the teen parent's income. A minor parent can be ordered to pay a minimum amount even if he has no income.

How Do Unmarried Parents Establish Paternity?

Since a man who is not married to a child's mother is not automatically considered to be the father, paternity must be established through different channels. **This can be accomplished in one of three ways:**

How to Establish Paternity with a Voluntary Declaration of Paternity?

A voluntary declaration of paternity (VDP) **can be signed by unmarried parents to acknowledge that the man is the child's biological father and give him legal recognition accordingly.** This document is issued by the [Department of Health, Office of Vital Records and Statistics](#).

Before they sign, both parents must read a legal notice and then either listen to a recording or watch a video to learn more about how the VDP works. **The document has to be signed in front of two witnesses**, who must also provide their signatures. *The VDP is then placed on file with the **Office of Vital Records and Statistics**.*

In addition to the Office of Vital Records and Statistics, **the VDP can be signed at any local health department or the birthing center or hospital at the time of the child's birth.**

There is no "deadline" for signing a VDP. **Establishing paternity at the hospital at the time of birth, however, offers some additional advantages.** If it is submitted along with the birth certificate, the VDP can be filed on the parents' behalf with the Office of Vital Records and Statistics. **Submitting both documents at the same time also ensures that the father's name appears on the child's original Utah birth certificate.**

Besides establishing paternity, the VDP provides other benefits. Even if it is not filed immediately after birth, **parents can file later and have the child's birth certificate amended to include the father's name.** Additionally, if both parents agree, **they can change the child's name before his or her fifth birthday.** This might happen when reconsidering whose last name the child should have.

If you change your mind about acknowledging paternity, you can **nullify the form**, provided it's done **within 60 days of signing it, or before a child support order has been issued**, whichever is earlier. *After the allotted time has passed*, the only way to legally challenge a VDP is to demonstrate that the form was signed as the result of **fraud or duress**, or on the **basis of incorrect information**. **In cases of mistake of fact, parents have four years from the date of the VDP to contest it in court.**

When a VDP is rescinded, it is treated as though it had never been on file, and the father's name is removed from the child's birth certificate. When one parent moves to nullify the document, the other parent is sent written notice of it. Even if you reverse a VDP filing, paternity can still be established through other means.

If you are a **minor** and wish to rescind a VDP, **your parent or guardian must also sign** the required documents.

Costs for establishing paternity through the VDP vary depending on when you submit it. If the document is signed at and filed by the healthcare facility when the child is born, you won't be charged anything. The fee

increases to \$18 if the VDP is filed after the original birth certificate is submitted, but within a year of the child's birth. After the child's first birthday, VDP filing fees go up to \$25.

How to Establish Paternity with an Administrative Paternity Order?

Another way to establish paternity is through an administrative paternity order. The Utah Administrative Procedures Act (UAPA) allows certain state agencies to establish legal, binding orders against individuals. The **Office of Recovery Services** can use this authority to establish paternity on behalf of children.

The administrative process begins when a parent applies with the Office of Recovery Services for child support services. Upon opening a case, **both parents receive a Notice of Agency Action (NAA).** This notice includes information about *health insurance coverage* for the child and *proposed child support* amounts. **The NAA also educates parents about what options they can pursue** after they receive the notice. If paternity has yet to be established, the NAA will either come with instructions for arranging **genetic testing**, or list an appointment date for such testing to be administered.

It's especially important to complete genetic testing procedures before establishing paternity if there is any uncertainty as to whether the man's name listed on the NAA is the child's father. **An open case with the Office of Recovery Services usually gives parents access to free genetic testing** through the agency.

After parents have had time to provide additional information, request genetic testing, or otherwise respond to the NAA, the agency issues the administrative order of paternity.

Keep in mind that if you want to establish paternity through the administrative process, the Office of Recovery Services is the only state agency that uses this method. **ORS offices** are located in **Ogden, Provo, Salt Lake City, Richfield, and St. George.** To obtain an application for services, visit the [ORS website](#) or call **(801) 536-8500.**

Besides establishing paternity, the **administrative paternity order establishes child support and medical support** (health insurance coverage and the like) orders for parents. As with the VDP, the administrative paternity order **allows the father's name to be placed on the child's birth certificate.** However, the *Office of Recovery Services does not have jurisdiction over visitation or custody arrangements.*

How to Establish Paternity with a Judicial Paternity Order?

The third option for establishing paternity is through a judicial paternity order, issued through the courts in front of a commissioner or judge. When parents seek legal representation through attorneys, both are provided with legal documents and may be asked to submit additional information to the court. A judicial order of paternity is issued when all matters relevant to the case have been resolved.

In Utah, a judicial order of paternity may be granted through the district or juvenile courts. The scope of a judicial order provides numerous benefits and covers multiple aspects of the paternity-establishment process. **In addition to establishing paternity, adding the father's name to the child's birth certificate, and providing medical and child support orders, the judicial paternity order allows parents to change the child's name and provides for custody and visitation (parent-time) schedules.**

Do I Need an Attorney for a Paternity Case in Utah?