



PREVENTIVE LAW SERIES

PATERNITY



Prepared by:
Legal Assistance Department
Region Legal Service Office Southwest
3395 Sturtevant Street Suite 9
San Diego CA 92136-5072
(619) 556-2211

WHAT ARE PATERNITY ACTIONS?

Paternity actions are court proceedings that establish a parent-child relationship. If child support is going to be ordered, a parent-child relationship must exist and it must be adjudicated or ordered by the court. Paternity actions are almost always brought in order to obtain child support. In some instances the paternity action is brought so that the child will have the legal rights to the entitlements of the father, such as military health care, social security benefits, the right to inherit etc., that are frequently denied to a child born out of wedlock. Additionally, establishing paternity gives the child important family information, such as health history, as well as a sense of identity.

Paternity can also be established without going to court. Both parties (the mother and the father) can sign a Declaration of Paternity. Signing the form is voluntary and will legally establish the man as the child's father without going to court. Forms are available at the hospital, as well as the county family support office, welfare offices and the Family Law Facilitator. A servicemember father with orders that will not allow him to be present at the time of birth may sign the declaration prior to deploying.

HOW DO I BRING A PATERNITY ACTION?

There are two methods of bringing a paternity action: a private paternity action brought by one of the parents on his or her behalf; and a paternity action brought through the San Diego County Department of Child Support Services. A private paternity action is more expensive because it usually requires hiring a private civilian attorney. A paternity action brought through the Department of Child Support Services is FREE. They will bring the paternity action if you have a case with their office, however, you are NOT the client – the County is representing its own interest.

WHAT IS THE DEPARTMENT OF CHILD SUPPORT SERVICES?

The San Diego County Department of Child Support Services (DCSS) provides services to determine paternity and to enforce the obligation of a parent to support his or her children. They do NOT assist in enforcing or arranging child visitation agreements. These services are available free of charge to all San Diego custodial parents, regardless of their financial status.

HOW DO I GET HELP FROM DCSS?

DCSS is located at 220 West Broadway, 6th Floor, in downtown San Diego. They can be reached via telephone at (866) 901-3212 outside San Diego County, or online at www.sandiegochildsupport.com. Complete the on-line or paper application, then attend an orientation session which lasts approximately 1.5 hours and bring the necessary forms and supporting documentation to the orientation session. Call or go online to find out when and where the orientation sessions are held.

HOW IS PATERNITY ESTABLISHED?

The best test to determine paternity is a DNA test. DNA is the unique genetic blueprint for each person that determines characteristics such as eye color and blood type. A paternity test compares the DNA of the child with the DNA of the potential father and mother, and generally costs \$500 or more in total to compare child, mother, and father. DNA tests are generally very accurate; they determine the probability of paternity to greater than 99.0%. Human errors do sometimes occur in the laboratory process, so if you believe an error has occurred, you may want to have another test done using another DNA laboratory.

HOW IS PATERNITY TESTING DONE?

Most DNA laboratories use a mouth swab to collect a person's cheek cells which contain that person's DNA instead of drawing blood. Since all cells in your body contain identical DNA, this process should be the same as using blood drawn DNA. The DNA "fingerprint" is extracted, then visualized on X-ray film. The visualized patterns are highly specific for each person. The child's fingerprint is compared to the mother's and father's fingerprint and the technician will then determine the likelihood that the potential father is or is not the biological father.

LEGAL ASSISTANCE SERVICES

A legal assistance attorney is available by appointment Monday through Thursday from 0800 - 1030 and 1300 - 1500, and Friday from 0900 - 1100. Powers of attorney and notaries are available Monday through Friday at the same times. For more information, please contact the Legal Assistance Office, located in Building 56, 32nd Street Naval Station, San Diego, CA, by telephone at (619) 556-2211, or our office at Naval Air Station North Island – Coronado, Building 318 – Second Deck, above the Fleet and Family Support Center, Saufley Road, by telephone at (619) 545-6437.

RESOURCES

San Diego County Department of Child Support Services: (619) 236-7600; www.sandiegochildsupport.com

San Diego County Court Family Law Facilitator: (619) 531-3234

To find your local court in a different California county, visit <http://www.courts.ca.gov/find-my-court.htm>

California Paternity Opportunity Program: (866) 249-0773; askpop@dcss.ca.gov

Nevada Division of Welfare and Supportive Services: <https://dwss.nv.gov>