

Do I need to file a Paternity Petition?

Why would I need to establish paternity?

As a mother, you cannot file a support petition against a father that has not been legally established.

As a father, you cannot file a custody petition seeking visitation if you have not been established as the legal father.

If I know who the father of my child is, do I need to file a paternity petition?

If you are an unmarried woman and know the father of your child has signed an Acknowledgment of Paternity, or an Order of Filiation has already been made, no you do not need to file a petition.

If you are a married woman and your husband is not the father of your child, you need to file a paternity petition on notice to your husband. If you do not file the petition, the child is presumed to be a child of the marriage. If you choose to get divorced in the future, or you are looking to get divorced now, you will need to deal with the paternity of any children that are not children of you marriage before the divorce is final.

If you are married, and the child is a child of the marriage, you do not need to file a paternity petition because the law presumes the parents to be the husband and the wife.

If you are a man and believe you are the father of a child, but you are not married to the child's mother, unless you signed an Acknowledgment of Paternity or and Order of Filiation, yes you should file a paternity petition.

What does establishing paternity do?

A legal parent is chargeable with support for their child from birth to age 21. They are also given parental rights, such as a presumptive right to visitation, and to have a say in the child's upbringing. A child also receives the benefit of support from two parents, and inheritance rights from two parents.