

## Basic Paternity - Parentage Law In California:

"Establishing parentage" in California means saying who the legal parents of a child are if the parents were not married when the child was born.

If the parents were married when the child was born, the law usually considers the husband to be the father.

After January 1, 2005, if parents are registered domestic partners when a child is born, the law assumes that the domestic partners are parents. However, since this law is new and unsettled, same sex parents should get legal advice to make sure that the parentage is clear.

Parents who are not married when a child is born can sign a Voluntary Declaration of Paternity before they leave the hospital, or after. When people who are not married can't agree about parentage, the court can order genetic testing.

California paternity law authorizes blood tests in cases where parentage is disputed. The mother, child, and alleged father will be required to submit to these blood tests. If a party refuses to submit to blood tests then the court has the power to resolve the parentage issue against that party.

Usually a child's parentage must be established before you can get child support or custody and visitation orders. You can ask the judge for child support or custody and visitation as part of a case that establishes the parentage of a child.

### **How To Establish Parentage (Paternity) In California:**

You can establish the parentage of a child in California if you:

- Sign a Voluntary Declaration of Paternity
- Ask Your Local Child Support Agency to Establish Parentage
- Go to Court to Establish Parentage Yourself

### **Voluntary Declaration Of Paternity:**

When both unmarried parents sign a Declaration of Paternity, it means they are the legal parents of the child. Signing a Declaration of Paternity is voluntary.

The parents can sign a declaration at the hospital or can get forms at their county's

- Local child support agency,

- Registrar of births, or
- Family law facilitator's office.

If the parents sign at the hospital, the father's name will go on the child's birth certificate, and the mother does not need to go to court to prove who the father of the child is.

If they sign the declaration after the child's birth certificate has been issued, a new birth certificate can be issued with the father's name.

After a signed Declaration of Paternity is filed with the court, the judge can make orders for custody, visitation, and support. [Click here for help getting a custody/visitation order.](#) [Click here for help getting a support order.](#)

### **Child Support Agency Action:**

Your local child support agency can bring an action to establish the parentage of your child. As part of this action, they will ask for a child support order. This service is free.

Your local child support agency is part of the state [Department of Child Support Services](#). Every county has a local child support agency. The local agencies and the department help parents support and provide health insurance for their children.

To begin the process, call them and ask for an appointment to open a case for parentage and support.