

## **PATERNITY ACTIONS FACT SHEET**

1. If a Court Order identifies a Soldier as the natural father of a child born outside of marriage and directs financial support, the Soldier is required to provide support pursuant to AR 608-99 until the child reaches the age of 18. The Soldier should review the [Legal Assistance Office](#) fact sheet on Family Support Obligations.
2. Upon receiving a claim of paternity, a Soldier's commander is required to counsel the Soldier regarding the claim. If there is evidence that a criminal offense has been committed against the person making the claim (such as rape), the Commander must inform Criminal Investigations Division and request guidance. The Commander must inform the Soldier of their rights before questioning them.
3. If no evidence exists to indicate that a criminal offense was committed, the Commander will:
  - a. Refer the Soldier to a Legal Assistance Attorney regarding his rights;
  - b. Request the Soldier sign a DA Form 5459-R (Authorization to release Army records on paternity complaints);
  - c. Inform the Soldier of Army policy regarding support of family members;
  - d. Advise the Soldier that a refusal to support the child in accordance with any court order could result in punishment and garnishment of pay; and
  - e. Ask the Soldier whether he admits or denies the claim.
4. If a Soldier denies he is the father of the child, or, if the Soldier admits paternity but refuses to provide support, the Commander can take no further action without a Court Order. The Court Order must identify the Soldier as the father of the child. Additionally, the Court Order must direct that the Soldier provide support for the child.
5. A Court action to determine paternity will usually require a blood test. The mother, the child, and the alleged father will all be tested to determine if the alleged father's blood grouping matches that of the child. These blood tests typically cannot be taken until the child is at least 6 months old (child's blood grouping is not set until that age). Blood test is normally charged to the father if they establish paternity.
6. Upon finding of paternity and a subsequent Court Order, the father will be liable for child support. Some states require back-payments of child support from the date of the child's birth. AR 608-99 mandates that Soldiers pay any child support required by a Court Order.
7. Allegations of paternity should be referred to the Soldier's immediate Commander. Additionally, Legal Assistance Attorneys are available for consultation.
8. If you have questions, contact the [Fort Bliss Legal Assistance Office](#) at (915) 568-7141 or [usarmy.bliss.hqda-otjag.mesg.bliss-legal-assistance-office@army.mil](mailto:usarmy.bliss.hqda-otjag.mesg.bliss-legal-assistance-office@army.mil) for an appointment to speak with an attorney.

## COMMONLY ASKED QUESTIONS ABOUT PATERNITY

1. **WHY SHOULDN'T I JUST SAY THAT THE CHILD IS MINE?** If you admit paternity, or are found by the Court to be the father, you must provide financial support until that child reaches the age of 18. If you only had to provide \$400 per month in support until age 18, you would pay over \$80,000. Therefore, it is important to ensure that you only provide support for your actual children.
2. **HOW DO I KNOW IF I AM THE FATHER?** In most states, you are assumed to be the father if the child was conceived while you were married to the mother. However, the only sure way to know is to take a blood or DNA test. These tests have a high rate of accuracy, typically over 99%.
3. **WHAT SHOULD I DO IF I GET SERVED WITH PAPERS CLAIMING THAT I FATHERED A CHILD?** The most important step you must take is to provide a written answer to the allegations within the time required by the Court. Failure to answer the charges could result in the Court ruling that you are the father. For help with a written answer, contact the [Legal Assistance Office](#) and secure an appointment to speak with an attorney.
4. **WHAT IF I ALREADY HAVE A PATERNITY ORDER AGAINST ME?** It is possible to get paternity orders overturned; however, to do so requires that motions be filed in Court. The process is a difficult one and will require hiring a civilian attorney.
5. **WHAT ABOUT VISITATION RIGHTS?** If you consent to paternity, or are found to be the father by a Court, you can request visitation. You can also request custody of the child. Although visitation and custody are related to paternity, they are normally considered in Court proceedings separate from the one involving custody, and will require hiring a civilian attorney.
6. **WHERE CAN I GET A BLOOD TEST TAKEN?** The Court Order you receive requiring you to take a blood test should tell you where to go. If it does not, go to either [William Beaumont Army Medical Center](#) or a private company that performs such tests. Do not use WBAMC if the court will not accept a test from a military hospital.
7. **WILL THE ARMY GIVE ME MONEY TO SUPPORT MY CHILD?** Yes, if not already entitled to it, a Soldier can get the BAH-DIFF for support of a child born out of wedlock.