Frequently Asked Questions about Paternity

Why is paternity necessary?
Establishing a parent-child relationship, or paternity, is an important and necessary step for a father of a child to establish rights to a child, and for any other person to hold that father responsible for certain obligations toward the child. Typically, a court will only grant orders regarding custody or parenting time after paternity has been established. There are some exceptions in certain circumstances. R.C. 3109.043 allows for the court to enter temporary orders during the pendency of a case for parenting time or custody for a putative or potential father, when: (a) the child carries the father’s last name; (b) the father appears in birth records; or (c) there is a clear pattern of parent and child relationship.

How is paternity established?
Paternity can be established in multiple ways, and the method will depend on the relationship status of the parents. If the parents are married, paternity will be Presumed if child is born during the marriage. Therefore, a husband will be considered the father of a child born during the marriage unless “clear and convincing” evidence to the contrary (e.g., genetic testing). R.C. 3111.03(B).

For unmarried parents, paternity can be established in several ways. The primary way that unmarried parents establish paternity is by signing an Acknowledgment of Paternity. Both parents must sign this document, and it is typically signed in the hospital. The form can also be completed at a later time, and the form is available through the local health department or county Department of Job and Family Services. You can also check to see if paternity is established by contacting Ohio Central Paternity Registry: https://www.oh-paternity.com/ or call 1-888-810-OHIO(6446).

Unmarried parents can also establish paternity through genetic testing. This may be able to be accomplished through the Child Support Enforcement Agency (CSEA). A request for genetic testing can also be made as part of a court case, where a parent files a complaint for paternity.

Can paternity be rescinded or changed?
There are some limited ways for paternity to be changed. For unmarried parents, an Acknowledgment of Paternity can be rescinded within sixty (60) days, with some conditions. In addition, paternity may be rescinded within one (1) year for fraud, duress, or mistake. R.C. 3111.27 and R.C. 3111.28. One can also attempt to rescind paternity through court proceedings. R.C. 3119.961 and R.C. 3119.962 provide some additional,
limited opportunities to rescind. Generally, the individual seeking rescission must not have known that he was not the father prior to acknowledging paternity.

**What else should I know about paternity?**
While establishing paternity is a necessary first step for an unmarried father to obtain custody and parenting time, establishing paternity, *by itself*, does not automatically give an unmarried father parenting time rights. Unless agreed to by the parents, an unmarried father must obtain court orders to have enforceable parenting time rights.

One additional way that fathers can preserve their ability to establish paternity is through the Ohio Putative Father Registry. Potential or “putative” fathers must complete the required forms prior to child’s birth or within 15 days of the child’s birth. The form can be obtained at Department of Job and Family Services (DJFS):
https://jfs.ohio.gov/pfr/

**How to contact us:**