

PAYING SUPPORT FOR A CHILD NOT YOURS?

Written by Administrator

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One of the most difficult issues for courts is whether a man should pay child support for a child not his biological child. Sounds like a simple no, but in actuality it is a complicated issue. In thousands of cases men are paying court-ordered support for children not their biological children.

Why?

Many married men do not find out until long after a divorce that the wife was cheating and children he thought were his are not.

Many unwed fathers are told they are fathers by women who are mistaken or just lying.

Acknowledgments of paternity are presented at the hospital.

The Attorney General files child support cases and men are asked to sign on the dotted line.

Not knowing the truth or not being willing to challenge the mother and appear to be questioning her integrity, men simply agree to pay.

Then after often establishing a father/child bond, they are told, usually in a fit of anger, they are not the real father.

Until recently they had no recourse.

As of May 12, 2011, the law has given them an option.

If a man has a court order declaring him to be the father of a child; he can challenge that order by filing a suit for termination. This is only available if no genetic testing was done before he signed an acknowledgement of paternity or was declared by court order to be the father. It is not available to men who adopted a child. Upon filing the petition, the man must establish a prima facie case that he is not the biological father.

If he has a meritorious claim, the Court must order genetic testing.

If testing shows that he is not the biological father, the Court must terminate the relationship.

This stops all child support payments.

It does not, however, waive any arrearages owing at the time of termination.

In addition, if the father can establish that it would be significantly harm a child to stop

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possession, the man could ask for visitation rights to the child which believes he is his father.

The time for filing a termination is not unlimited. Once a man has reason to believe he is not the biological father of a child, he has ONE YEAR, from the time he believes he is not the father to file a petition for termination.

For men who have orders in effect at the time the legislature passed the new law, they have until SEPTEMBER 1, 2012, to file a petition for termination, regardless of when their child support order was entered.

Finally, the law has caught up to the facts of real life. Not every father paying child support is really the father. It is unfortunate for children that they are caught up in adults' deceptive lies; but studies show that men who do not believe they are the real father are less likely to pay their court ordered child support.

Now they have an opportunity to rectify the mistake.

The days of whining about false paternity are over.

Now it's time to take care of business.