Establishing Paternity

General Information
Generally, the father of any illegitimate child may be required to provide child support through paternity proceedings. Where the father has not acknowledged the child, paternity must be established in court or administratively. The degree and the kind of proof required depend on the purpose for which it is used, and the State law involved as well as Army Regulations (AR) 608-99, paragraph 3-7, provides guidance on the administrative processing of paternity claims.

Establishing paternity is often the first step to collecting child support for a child born out of wedlock. The paternity proceeding determines whether the named member fathered the child. Either parent can request a blood test in contested paternity cases. Recent developments in DNA testing may make the determination of fatherhood more certain. The mother of an illegitimate child may allege paternity in a letter to the soldier or his commander, may seek to force to provide support through State Child Support agencies. Other actions may be brought in connection with divorce, dissolution of marriage, annulment, or spousal support lawsuits, or by a welfare agency.

Is the father obligated to support a child born out of wedlock?
Yes. There is no distinction in support, custody, or visitation rights between parents who are married when the child is born and parents who are not married when the child is born. <u>However, unless the father agrees voluntarily, none of those rights can be enforced without a court order or administrative decision establishing his paternity.</u>

What happens after the court determines paternity?
The court will also determine how much child support should be paid; whether and how much of the prenatal care, labor, and delivery expenses have to be paid; and child custody and visitation rights.
A copy of the court order can also be used to establish the child's entitlement to social security and military benefits, including medical care, PX, and Commissary privileges. These rights and privileges last for as long as one of the child's parents is on active duty or until the child reaches the age of 18, or 23 if a full-time student.

Can the child get military medical care without a court order?
Yes. There are three basic requirements:
(1) The soldier must acknowledge paternity, either by sworn affidavit or court order. If possible, he should be listed as the father on the birth certificate.
(2) The soldier has to apply for dependency status and issuance of an ID card for the child. The military personnel office will review the application for completeness. Once all requirements have been met, the child is issued a military dependent ID card.
(3) The child must then be registered with DEERS, the Defense Eligibility Enrollment Reporting System, a computerized system that keeps track of all authorized health care recipients.
The child will then be eligible either for treatment in a military facility or to receive

treatment under TRICARE from a civilian hospital.