



## PATERNITY

Paternity law deals with the identity of a child's biological father.

Before a court can make any decisions about a child, the identity of both biological parents must be clear. A parent or public authority supporting the child may file a paternity case to identify the father of the child. Once paternity is proven, the court can enter orders about custody, visitation, child support, and order medical insurance coverage to be paid. The court may also have the child's birth certificate to be changed, if needed.

North Dakota law provides ways a father-child relationship can be shown between a man and a child.

### *Ways to Establish Paternity in North Dakota*

- Genetic Testing or what is known as a DNA test. This testing is used to legally determine who the father is but testing will not be available if the father or paternity has already been established. The court may require the father to pay or split costs, or the court may order the county social service board to pay for testing.
- Presumed paternity is either when a child has been born during a marriage or within 300 days after the marriage has ended (divorce, death, annulment) or parties have been separated, then the husband is presumed to be the father of the child. Presumed paternity can also be established when the man openly held himself out to be the father.
- Court Adjudication is when through a court order a father-child relationship is determined. A legal action with a summons and complaint will begin this process.
- Adoption is a court process that creates a parent and child relationship. A person asks the court to adopt the child. Once a child is adopted they will be considered blood relatives.
- Voluntary Paternity Acknowledgment is when a form is signed that legally establishes the father-child relationship. This usually occurs when a child is born to unmarried parents and the mother has not disagreed to the acknowledgement by the father. After the form is filled out and signed then the father's name will go on the child's birth certificate.

[North Dakota Century Code Chapter 14-20](#)

[North Dakota Human Services - Paternity](#)