

Paternity

The father-child relationship is established between a man and a child by:

- An un rebutted presumption of the man's paternity
- An acknowledgment of paternity
- An adjudication of paternity
- An adoption

When Is A Man Presumed To Be The Father?

There is a presumption of paternity if:

- The child was born during marriage, or within 300 days after the marriage was terminated by death, annulment, divorce, found invalid, or within 300 days after the parties separated;
- An acknowledgment of paternity was signed, not disputed by the mother, and was filed with the Department of Vital Records;
- The man openly held himself out to be the father;
- Genetic tests show that the man is not excluded and the probability of paternity is 99% or higher. Evidence of sexual intercourse is not required.

What If Paternity Is Questioned?

The child, the natural mother or her representative, the alleged father or his representative, or the public authority supporting the child, may start a legal action. Genetic testing is completed through an accredited examiner of genetic specimens. In North Dakota, blood tests are preferred.

What About The Costs Of Testing?

- The court may require the father to pay the costs, or split costs.
- The court may order the county social service board to pay for testing. Some boards will pay for testing initially, then seek reimbursement.

Is There A Jury Trial? Can I Have A Court-Appointed Lawyer?

- There is no right to a jury trial for paternity cases in North Dakota.
- There is no right to have an attorney appointed. The parties may hire an attorney.



Who Has To Be Involved In The Action?

- The child must be a party; if the child is a minor, the child can be represented by their parent, if parentage was established, or a guardian ad litem. The natural mother, and each presumed father are also parties. Men alleged to be the father must have notice and opportunity to be heard. Proceedings are not open to the public.

If The Man Is The Father, What's Next?

- The court may decide custody, visitation, child support, and order medical insurance coverage to be paid.
- The court will order that the child's birth certificate be amended, if needed. This is important for many reasons, including social security children's benefits on the father's behalf should the father die or become disabled;
- The court may order that the parties inform the court of basic information, such as addresses and social security numbers.

Who Do I Contact With Additional Questions?

Call: 1-800-634-5263
**Seniors 60 and over Call
1-866-621-9886**

Legal Services of North Dakota

Bismarck Law Office
418 E Broadway #7
Bismarck, ND 58501

Fargo Law Office
112 N University #220, PO Box 1327
Fargo, ND 58107-1327

Minot Law Office
20 1st St SW #201
Minot, ND 58701

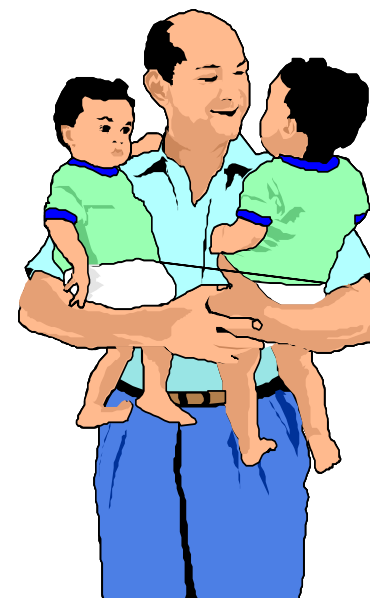
New Town Law Office
345 Main St, PO Box 217
New Town, ND 58763-0217

Belcourt Law Office
BIA Road 7 Bldg 85, PO Box 1365
Belcourt, ND 58316-1365



LEGAL SERVICES
of North Dakota

What is Paternity?



General Information - Flyer #351

DISCLAIMER: This information is not legal advice. If you have a legal problem, you should talk to a lawyer and ask for advice about your options.

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