

# **Paternity Proceedings**

## **When May Paternity Proceedings Be Commenced?**

Depending upon whether a state has adopted the Uniform Parentage Act or whether they have another state statute that governs, paternity proceedings may typically be commenced any time from after the child's birth or at any time for the purpose of declaring the existence of the father and child relationship. The action may also be commenced for the purpose of declaring the non-existence of the father and child relationship. This type of action may only be brought within a reasonable time after obtaining knowledge of the relevant facts, but no later than five years after the child's birth.

Under federal law, a paternity action may be commenced any time up until the child's eighteenth birthday.

## **Who May Initiate A Paternity Action?**

There are different parties that may initiate a paternity action. Those parties include:

- The child.
- The mother.
- The purported father.
- A guardian ad litem on behalf of the child.

## **Acknowledgement of Paternity**

If the father clearly and unequivocally acknowledges paternity in writing or by providing proof of support, the statute of limitations may be tolled in many jurisdictions. With respect to the acknowledgement of paternity, the father must show that:

- He acknowledged that the child was his child.
- He recognized that the child was his child.
- He acknowledged or recognized the existence of his child without coercion or reservation.

If the father provides proof of support as a means of establishing his paternity, he must show that the support was consistent and regular. If proof of paternity was by writing, he must prove that the writing represented a clear acknowledgment of paternity.