

FACT SHEET - #22

SUBJECT: Paternity Claims

1. PURPOSE. To explain the rules concerning a soldier's obligation to provide support for children born out of wedlock.

2. FACTS.

a. Soldier must comply with the court ordered support requirements. UP AR 608-99 (11/1/94), para 2-2, male soldiers are under no legal obligation to provide support for children born outside of marriage absent a court order.

b. Upon receiving a claim of paternity, a soldier's commander should counsel the soldier as follows:

(1) Allow him to consult a legal assistance attorney.

(2) Require him to sign DA Form 5459-R (authorization to release Army records on paternity complaints).

(3) Inform the soldier of Army policy regarding family member support.

(4) Advise the soldier that a court order against him, and a refusal to support the child could result in punishment and garnishment of his pay.

(5) Ask the soldier whether he admits or denies the claim.

c. If a soldier denies that he is the child's father, or admits paternity but refuses to provide support, the commander can take no further action without a court order. The court order must identify the soldier as the child's father. Additionally, the court order must direct the soldier to support the child.

d. A court paternity action usually requires a blood test or a DNA test. In blood tests, the mother, child, and alleged father will be tested to determine if the alleged father's blood grouping matches the child's. Blood tests cannot be taken until the child is at least six months old (the child's blood grouping is not set until that age). DNA tests can be taken immediately after birth. Both types of tests usually cost between \$350 and \$600, and normally are charged to the father if the tests establish paternity.

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e. Upon a finding of paternity, the father will become liable for child support. Some states require that the father pay back child support from the date of the child's birth. Any child support required by a court must be paid pursuant to AR 608-99.

3. POC is the Administrative Law Division at 4-7414/4668.

VINCENT C. NEALEY
Chief, Administrative Law Division