

Who is the legal father?

Sometimes it is not clear who the legal father of a child is. A court can decide who the legal father is if:

- the mother wants a court order that says who the legal father of her child is,
- the mother and father were not married when the child was born,
- a husband suspects he may not be the child's biological father, or
- a man wants to be recognized as the legal father of his biological child.

Does it matter who the legal father is?

Yes! A legal father has certain rights and duties, including caring for the child physically, emotionally, and financially.

Can I ask the Court to say who the legal father is?

Yes. You must fill out and file a court form called "*Petition to Establish Paternity.*" (You need one form for each child.)

You can get the forms you need at:
www.lawhelp.org/al

Do I need a lawyer?

You do not *have to* have a lawyer. But it's a good idea. You may contact your local Department of Human Resources for help.

Paternity is complicated. The court may decide each parent's rights and responsibilities for this child.

Can the court help me fill out my forms?

No. But this sheet gives general information about how to fill out your forms.

What do I do after I fill out my forms?

Take your completed forms and 2 extra copies to the family or juvenile court clerk in the **same** county where the child lives.

What will the clerk do with my forms?

The clerk will:

- date-stamp all your forms,
- keep the original plus 1 copy (for the other parent), and
- give you a date-stamped copy for your records.

Do I have to pay the court anything?

Yes. You must pay a fee in cash or with a money order. The clerk can tell you the exact amount.

If you cannot afford to pay the fee, also fill out an *Affidavit of Substantial Hardship*. But do **not sign it until you are in front of a notary** and swear that the information is true. The judge will decide if the fees can be postponed.

Will the other parent know I am asking for a paternity order?

Yes. The clerk will have someone serve (give or mail) the other parent a copy of your court forms. That way the other parent knows about the case and when to go to court.

How do I prove my case to the Court?

You can ask the court to order genetic (DNA) testing. DNA tests are very accurate. The tests can say, with up to 99% accuracy, if a man is the father of a child.

What kind of orders can the judge make?

The court can make orders that:

- Say if a man is, or is not, the child's father,
- Say which parent must pay child support and prenatal medical expenses. (The court may order the father to pay child support starting from the date the child was born.)
- Change the child's name on the child's birth certificate.
- Say one or both people involved must pay for the court costs, genetic testing, and attorney fees.

Need help?

Call Legal Services Alabama at: **877-393-2333**
Or visit: www.alabamalegalhelp.org

Petition to Establish Paternity

Case Number: _____

In the _____ Court of (county): _____ County, Alabama

State of Alabama, ex rel.

v.

Plaintiff's First and Last Name*(the person filing this Petition)*_____
Defendant's First and Last Name*(the other parent)***Important!** You must file this form in the same county where the child lives.**① Name, address, and date of birth of the child involved in this paternity case (print):**Child's Name: _____ Date of Birth (mm/dd/yyyy): _____
first middle lastAddress: _____
street address city county state zip**② Information about the man you think is the child's biological father:**Alleged father's name: _____
first middle lastAddress: _____
street address city state zipHas this man ever been married to the mother of this child? Yes NoDoes the child's birth certificate list this man as the father? Yes No* I do not know.

*If No, who is listed as the father? _____

③ Information about this child's birth mother:Mother's name: _____
first middle lastAddress: _____
street address city state zip

Phone #: (_____) _____

Was the mother married to another man during the 12 months before the child was born? Yes* No***If Yes, fill out below:**Husband's name: _____
first middle lastAddress: _____
street address city state zip

Date of marriage: _____

Date of divorce (if applicable): _____

④ Genetic Testing

Do you want the Court to order genetic testing to prove that the man whose name is listed in ③ is the father of this child? Yes No

If you check "Yes," the court may ask you to pay all or part of the cost of the genetic tests.

⑤ Other Cases Involving This Child

Has this child been involved in any other court case, like child support, juvenile, DHR, or other paternity cases? Yes* No

*If Yes, fill out below:

When and where were the orders made?			What kind of orders did the court make?
Date	County	State	

⑤ I ask the Court:

- for a hearing to decide if the Defendant is the legal father of the child listed above, and
- to make the Orders I have asked for in this *Petition* and any other orders I may be entitled to.



Petitioner's Signature

Date: _____