



Cass County Friend of the Court

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INFORMATION REGARDING THE ESTABLISHMENT OF PATERNITY WHEN A CHILD IS BORN OUTSIDE OF MARRIAGE

Legal paternity is established in several ways:

1. A husband is presumed to be the legal father of children born during that husband's marriage to the children's mother;
2. An Affidavit of Parentage or Paternity Affidavit legally establishes who the legal father is due to the mother and father signing that legal document; or,
3. A paternity action can be brought in Court to legally establish who the legal father is.

When a child is born outside of marriage and the issue of child support, custody or parenting time is brought before the Court in any proceeding other than a paternity action, proof of legal paternity must be provided to the Friend of the Court by:

- A. Providing a copy of an Affidavit of Parentage or Paternity Affidavit, or
- B. Providing a copy of the court order establishing paternity.

The Court cannot enter orders regarding a minor child until the Court has proof of a minor child's paternity.

If paternity has not been established and you wish to establish paternity, you can contact Terri McCraner at the Cass County Prosecutor's office to assist you in completing an Affidavit of Parentage. Her number is 269-445-4460.

If you have a child that was born during the marriage, but is not the biological child of the husband, you cannot establish legal paternity for that child with the biological father until the child is excluded as a child of the marriage by taking appropriate action under the Revocation of Paternity Act (ROPA).

Court staff and Friend of the Court staff cannot give legal advice about legal paternity. It is always best to seek legal advice from a licensed attorney about your particular case.

If you have any questions about legal paternity, please contact Carol M. Bealor, Director of the Cass County Friend of the Court, at 269-445-4482.