

How to Take Back (Rescind or Challenge) an AOP or DOP

This article tells you how to take back (rescind or challenge) an Acknowledgment of Paternity (AOP) or Denial of Paternity (DOP).

What is an Acknowledgment of Paternity (AOP)?

An Acknowledgment of Paternity (AOP) is a legal form signed by a man and the child's mother that states (under penalty of perjury) that the man **is the child's genetic father**. An AOP is usually used when the parents aren't married but agree on the identity of the child's father.



When the completed AOP is filed with the Texas Vital Statistics Unit, the genetic father becomes the child's legal father with all the rights and duties of a parent.

Exception: If the child's mother is married to someone else when the child is born (or the child is born within 300 days of the date of divorce) then the husband (or ex-husband) is the child's presumed father. You cannot use the AOP form to establish paternity unless the presumed father also signs a Denial of Paternity (DOP).

What is a Denial of Paternity (DOP)?

A Denial of Paternity (DOP) is a legal form signed by a presumed father that states (under penalty of perjury) that the presumed father **is not the child's genetic father**. To be valid, the child's genetic father and mother must also sign an AOP and **both** the DOP and the AOP forms must be filed with the Vital Statistics Unit.

Can I "take back" my AOP or DOP?

You can **rescind** an AOP or DOP you signed by filing a Rescission of Acknowledgment of Paternity form with the Texas Vital Statistics Unit:

- **before** the 60th day after the effective date of the Acknowledgment or Denial of Paternity, **and**
- **before** a court case about the child is filed.

If you miss the deadline to rescind, you may be able to **challenge** an AOP or DOP you signed by filing a court case in the county where the child lives.

What is the effective date of my AOP or DOP?

The effective date of an AOP or DOP is the date it is filed with the Texas Vital Statistic Unit.

Exception: If the AOP or DOP is filed before the child is born, it takes effect on the day the child is born.



Where can I complete the Rescission of Acknowledgment of Paternity form?

To complete the Rescission of Acknowledgment of Paternity form:

- go to the hospital or office where you signed the AOP or DOP; or
- call **(866) 255-2006** and ask where you can to go to sign the form.

How much does it cost to rescind my AOP or DOP?

Nothing. Filing a Rescission of Acknowledgment or Denial of Paternity with the Texas Vital Statistics Unit is **free**.

What if I miss the deadline to rescind my AOP or DOP?

You may be able to **challenge** your AOP or DOP after the deadline to rescind has expired, but **only if**:

- you signed the AOP or DOP based on fraud, duress or material mistake of fact, **and**
- you file a court case to challenge your AOP or DOP **before** a court order about the child is made.

Or, if you signed an AOP (based on misrepresentations that caused you to believe you were the genetic father) you may be able to file a **mistaken paternity case**. Learn more here: **[I want to terminate my parental rights. I mistakenly thought I was the genetic father. \(https://texaslawhelp.org/family-divorce-children/paternity/toolkit/i-want-terminate-my-parental-rights-i-mistakenly-thought-i-was-genetic-father\)](https://texaslawhelp.org/family-divorce-children/paternity/toolkit/i-want-terminate-my-parental-rights-i-mistakenly-thought-i-was-genetic-father)** [1]

How do I file a court case to challenge my AOP or DOP?

Filing a court case to challenge an AOP or DOP can be complicated. Before getting started, use **Ask a Question (<https://texaslawhelp.org/ask-question>)** [2] to chat with a lawyer about:

- whether you meet the legal requirements to challenge your AOP or DOP; and
- if you do, what steps to follow.



If you meet the legal requirements, you can use the following forms:

- **Petition to Challenge Acknowledgment / Denial of Paternity** (<https://texaslawhelp.org/form/petition-challenge-acknowledgment/denial-paternity>) [3] (this form starts the case)
- **Exhibit: Out-of-State Party Declaration** (https://texaslawhelp.org/sites/default/files/fp_osp_302_ex_out_of_state_party_dec_final_0.pdf) [4] (only if you or one of the respondents lives outside of Texas)
- **Respondent's Waiver of Service Only** (https://texaslawhelp.org/sites/default/files/fm-pat3_103_pat_challenge_waiver_english_respondent.pdf) [5] (the other side signs this form if they agree)
- **Motion for Genetic Testing and Notice of Hearing** (https://texaslawhelp.org/sites/default/files/fm-pat4-104-pat_motion_for_genetic_testing.pdf) [6] (use this form if you want the judge to order genetic (DNA) testing)
- **Order for Genetic Testing** (https://texaslawhelp.org/sites/default/files/fm_pat4_200_pat_order_for_genetic_testing_english_0.pdf) [7] (the judge signs this form to order genetic (DNA) testing if requested)
- **Order Adjudicating Parentage (In Suit Challenging Acknowledgment / Denial of Paternity)** (https://texaslawhelp.org/sites/default/files/fm_pat3_200_pat_challenge_order_english_petitioner.pdf) [8] (the judge signs this form to finish the case)

Can I challenge an AOP signed by someone else if I think I'm the child's true genetic father?

No. But you may ask a court to order that you are the child's legal father by filing

a paternity case if you didn't sign the AOP (or any accompanying DOP) **and**:

- it has been less than 4 years since the effective date of the AOP, **or**
- the AOP is void.

Use this toolkit to ask for a paternity order: **I need a paternity order.**
(<https://texaslawhelp.org/family-divorce-children/paternity/toolkit/i-need-paternity-order>) [9]



If you have questions, use **Ask a Question** (<https://texaslawhelp.org/ask-question>) [2] to chat with a lawyer online.

Where can I read the law about taking back or rescinding an AOP or DOP?

Read the law here: **Texas Family Code Chapter 160.307-160.309**

(<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.160.htm#160.307>)

[10].

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Links

[1] <https://texaslawhelp.org/family-divorce-children/paternity/toolkit/i-want-terminate-my-parental-rights-i-mistakenly-thought-i-was-genetic-father>

[2] <https://texaslawhelp.org/ask-question>

[3] <https://texaslawhelp.org/form/petition-challenge-acknowledgment/denial-paternity>

[4] <https://texaslawhelp.org/sites/default/files>

[/fp_osp_302_ex_out_of_state_party_dec_final_0.pdf](https://texaslawhelp.org/sites/default/files/fp_osp_302_ex_out_of_state_party_dec_final_0.pdf)

[5] https://texaslawhelp.org/sites/default/files/fm-pat3_103_pat_challenge_waiver_english_respondent.pdf

[/fm-pat3_103_pat_challenge_waiver_english_respondent.pdf](https://texaslawhelp.org/sites/default/files/fm-pat3_103_pat_challenge_waiver_english_respondent.pdf)

[6] https://texaslawhelp.org/sites/default/files/fm-pat4-104-pat_motion_for_genetic_testing.pdf

[/fm-pat4-104-pat_motion_for_genetic_testing.pdf](https://texaslawhelp.org/sites/default/files/fm-pat4-104-pat_motion_for_genetic_testing.pdf)

[7] <https://texaslawhelp.org/sites/default/files>

[/fm_pat4_200_pat_order_for_genetic_testing_english_0.pdf](https://texaslawhelp.org/sites/default/files/fm_pat4_200_pat_order_for_genetic_testing_english_0.pdf)

[8] <https://texaslawhelp.org/sites/default/files>

[/fm_pat3_200_pat_challenge_order_english_petitioner.pdf](https://texaslawhelp.org/sites/default/files/fm_pat3_200_pat_challenge_order_english_petitioner.pdf)

[9] <https://texaslawhelp.org/family-divorce-children/paternity/toolkit/i-need-paternity-order>

[10] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.160.htm#160.307>