Acknowledgment of Paternity and Denial of Paternity
This article tells you about acknowledgment of paternity and denial of paternity.

What is paternity?

Paternity is the legal identification of a child's father. When paternity is established the child's genetic father becomes the child's legal father with all of the rights and duties of a parent.

☑

Paternity can be established by:

- legal presumption (when the parents are married); or
- filing an acknowledgment of paternity, or
- court order.

Why is establishing paternity important?

Establishing paternity secures a father's rights as a parent. Also, children need and are entitled to:

- **financial support** from both parents. A court cannot order an alleged father to pay child support until paternity has been established.

- **benefits**, such as social security, insurance, inheritance and veteran's benefits, from both parents if they are available. A child might not be able to claim benefits from the father if paternity has not been established.

- **medical history**. Children have the right to know if they have inheritable health problems.

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 Acknowledgment of Paternity (AOP) and **both** the DOP and the AOP forms must be filed with the Vital Statistics Unit.

Who is a presumed father?
A man is the presumed father of a child if:

- he was married to the child's mother when the child was born;

- he was married to the child's mother any time during the 300 days before the child was born;

- he married the mother after the child was born and voluntarily claimed paternity of the child with the Vital Statistics Unit, on the child's birth certificate, or in a record in which he promised to support the child as his own; or

- during the first two years of the child's life, he continuously lived with the child and represented to others that the child was his own.

See **Texas Family Code chapter 160.102 (http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.160.htm#160.204) [1]**.

Where can I complete an AOP or DOP?

An AOP and DOP can be completed at the **hospital** when the child is born. The hospital will then file the AOP and/or DOP with the Texas Vital Statistics Unit.

An AOP and/or DOP can also be completed before or after the child is born at a **certified entity** (such as a local birth registrar or child support office). Call **(866) 255-2006** to find a certified entity near you. The certified entity will then file the AOP and/or DOP with the Texas Vital Statistics Unit.

☑

Parents who live out of state can get help completing an AOP or DOP over the phone by calling (866) 255-2006.

According to the Texas Vital Statistics Unit, an **AOP form is only available through entities certified to offer it (http://www.dshs.texas.gov/vs/reqproc/faq/Texas-Vital-Statistics-Frequently-Asked-Questions/#I need an Acknowledgement of Paternity form sent to me. Where can I get that form?) [2]**. They cannot send an AOP form to you.

Note: 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.

How much does an Acknowledgment of Paternity cost?
Nothing. Filing an Acknowledgment of Paternity with the Texas Vital Statistics Unit is **free.**

How much does a Denial of Paternity cost?
Nothing. Filing a Denial of Paternity with the Texas Vital Statistics Unit is **free.**

Can an Acknowledgment of Paternity be signed by someone who is under 18?
Yes.

Are there any special requirements for an Acknowledgment of Paternity?
Yes. For an Acknowledgement of Paternity to be valid, it must be filed with the Vital Statistics Unit and

- be signed under penalty of perjury. (This means you could be charged with a crime if you lie.);
- state whether or not the child has a presumed father, and if so, state the presumed father's name;
- state the child's place of birth. (The Vital Statistics Unit will only accept Acknowledgements of Paternity for children who were born in Texas.);
- state that the child does not already have an acknowledged father. (This means no one else has signed an Acknowledgment of Paternity claiming to be the child's father.);
- state that the child does not have an adjudicated father. (This means no one has been named as the child's father in a court order.); and
- state whether or not genetic testing has been done, and if it has, that the test shows that the man signing the Acknowledgment is the father.

What voids an Acknowledgment of Paternity?
An Acknowledgment of Paternity is void if it falsely denies the existence of a presumed, acknowledged or adjudicated father.

Are there any special requirements for a Denial of Paternity?
Yes. For a Denial of Paternity to be valid, it must be filed with the Texas Vital Statistics Unit and:

- be signed under penalty of perjury. (This means you could be charged with a crime if you lie on the form.);

- the man signing must not have previously signed an Acknowledgment of Paternity (unless the Acknowledgment was successfully rescinded or challenged); and

- the man signing must not be have been named as the child's father in a court order.

Can I "take back" my Acknowledgment of Paternity (AOP) or Denial of Paternity (DOP)?
You can **rescind** an AOP or DOP you signed if you file 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 don't meet 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.

☑

Learn more here: **How to Take Back (Rescind or Challenge) an AOP or DOP (https://texaslawhelp.org/article/how-take-back-rescind-or-challenge-aop-or-dop) [3]**

Links
[1] http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.160.htm#160.204
[2] http://www.dshs.texas.gov/vs/reqproc/faq/Texas-Vital-Statistics-Frequently-Asked-Questions/#I need an Acknowledgement of Paternity form sent to me. Where can I get that form?
[3] https://texaslawhelp.org/article/how-take-back-rescind-or-challenge-aop-or-dop