

ESTABLISHING PATERNITY IN IDAHO



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WHO CAN ASK THE COURT TO ESTABLISH PATERNITY? The child's mother, the guardian, someone acting as the child's father, the next of kin, or the Idaho Department of Health and Welfare may begin proceedings to establish paternity and child support.

WHEN CAN PATERNITY BE ESTABLISHED? Proceedings to establish paternity *may* begin only after the child is born and *must* begin before the child reaches the age of majority. The age of majority in the State of Idaho is eighteen.

DOES IT MATTER IF THE CHILD WAS BORN OUTSIDE IDAHO? No. Proceedings to establish paternity may be started in the county where the mother or child resides or in the county where the alleged father resides, regardless of the state in which the child was born.

HOW DOES A FATHER ACCEPT PATERNITY? For an Idaho birth, a person believed to be the father of a child may acknowledge he is the father by signing a voluntary acknowledgment of paternity in front of a notary. The court may then order child support without further proceedings.

WHAT EVIDENCE IS NEEDED TO PROVE PATERNITY? Evidence of paternity includes: (1) evidence of sexual intercourse between the mother and alleged father at any possible time of conception; (2) an expert's opinion on the statistical probability of the alleged father's paternity;

(3) the statistical probability of the alleged father's paternity based on genetic tests; (4) medical, scientific, or genetic evidence relating to the alleged father's paternity based on tests performed by experts; or (5) a voluntary acknowledgment of paternity.

CAN GENETIC TESTING BE ORDERED? Yes. The court may require the child, mother, alleged father, or others who have had sexual relations with the mother to submit to genetic testing. The refusal to submit to testing may subject the party to court sanctions. The person requesting the test must pay the expenses, but the costs may be recovered if that individual wins the case.

WHAT DO THE RESULTS OF GENETIC TESTING MEAN? A genetic test result with a probability of at least 98% creates a presumption of paternity. On the other hand, whenever the results exclude someone from possible paternity, the result is conclusive evidence of non-paternity.

WHAT EFFECT DOES AN ORDER ESTABLISHING PATERNITY HAVE? The father will then have the same legal rights and obligations, including child support and custody, toward the child as if her were married to the mother.

***This handout is general in nature. It is not a substitute for legal advice from an attorney regarding individual situations. (August 2021)**

For additional information on this and other legal topics, see the Air Force Legal Assistance Website: <https://aflegalassistance.law.af.mil>