



Seirbhís Sláinte
Níos Fearr
á Forbairt

Building a
Better Health
Service



sexualwellbeing.ie

treoir

informing unmarried parents

Establishing Paternity



Tel: 01 670 0120

Paternity can be presumed, established or declared

A presumption of paternity arises if:

- parents are married to each other. There is a presumption in law that the husband is the father of the child unless it is proved otherwise. The presumption in law that a woman's husband is the father of the child no longer applies if the child is born more than ten months after they separated
- parents are not married to each other and the father's name is on the child's birth certificate.*

NOTE: A father's name on his child's birth certificate does not give him any legal rights in relation to his child.

Establishing paternity

It may be necessary to establish paternity, where paternity is in doubt, for example in any maintenance, access, guardianship or inheritance proceedings. The majority of these cases are heard in the local District Court but can also be heard in the Circuit Court. The court hearing these proceedings may order that the parents involved undergo paternity testing before an order can be made.

If the court orders that testing be carried out, the court may also direct who is to pay the cost of the service; this may be the mother, the alleged father or shared cost.

If a person refuses to undergo testing, the court can reach whatever conclusions it thinks proper in the circumstances of the particular case. For instance, if an alleged father refuses to undergo testing, the court might take the view that he is afraid the test would show that he is in fact the father. If it is the mother who refuses, the court may take the view that she is afraid that the test would show that the man is not the father.

Declaration of Parentage

There is a procedure available in the Circuit Court called a 'Declaration of Parentage'. A person or persons may apply to the court for a declaration stating that s/he is or is not the father/mother of a child or that they are/are not the parents of a child. An application can also be made by the person concerned (the adult child) for a declaration stating that a person named is or is not the mother/father or that the persons named are not the parents. This may arise where a parent has died and the child is making a claim on the estate of the deceased parent and paternity has not already been established.

It may also be possible to apply for a Declaration of Parentage, in relation to a child born outside of the Republic of Ireland. The Declaration of Parentage procedure is not available in relation to a child who has been adopted. A

Declaration of Parentage can be used to add the father's details to his child's birth certificate. It does not give the father any legal rights. See section on '**Birth Registration**' and '**Guardianship**' on Treoir's website, www.treoir.ie

DNA Testing Procedure

The DNA testing procedure is generally carried out using mouth swabs (inside the mouth), but testing can also be carried out using blood or hair taken from the mother, father and the child. In general, the consent of the mother/guardian is required before a child is tested. It could be considered illegal for a child to be tested without the consent of the mother/guardian.

Testers would prefer that testing is carried out on the alleged father, mother and child at the same time. If this is not possible they will arrange for the testing to be carried out within a short period of time of each other, on the same day. Recent photo ID is required if testing is being carried out for legal purposes.

Some laboratories can arrange to have a testing kit sent to a GP of your choice so that samples can be taken. Check that the GP you choose will provide this service. Alternatively, the laboratory you choose may have a list of GPs who provide the service. Some laboratories have nurses available to travel to a specific location to carry out the testing procedure. In most cases where a nurse or a GP is involved in the testing procedure there is an additional fee. After the procedure has been completed, the samples are sent to a laboratory overseas for analysis. Test results should be available within 2-3 weeks.

If results are required for court purposes it should be confirmed with the testing service that the laboratory they use is operated to a court approved standard and that it is appropriately accredited. Where the testing is being carried out for 'peace of mind' the procedure is less expensive but it is still important that you confirm with the testing service that it uses a properly accredited laboratory. Many testing services have a facility whereby you can order testing kits on-line. If this option is available, you will find more information about it on the website of the testing service.

Note

Test results from paternity testing cannot, in themselves, be used to add the father's details to the birth certificate, nor do they give the father any legal rights. See sections on 'Birth Registration' and 'Guardianship' at www.treoir.ie

Services

See the **'Establishing Paternity'** section of our website, www.treoir.ie for a limited list of accredited testing services.

We 'do not' recommend any particular paternity testing service.

When using a company for DNA testing make sure 'it is approved by an appropriate authority'.

Samples will be sent to a laboratory **OVERSEAS** for analysis. Test results should be received within **2 - 3 weeks** after testing has been carried out in Ireland.

If you would like to talk through your individual situation, call Treoir on our confidential helpline at: 01 670 0120



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October 2019

While every effort has been made to ensure that the information in this leaflet is accurate, no responsibility can be accepted by Treoir for any error or omission.

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