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Quick Facts: Paternity Establishment & Parentage

This Quick Facts guide provides information about the role of the Child Support Program in establishing paternity for children.

The Child Support Program¹ is a successful federal-state-tribal partnership that seeks to promote economic stability for children whose parents live apart. The program collects \$5.51 for every \$1 in public funds invested. In FY 2020, \$33.6 billion was collected in 13.2 million cases for 13.8 million children.² Establishing legal paternity for children born outside marriage is a critical first step to obtaining child support.

Paternity Establishment is one of the five key outcomes upon which state child support programs are measured under the Child Support Performance and Incentive Act of 1998 (CSIPA). This outcome-based incentive and penalty program rewards states financially for meeting or exceeding program requirements and imposes penalties when states fall short or fail to make improvement.

In federal fiscal year 2019, the child support program caseload included nearly 10 million children born to unmarried women, for whom nearly 1.5 million paternities were established or acknowledged through the child support program. Most children had paternity established through a simple, voluntary acknowledgment process at the hospital right after birth or later in a local child support office. States also can use judicial or administrative methods to establish paternity when the parents decide not to acknowledge paternity, and genetic testing by state-contracted laboratories is available to parents at low or no cost.

Through the use of federal demonstration grants, states have been experimenting with new approaches to improve paternity establishment rates. These projects include collaboration with hospitals, various local community resource centers, and outreach to high schools. Other efforts include reaching out to alleged fathers in a non-adversarial manner to explain the process and the benefits of establishing paternity. These projects show that early outreach to fathers yields higher rates of compliance with future court orders and more involvement in the lives of their children.

The Child Support Program requires states to provide services to parents that promote paternity establishment for children, and as a convenient mechanism for both parents to acknowledge the father's paternity. These paternity establishment services are critical to children and families, as well as society overall because they encourage healthy families with involvement from both parents.

¹ Created by Title IV-D of the Social Security Act

² [Office of Child Support Enforcement \(OCSE\) FY 2020 Preliminary Report.](#)





Following the U.S. Supreme Court's holding in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015), that same-sex couples have a fundamental right to marry, which includes establishing a home and bringing up children, some states have enacted legislation making this area of law gender-neutral, recognizing de facto or intended parents who might not be genetically related to the child, and extending to same-sex couples the marital presumption of parentage and the process for voluntarily acknowledging paternity. Where laws have not been changed, state courts have looked to *Obergefell* and subsequent rulings to guide their application of existing statutes to same-sex couples.

The Uniform Parentage Act of 2017 (UPA), which addresses same-sex couples as well as other parentage issues, has thus far been enacted in six states: Washington, Vermont, California, Rhode Island, Maine, and Connecticut. In 2021, it has also been introduced in legislative bodies of three additional states: Massachusetts, Pennsylvania, and Nevada.

For decades, the Acknowledgment of Paternity form has been an accessible and cost-effective method for unmarried opposite sex couples to secure and establish legal parentage for their children. A gender neutral Acknowledgment of Parentage extends the same access to justice to the children of unmarried same sex couples. As of June 2021, a total of ten states have enacted a gender neutral Acknowledgment of Parentage (AOP). These include the states that have enacted the updated UPA listed above. New York, Maryland, Nevada, Massachusetts have also enacted a gender neutral AOP separate from the UPA and are at varying stages of implementation.³

³ <https://www.glad.org/voluntary-acknowledgment-of-parentage>

