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Quick Facts: Establishment of Parentage

This Quick Facts guide provides information about the role of the Child Support Program in establishing parentage 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 \$4.37 for every \$1 in public funds invested. In FY 2023, \$31 billion was collected in 12 million cases for 12.7 million children.²

Establishing legal parentage for children born outside marriage is a legal prerequisite to obtaining child support. Legal determinations of parentage also confer on children legal rights that could include inheritance rights, the birth parents' medical history, and benefits through Social Security, Veterans' Administration and life insurance.

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. The child support program is evolving nationally to replace the term "paternity" with the gender-neutral term "parentage" to be more inclusive of all family structures served by the child support program.

In federal fiscal year 2022, the child support program caseload included over 9 million children born to unmarried women, for whom over 1.15 million determinations of parentage were established or acknowledged through the child support program. Most children had parentage 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 parentage when the parents decide not to acknowledge parentage, 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 parentage establishment rates. These projects include collaboration with hospitals, various local community resource centers, and outreach to high schools. Other efforts include outreach to alleged fathers in a collaborative approach to educate parents about the process of establishing parentage, the benefits of establishing paternity, and the child support program generally. Supportive fatherhood programs can assist parents with addressing and overcoming barriers to financially supporting and being involved in the lives of their children. These programs can help fathers successfully navigate re-entry when currently or formerly incarcerated and assist with their success through healthy marriage and relationship education.

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

² Office of Child Support Services (OCSS) FY 2023 Preliminary Report





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 promoting the establishment of parentage for children. These services are critical to children and families, as they encourage healthy families with involvement from both parents.

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 Federal Office of Child Support Services has also issued policy interpretation guidance regarding Same-Sex Parents and Child Support Program Requirements. (See [Same-Sex Parents and Child Support Program Requirements | The Administration for Children and Families \(hhs.gov\)](#)).

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. As of March 2022, it has been introduced in legislative bodies of three additional states: Massachusetts, Hawaii and Pennsylvania. NCSEA issued a resolution endorsing the UPA in April 2018, and again in August 2023.

For decades, the Acknowledgment of Paternity form (AOP) 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. Thus far, a total of 11 states have enacted a gender-neutral AOP. These include the states that have enacted the updated UPA listed above. Colorado, New York, Maryland, Nevada, Massachusetts have also enacted a gender neutral AOP separate from the UPA and are at varying stages of implementation.

