

CFRP Snapshot

child support

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Introduction to Paternity Establishment

The normative family in the United States was once comprised of two married parents living in one household with their children.¹ Today, approximately 41% of children are born to unmarried parents. This proportion is even higher for some racial and ethnic groups; recent reports indicate that 73% of African American babies and 53% of Latino babies are born outside of marriage.² Almost one third of children currently live apart from at least one of their biological parents. These changes in family formation are cause for concern because unmarried fathers have no automatic legal rights or responsibilities to their children, and children living apart from at least one parent are considerably more likely to live in poverty^{3, 4} and spend less time with the noncustodial parent (typically the father).⁵

Without legally establishing paternity, unmarried fathers have no rights or responsibilities to their children. Children born out of wedlock cannot access their paternal genetic history and medical records and are ineligible for other benefits through their fathers such as Social Security, medical insurance, life insurance, veteran's benefits, and inheritance. Moreover, fathers have no visitation and custody rights or legal say in decisions regarding their children. This lack of legal connection between unmarried fathers and their children is especially alarming considering preliminary evidence that a majority of teenage parents wrongly believe that unmarried fathers automatically have the same legal rights and responsibilities to their child as do mothers.⁶ Although the preliminary evidence focuses on teenage parents, it is highly likely that unmarried adult parents share these misconceptions.

Children living apart from at least one parent also are considerably more likely to live in poverty^{7,8} and spend less time with the noncustodial parent.⁹ Poverty and lack of paternal involvement have been linked to a variety of detrimental outcomes for children, such as increased

risk of death, disease, learning disabilities, substandard academic achievement, behavioral problems, and greater likelihood of teenage pregnancy.^{10, 11, 12} Child support payments can serve as a safety net from many of the deleterious effects associated with one-parent households. For example, child support payments lift approximately one million people out of poverty every year and provide about 30% of income for poor families who receive this assistance.¹³ Fathers who pay child support also are more likely to spend time with and have a stronger influence on their children compared to fathers who do not pay child support.¹⁴ Without legal paternity establishment, however, the court cannot order the father to pay child support.

One strategy to ensure that unmarried fathers have legal rights and responsibilities to their children and to improve their financial and emotional investment in their children is to establish paternity shortly after the child's birth. Research demonstrates that children with fathers who establish paternity are more likely to receive child support¹⁵; they are less likely to live in poverty¹⁶; and they will spend more time with their nonresidential fathers.^{17,18} The best opportunity to establish paternity is in the hospital at the time of birth,¹⁹ which in Texas is through parental signing of an *Acknowledgement of Paternity Form (AOP)*.

Fathers who acknowledge paternity in the hospital are twice as likely to pay child support as fathers who acknowledge paternity elsewhere.^{20,21} Furthermore, as opposed to fathers who establish paternity in the court system, fathers who voluntarily acknowledge paternity are less likely to receive child support orders (perhaps due to provision of informal support) and more likely to comply with the orders they do receive.^{22, 23} Also, fathers who sign the AOP in the hospital also are more likely than fathers with no paternity establishment or paternity establishment outside the hospital to be involved in their child's life (e.g., contact with child within the last 30 days, overnight visits) and have lower rates of child poverty and mortality, even when controlling for maternal factors or various health risks at birth for the child.^{24, 25}

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Endnotes

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