

Family Law in Palm Beach County – Paternity Law

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Paternity law is one of biggest areas of [family law](#) in Palm Beach County today. As the role of the mother and father in the modern American family changes – and the term “family” itself evolves, this part of family law has become more complex and confusing.

Paternity law is defined as the legal acknowledgment of the parental relationship between a man and a child. A child born to the wife during a marriage is also the husband's child under the "presumption of lawful paternity." The husband is assigned complete rights, duties and obligations to the child. However, during a divorce, annulment or legal separation, this “presumption” can be challenged in court. Jurisdictions often differ on when a judgment establishing paternity based on “presumption” can be set aside on the grounds that the husband was not the father. In the case of an unwed mother, a man may come forward and accept the paternity of the child or the mother may petition the court for a determination of paternity.

A mother or father may also ask the court to determine paternity of one or several possible fathers based upon sworn testimony or other evidence like DNA testing.

Once a father has established paternity he can establish his parental rights with his child by filing a parenting plan. In Florida and in other states throughout the country, the law requires parents to file a “parenting plan” with a district court. A parenting plan is an outline about how the biological parents will share parental responsibilities on matters such as legal custody, visitation rights and medical insurance.

Parental Testing

Parental testing is the use of genetic fingerprinting to determine whether two individuals have a biological parent/child relationship. A paternity test will establish proof whether a man is the biological father of a child and a maternity test establishes whether a woman is the biological mother. Though genetic testing (DNA) is the most reliable type of testing today, there are other methods like ABO (the different types of human blood) blood tests, analysis of proteins and enzymes, or human leukocyte antigen testing (genes related to the immune system.)

DNA testing is the most accurate technology to determine parentage. In a DNA parentage test, the probability of parentage is 0% when the alleged parent is not biologically related to the child and greater than 99.9% when the alleged parent is biologically related to the child.

Paternity Fraud

Paternity fraud is a new term that was recently introduced by father and men activist groups for paternal discrepancy when a mother claims that a man is a biological father of a child and it is not true. This usually happens because a mother wants to collect child support from a man.

We have only scratched the surface of this subject and already you can see how complicated it is. If you are involved in a paternity case in Palm Beach County, you will need an [experienced attorney](#) to help you sort through this confusing and emotionally charged process.

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