

Paternity Decision Tree
Goal: One Father per Child

Inquire under oath (F.S. 39. 402, 503 and 803)

Was mother married at probable time of conception or birth? 1

Yes- husband - serve him with process if not yet served 2

If husband asserts his rights and no other man identified as signing b/c, paying child support, or putative biological father, proceed 3

If husband signs surrender or affirmatively chooses not to assert his rights and another man is identified or comes forward and court makes finding that it is in best interest of child to establish paternity for putative bio father, court can order DNA and establish paternity 4

If DNA test established biological relationship or another man has already had DNA test that establishes biological relationship and court makes finding that it is in best interest of child to establish paternity for bio father, court can establish paternity and treat him as a parent making him a party to the case 6

If yes, and husband asserts rights but a

- Man is named as the putative father
- Man other than the husband signed b/c after July 1, 1997
- Man other than husband is paying child support pursuant to court order

then the court should determine which man should be considered a party to the dependency proceeding and for what purposes as may be in the child's best interest. *(see attached process and applicable law) 5

If no:

- Was mother cohabiting?
- Was mother receiving payments or promises?
- Has mother named a man as the father on b/c or applying for public assistance?
- Has a man acknowledged paternity under oath?
- Has a man signed b/c after July 1, 1997?
- Has a court or administrative proceeding entered an order establishing paternity?
- Who was mother having relations with at the time of conception?
- Is there a man named as putative father?
- Is there a child support order entered? 7

If no to all the bullets in box 7, make a finding and a separate order entered that the father is unknown. 8

If yes to any of these questions and a single man is identified, allege in petition that he is or may be the father, serve him, ask him under oath if he is the father. 9

If more than one man is identified, court should determine which man should be considered a party to the dependency proceedings and for what purposes as may be in the child's best interest *(see attached process and applicable law) 10

If he acknowledges under oath or in writing and no objection by any party, enter order establishing paternity, treat him as father 11

If he denies or doesn't know, order DNA (address responsibility for costs of test) or advise him that he can seek to establish paternity under F.S. 742 12