



OFFICE OF THE JUDGE ADVOCATE GENERAL **LEGAL ASSISTANCE POLICY DIVISION**



PATERNITY ACTIONS

If a Court Order identifies a Soldier as the natural father of a child born outside of marriage and directs financial support, the Soldier is required to provide support pursuant to AR 608-99 until the child reaches the age of 18 or in accordance with the obligations outlined in the child support order. Allegations of paternity should be referred to the Soldier's immediate Commander.

Upon receiving a claim of paternity, a Soldier's commander is required to counsel the Soldier regarding the claim.

The Commander will:

- 1) Refer the Soldier to a Legal Assistance Attorney regarding his rights;
- 2) Request the Soldier sign a DA Form 5459 (Authorization to Release Information From Army Records on Nonsupport/Child Custody/Parentage Inquiries);
- 3) Inform the Soldier of Army policy regarding support of family members.
- 4) Advise the Soldier that a refusal to support the child in accordance with any court order could result in punishment and garnishment of pay; and
- 5) Ask the Soldier whether he admits or denies the claim.

If a Soldier denies he is the father of the child, or, if the Soldier admits paternity but refuses to provide support, the Commander can take no further action without a Court Order. The Court Order must identify the Soldier as the father of the child. Additionally, the Court Order must direct that the Soldier provide support for the child.

A Court action to determine paternity will usually require a blood test. The mother, the child, and the alleged father will all be tested to determine if the alleged father's blood grouping matches that of the child. These blood tests typically cannot be taken until the child is at least 6 months old (child's blood grouping is not set until that age). Blood test is normally charged to the father if they establish paternity.

Upon finding of paternity and a subsequent Court Order, the father will be liable for child support. Some states require back-payments of child support from the date of the child's birth. AR 608-99 mandates that Soldiers pay any child support required by a Court Order.

If you have questions, contact the nearest legal assistance office to speak with an attorney.

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