

PATERNITY CLAIMS

Generally, under military practice and law, paternity claims are treated as a personal matter between a Soldier and the mother of the child. If a Soldier VOLUNTARILY acknowledges the child, the Soldier may apply for dependency status for the child, issuance of an ID Card for the child, registration of the child in DEERS, and apply for BAH-With or BAH-Diff depending upon the facts and circumstances of the paternity and whether the Soldier has other dependents. The Soldier can also provide financial support to the child. But what happens if the Soldier denies paternity or refuses to assist the mother in obtaining military benefits for the child? The short answer is that paternity must then be established in a court or administrative proceeding.

In the absence of a court order identifying the Soldier as the father of a child, a male Soldier has no legal obligation under AR 608-99 to provide financial support to a child alleged to have been born to him and the child's mother out of wedlock. If there is a court order establishing paternity, but not directing financial support, the Soldier will provide support as required in AR 608-99, paragraph 2-6.

How does the Army handle these claims when there is no court order and the Soldier is not willing to voluntarily cooperate?

AR 608-99, paragraphs 2-2 and 3-7, provide the Army's policy in relation to these claims. Generally, commanders must investigate the matter and inform the Soldier of his legal and moral obligations. In the cases of Soldiers who admit paternity and want to provide financial to the child, Commanders are required to assist the Soldier in obtaining allowances and other support, such as an ID Card for the child. The situation is very different if the Soldier denies paternity or admits paternity but does not agree to provide financial support to the child, or agrees to provide financial support, but then changes his mind regarding financial support. In these cases, all the Commander can do is take action to terminate any allowance the Soldier may be receiving for the child. The mother is advised that she must obtain a court order if she wishes to proceed against the Soldier and get assistance from the Army.

No Commander has the authority to require or order a Soldier to take a paternity test

How do I get such a court order? In the U.S., a good place to start is with the local Child Support Enforcement Office. For mothers and children located in Germany, the U.S. Child Support Enforcement Agency may not be of much assistance. Relief may also be sought from a local U.S. court where the child or alleged father resides. A German court or German child agency ("Jugendamt") may also be an appropriate forum if there is jurisdiction in Germany.

If blood or other tests are required, who pays for them? Usually the party seeking the test pays for it, but the defendant can later be ordered to pay for the tests if it is determined that he is the father of the child.

What happens in court? The court will determine parentage and then determine an appropriate amount of child support. The court may also determine the visitation rights of the father and establish a schedule of visitation.

Will I need to hire an attorney? Yes, unless the case is accepted by the Child Support Enforcement Office or the local prosecutor's office.