

service that it uses a properly accredited laboratory. Many testing services have a facility whereby you can order testing kits online. If this option is available, you will find more information about it on the website of the testing service.

## Note

Test results from paternity testing cannot, in themselves, be used to add the father's details to the birth certificate, nor do they give the father any legal rights. See sections on 'Birth Registration' and 'Guardianship' at **www.treoir.ie**.

## Services

See the 'Establishing Paternity' section of our website, **www.treoir.ie** for a limited list of accredited testing services. We do not recommend any particular paternity testing service. When using a company for DNA testing make sure that it is **approved by an appropriate authority**.

**If you would like to talk through your individual situation, call us on our confidential LoCall number 1890 252 084 or 01 670 0120.**

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While every effort has been made to ensure that the information in this leaflet is accurate, no responsibility can be accepted by Treoir for any error or omission.

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# Establishing Paternity

## NOTE:

This leaflet has been updated with sections of the Children and Family Relationships Act 2015, commenced 18/1/2016.



LoCall: 1890 252 084

## Paternity can be presumed, established or declared

### A presumption of paternity arises if:

- parents are married to each other. There is a presumption in law that the husband is the father of the child unless it is proved otherwise.
- parents are not married to each other and the father's name is on the child's birth certificate.\*

\*NOTE: Where a father's name is on his child's birth certificate this does not give the father any legal rights in relation to his child.

## Establishing paternity

It may be necessary to establish paternity, where paternity is in doubt, for example in any maintenance, access, guardianship or inheritance proceedings. The majority of these cases are heard in the local District Court but can also be heard in the Circuit Court. The court hearing these proceedings may order that the parents involved undergo paternity testing before an order can be made.

If the court orders that testing be carried out, the court may also direct who is to pay the cost of the service; this may be the mother, the alleged father or shared cost.

If a person refuses to undergo testing, the court can reach whatever conclusions it thinks proper in the circumstances of the particular case. For instance, if an alleged father refuses to undergo testing, the court might take the view that he is afraid the test would show that he is in fact the father. If it is the mother who refuses, the court may take the view that she is afraid that the test would show that the man is not the father.

## Declaration of Parentage

There is a procedure available in the Circuit Court called a Declaration of Parentage. A person or persons may apply to the court for a declaration stating that s/he is or is not the father/mother of a child or that they are/are not the parents of a child. An application can also be made by the person concerned (the adult child) for a declaration

stating that a person named is or is not the mother/father or that the persons named are not the parents. This may arise where a parent has died and the child is making a claim on the estate of the deceased parent and paternity has not already been established. It may also be possible to apply for a Declaration of Parentage in relation to a child born outside of the Republic of Ireland. The Declaration of Parentage procedure is not available in relation to a child who has been adopted. A Declaration of Parentage can be used to add the father's details to his child's birth certificate. It does not give the father any legal rights. See section on 'Birth Registration' and 'Guardianship' on Treoir's website, [www.treoir.ie](http://www.treoir.ie).

## DNA Testing Procedure

The DNA testing procedure is generally carried out using mouth swabs (inside of mouth), but testing can also be carried out using blood or hair taken from the mother, father and child. In general the consent of the mother/guardian is required before a child will be tested. It could be considered illegal for a child to be tested without the consent of the mother/guardian.

Testers would prefer that testing be carried out on the alleged father, mother and child at the same time. If this is not possible they will arrange for the testing to be carried out within a short period of time of each other on the same day. Recent photo ID is required if testing is being carried out for legal purposes.

Some laboratories can arrange to have a testing kit sent to a GP of your choice so that samples can be taken. Check that the GP you choose will provide this service. Alternatively the laboratory you choose may have a list of GPs who will provide the service. Some laboratories have nurses available to travel to a specific location to carry out the testing procedure. In most cases where a nurse or a GP is involved in the testing procedure there will be an additional fee. After the testing procedure has been completed, the samples will be sent to a laboratory overseas for analysis. Test results should be available within 2 – 3 weeks.

If results are required for court purposes it should be confirmed with the testing service that the laboratory they use is operated to a court approved standard and that it is appropriately accredited. Where the testing is being carried out for 'peace of mind' the procedure is less expensive but it is still important that you confirm with the testing