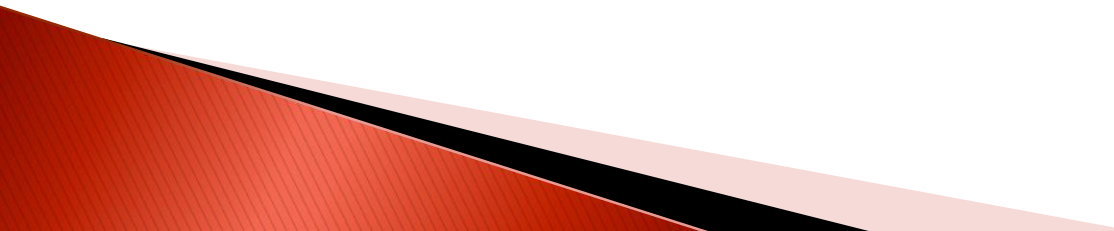


Establishing Paternity Relevance and Application to the Criminal Justice System


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Introduction

- ▶ This research evolved from a encyclopedia entry for the Human Services Discipline.
 - ▶ That research presented information about paternity and its relevance and application to Human Services.
 - ▶ Which influenced this project, about the legal ramifications of paternity and the significance of its establishment on the legal system.
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Background/Significance

- ▶ Paternity is a legal term referring to the man recognized by the law as a child's father for economic support purposes.
 - ▶ In 1968, the US Supreme Court negotiated several cases where children were being denied the right to parental support, inheritance, surnames, and even benefits from Worker's Compensation programs (Krause, 1974).
 - ▶ This led to state-regulated, statutory procedures which mandated the identification of the biological father of children born out-of-wedlock for the purpose of establishing child support (Nichols et al, 1991).
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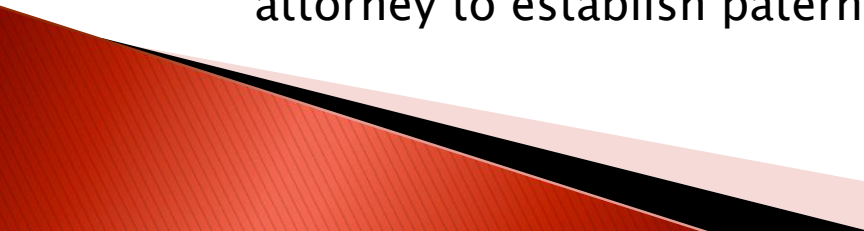
Defining Paternity

- ▶ Definition
 - The state of being the legal father of a child.
 - Fatherhood
- ▶ Establishing Paternity
 - DNA test – court ordered or voluntary
 - Acknowledgement of Paternity (AOP)
- ▶ Mistaken Paternity
 - After Sept. 1, 2012, a petition must be filed no later than the first anniversary of the date on which the man becomes aware that he is not the child's father.



Acknowledgement of Paternity (AOP)

- ▶ A form filed out:
 - At the hospital at the time of birth.
 - After paternity has been established in the courts.
 - After both parents sign the form making the alleged father accountable for the child.

 - ▶ Child born out of marriage
 - If the mother is married to someone other than the biological father or the baby was born within 300 days of her divorce, the husband must sign a Denial of Paternity (DOP).
 - If the husband does not sign the DOP, either the biological parent can open a case with the Attorney General or go to an attorney to establish paternity through the courts.
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Why Paternity is Important...

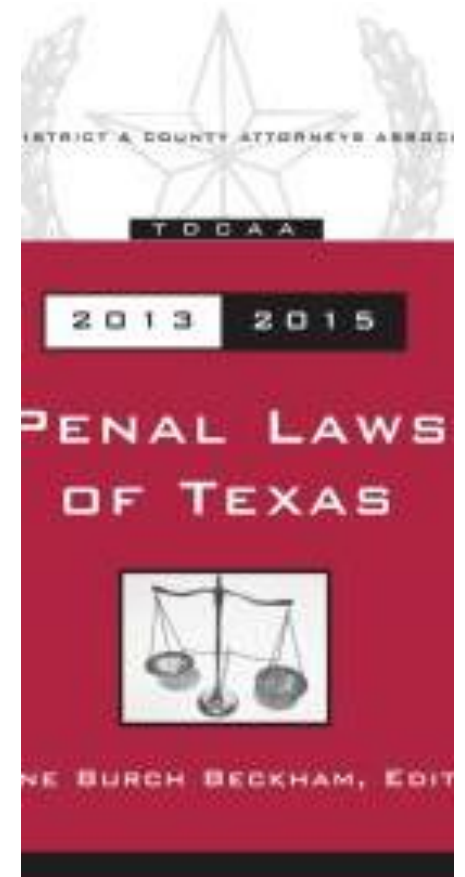
- ▶ Because it allows children born outside of marriage the same or similar rights and privileges of children born within a marriage (CA GOV, n.d.).
- ▶ Because it provides children the rights to:
 - financial support from parents,
 - access to family medical history and records, and
 - access to the non-custodial parent's medical benefits (CA GOV, n.d.).
- ▶ Because it gives the father rights to visit his child.....
- ▶ Because it allows custodial parents government assistance:
 - Texas requires individuals to request child support from noncustodial parent in order to receive State sponsored benefits.

TEXAS FAMILY CODE

TITLE V

THE PARENT-CHILD RELATIONSHIP

THE SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP



Child Support Payment Guidelines

- ▶ Based on the monthly net resources of the obligor
 - 1 child = 20% of obligor's resources
 - 2 children = 25% of obligor's resources
 - 3 children = 30% of obligor's resources
 - 4 children = 35% of obligor's resources
 - 5 children = 40% of obligor's resources
 - 6 + children = not less than amount for 5 children

Non-Compliance

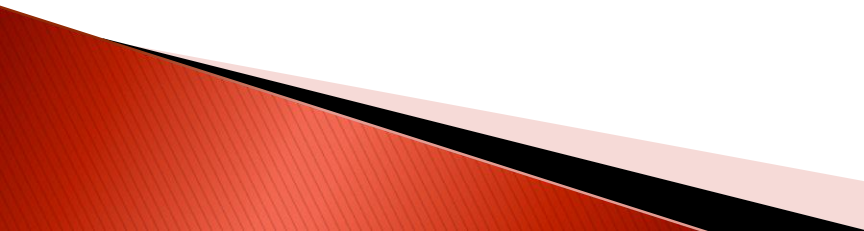
- ▶ Congress passed the Child Support Enforcement Act, Part D, Title IV of the Social Security Act which mandated states to initiate paternity suits on absentee parent of children that were receiving AFDC if the state was seeking reimbursement from the federal government.
- ▶ Must be in violation of Texas Family Code, Title 5, Chapter 154 Child Support
 - Not paying court ordered support or in violation of default support order
 - Accumulating arrears
 - Not providing health care for child
 - Neglecting the court order



Implications of Child Support on the(Texas) Legal System

- ▶ Contempt of Court
 - Non compliance results in contempt of court orders resulting in additional court appearance
 - Doesn't assist with government assistance (Medical assistance)
 - the goal is to agree on a payment
- ▶ Failure to Appear usually results in a arrest warrant (capias)
- ▶ Arrest/Jail
- ▶ Conviction

Once a non-custodial parent has 5,000 in arrears then they become an evader in the State of Texas.



Evaders

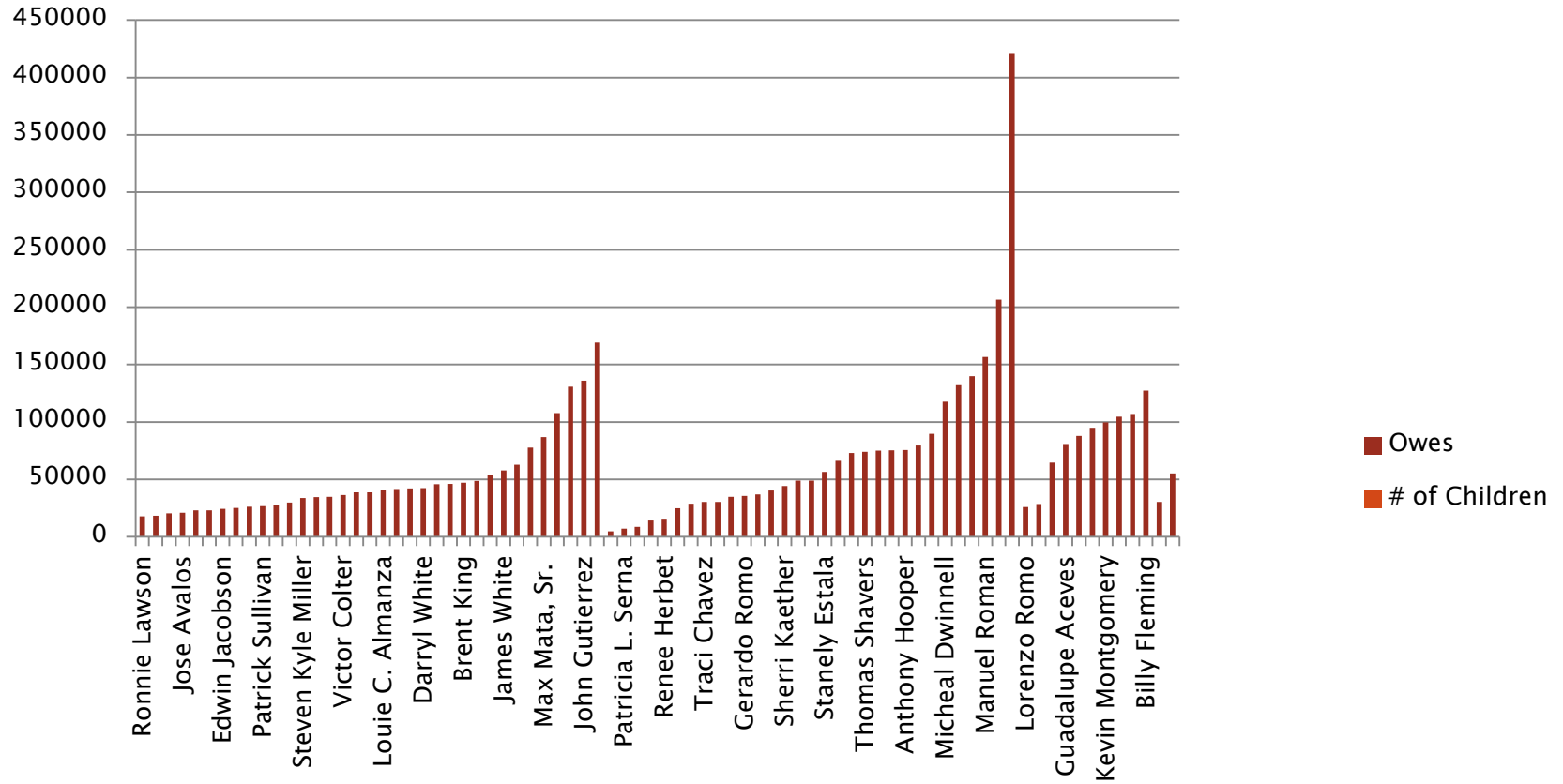
The Texas OAG's Child Support Evader list requirements:

- Court-ordered delinquent support must excess \$5,000
- An arrest warrant must have been issued
- Non-custodial parent:
 - Is avoiding apprehension
 - Must not have paid regularly in the last six months
 - Must not be involved in bankruptcy proceedings or receiving welfare benefits
- Custodial parent must sign a waiver allowing certain case information to be made public
- A photograph must be available

Located Evaders

Name	#of Children	Owes
Larry Glen Lewis	1	\$12,026
Robet B. Sanchez	2	\$15,068
Randy Kersey	1	\$16,006
Pablo Cantu	1	\$22,234
Michael Madden	2	\$40,009
Jesse J Juarez III	2	\$42,361
Marc M. Huddelston	2	\$69,592

Arrested Evaders



Impacts of Non Payment of Child Support

Penalties for non-payment of child support have the potential to do more harm than good

- ▶ Employment

- Employers cross reference the internet on applicants

- ▶ Housing

- ▶ Low Self Worth

- Humility

- ▶ Incarceration does not benefit the custodial parent

Alternatives to Incarceration

▶ Bexar County–

- Children First Jail Intervention Program
- Community Supervision (Probation) Program

▶ California– Compromise of Arrears Program (COAP)

▶ Wisconsin– Families Forward

▶ Minnesota–Hybrid Approach

The End

- ▶ Any Questions