Asking a family law lawyer about parentage testing

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A family law lawyer can explain parentage testing as a form of genetic testing used to confirm the paternity of a child. A family law lawyer can advise you of the presumption of paternity that operates in the *Family Law Act*. In various sections of the Act, parentage will arise from circumstances such as:

- Marriage (s 69P)
- Cohabitation (s 69Q)
- Registration of birth (s 69R)
- A court finding (s 69S)
- A signed acknowledgement of paternity (s 69T); or
- Artificial conception (s 60H)

However, if the paternity of a child is in doubt then only when it presents as an issue to the Court will a parentage testing procedure be required. For example if there is rebuttable proof on the balance of probabilities then, as occurred in *G v H*, a father who refused to undergo a parentage test was subsequently issued with an order. Due to the personalised and invasive nature of a claim as such, a family law lawyer can advise that generally an order should not be made so that an alleged parent can satisfy personal doubts as to a child's paternity.

S 69W of the Act also outlines that the order can be issued on the court's own initiative. Further the order itself can then be directed to the child, mother or any other person relevant to the question of identifying paternity. Interestingly, the Full Court's decision in *Duroux & Martin* [1993] FamCA 125 stated that paternity should be regarded as a medical rather than legal issue. For the time being, it remains a relevant issue to seek advice on from a family law lawyer.

Contact us on 1800 300 170 or email us at famlaw@matthewsfolbigg.com.au

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.