



# Not a Parent of the Child? What you need to do to Challenge Your Child Support Assessment

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When making an application for child support with the Department of Human Services (DHS), your Child Support Lawyers need to satisfy the Registrar that the person being assessed to pay the costs of the child is a parent of the child. This is often called “proof of parentage”. While parents may be biological parents, the term parent also includes adoptive parents, where the child has been born as a result of artificial conception procedures, or if the child was born as a result of a surrogacy.

The Registrar can presume paternity in the following situations:

- The child was born during the course of a marriage
- The person is recorded on the child’s birth certificate
- The person has signed a statutory declaration
- The person has adopted the child
- The person cohabitated with the child’s mother at any time during the period 44 weeks and 20 weeks before the child’s birth
- Where a Court order has determined parentage

Verbal confirmation of parentage or DNA tests will not satisfy the Registrar of parentage. Only a Court can determine parentage if a person does not fall into one of the presumptions mentioned above.

If you believe that the Registrar has made the wrong decision regarding whether you are a parent, your child support lawyers can apply to the Court and seek a declaration that either person is or is not a parent of the child. In coming to its decision, the Court has the power to Order a DNA test and will take the results into account. Failure to comply or refusal to undertake a DNA test will not prevent the Court from making a determination about who is a parent.

**For advice about your Child Support Assessment contact us on **1800 300 170** or email us at [famlaw@matthewsfolbigg.com.au](mailto: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.*