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- Challenging Paternity After an Acknowledgment of Paternity Is Signed



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Challenging Paternity Of A Baby After An Acknowledgment Of Paternity Is Signed

Under most circumstances, once a man signs an acknowledgment of paternity after a baby is born, that person cannot later challenge the finding that he is the father of the baby. This means that even if a subsequent DNA test shows that he is not the father, he will still be obligated to pay child support for the baby. *See Seger v. Seger*, 377 Pa. Super. 391 (1988).

Once a man has signed an acknowledgment of paternity and a child support order has been entered, the only way that the man can challenge the finding of paternity for the child is by proving that he only signed the acknowledgment of paternity based upon fraudulent representations made by the mother regarding the man being the father of the baby. *See B.O. v. C.O.*, 404 Pa. Super. 127 (1991). The fraud or intent to defraud must be proved by evidence that is clear, precise and convincing. *See Snell v. Pennsylvania*, 490 Pa. 277 (1980). To prove fraud, the man must show the following: (1) a misrepresentation; (2) a fraudulent utterance thereof; (3) an intention by the maker that the recipient will thereby be induced to act; (4) justifiable reliance by the recipient upon the misrepresentation; and (5) damage to the recipient as the proximate result. *See id.* The type of damage that must be shown by the man can be established by showing that the man has to pay child support for a baby that is not his (even though he was led to believe that the baby was his).

If you are interested in challenging paternity even though you have signed an Acknowledgment of Paternity, please contact **THE LAW OFFICES OF DAVID T. GARNES, LLC**