

Effects of Establishing Paternity

"Establishing paternity" means identifying and legally deciding who is the father of a child. A child born to a married couple is presumed by law to be the child of both spouses. Legal parentage is less clear when a child's parents are unmarried.

The process of proving legal fatherhood, or 'paternity', is called "establishing paternity." Establishing paternity in Wisconsin has several significant legal effects for both the parents and the child.

In Wisconsin state statute, and in this article, "father" and "fatherhood" refer to the non birthing biological parent, while "mother" refers to the birthing parent. The gendered words of "he/man/male" for the father and "she/woman" for the mother represent the biological sex, rather than the gender identity of the parent, in alignment with Wisconsin law.

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Last updated on January 12, 2025.

Legal Rights of Fatherhood

- **Amendment of Birth Certificate:** The father's name is added to the child's birth certificate, which formally acknowledges his legal status as the father.
- **Custody and Placement:** Custody (the right to make major decisions about a child) and placement are not automatically provided to the father. Rather, the father gains the right to ask for custody and physical placement of his child. Without establishing paternity, a father has no legal standing to request these rights.
- **Standing in Adoption Decisions:** The father's parental rights have to be considered before his baby can be placed for adoption.

Legal Duties of Fatherhood

- **Child Support:** Once paternity is established, the father is legally obligated to provide financial support for the child. This may include regular child support payments as determined by the court. If the BadgerCare Plus program paid a baby's birth costs and the mother was referred to child support, the court might order the father to pay for some of the birth costs.
 - **What if the father is in school?** If the father is in school and cannot help the mother support their baby, the court might wait to set support until they graduate and are working. If the father is under 18, the court might order the father's parents to help with the support.
 - **What if the father does not have a job or does not make much money?** The court tries to be fair when setting child support payments so that everyone has enough money to live on. The court might order the father to look for work if he is underemployed or unemployed and able to work. The court might order the father into the Children First Program to help him make enough money to pay child support. Voluntary programs may be available to help the father get a job or a better job. If a child or the mother receives benefits from the W-2 program and the father is ordered to pay child support, he might be able to participate in the W-2 Noncustodial Parent Program. This program can help him find a job.
 - **Could the father go to jail?** If the father purposely refuses to pay child support as ordered by a court, he could be charged with contempt of court or criminal non-support.
- **Health Insurance:** The court may also require the father to provide health insurance coverage for the child.

Rights of the Child

- **Inheritance Rights:** The child gains the right to inherit from the father's estate, just as any other child would.
- **Benefit Rights:** The child will have rights to the father's life insurance, social security and veterans' benefits if the father dies or becomes disabled.
- **Access to Medical History:** The child gains access to the father's medical history. This is important because some medical conditions run in families, such as diabetes, cancer, heart problems, and sickle cell disease.
- **Health Insurance:** The child may be enrolled in the father's health insurance plan.

- **Tribal Enrollment:** The child may gain rights to tribal enrollment if Native American

Who can name the child?

Unless the court has assigned legal custody to someone else, the unmarried mother is the only person who has the right to make the final decision about the infant's name. The couple may agree on a name, but filing a Voluntary Paternity Acknowledgment form does not give the father the right to name the infant. Wisconsin law allows a parent with sole legal custody to change the name of a child within the first year.

The mother is not required to use the father's last name for the child, even if the parents have signed a Voluntary Paternity Acknowledgment form. It is not uncommon for a child to have the mother's last name. Wisconsin allows the court to order a hyphenated last name for the child only in paternity cases that are decided by the court in contested cases.

Conclusion

Establishing paternity in Wisconsin has profound legal effects that benefit both the child and the father. It can provide the child with financial support, inheritance rights, and access to the father's medical history, while also granting the father legal recognition, parental rights, such as the right to ask for custody and physical placement, and responsibilities, such as child support. Understanding these effects helps ensure that both parents and the child can navigate their legal and personal relationships effectively.

[Paternity Parental Rights & Paternity Family Law](#)

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Table of Contents

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