

## How can you prove that you are an individual's biological child?

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The first article in this series considered the rights of biological fathers to be recognised as a child's legal father and their accompanying rights and responsibilities.

The second article in the series explored the issues from the mother's perspective, including how she can prove paternity and what she may be entitled to if she can do so successfully.

This article will now consider the matter from the child's perspective. How can you prove that you are an individual's biological child? What are the potential advantages to doing so?

The initial step once again is to establish paternity. The putative father should always be asked to undertake a DNA test voluntarily. Such a test can prove with virtual certainty whether an individual is a child's parent or not. If the individual refuses to submit to testing, then it is not just the mother who can bring an application to court.

A child can apply to either the High Court or the Family Court for a Declaration of Parentage. If the child is a minor, then they can approach their own solicitor to make the application. It will be up to each solicitor to determine whether the child is competent to instruct them or not.

A court may also appoint a 'litigation friend' to support the child and may direct the involvement of the office of the Official Solicitor. Whilst a court can direct an individual to undertake DNA testing, it cannot compel them. However, it will make a decision based on the available evidence.

There are a number of basic advantages to a child in establishing who their father is. It is generally considered important to their emotional wellbeing and their identity needs to know who both of their parents are.

This is particularly important if their parents come from different cultures to each other. From a child's perspective, not knowing the identity of one of their parents can sometimes lead to a feeling of not being 'whole'. Often a basic curiosity needs to be satisfied too.

Several more practical advantages exist. First of these is the potential right to inheritance. Under the Inheritance Act 1975, a child may bring a claim against a deceased's estate if reasonable financial provision has not been made for them in the will.

It is not uncommon for an individual with an existing nuclear family to keep another's child's identity hidden from their family and outside of their estate. A child may need to prove their relationship to the deceased before bringing such an application and there are strict time limits that apply to an application pursuant to the Inheritance Act.

Therefore, if it is believed that an individual may be your father you need to move swiftly and urgent specialist legal advice should be sought. The Court can make wide-ranging orders including transfers of property, settlement of property on trust, periodical payments or lump sum payments.

A child can also bring an application pursuant to Schedule One of the Children Act for financial provision from their father. Such claims were discussed in the context of a claim by a mother in the second article in this series. As they can be legally complex, specialist legal advice should again be sought.

There can be immigration benefits to establishing paternity. Establishing a DNA link to an individual may assist in obtaining a visa to enter the UK, or it could help with an application for British citizenship if it can be established that your parent is a British citizen.

A significant area in which it can assist to know the identity of your parents is in relation to medical issues. It can often be difficult in filling out medical forms if you do not know the identity of one of your parents, let alone their medical history. If your parent has a genetic condition of which you are unaware, this may have a severely adverse impact upon you later on in life. It could also affect any children of your own that you may have. Knowing the identity of both of your parents can lead to you establishing their medical history and being better able to make more informed choices of your own.

Determining the identity of their parents is not an issue that will confront the vast majority of children. However if you are in the position of not knowing the full picture of your background it can have a significant impact upon you. As briefly discussed in this article, there may be significant emotional, practical, medical and financial benefits to knowing the truth about who your parents are.

From a child's perspective, establishing the identity of your parents can give you the opportunity of building up a potentially life-long relationship that you may want to enjoy, like so many other children.