

# LEHIGH COUNTY LAW LIBRARY PATHFINDER

## PETITION FOR GENETIC TESTING FOR PATERNITY

This PATHFINDER/SAMPLE FORM is not intended to be legal advice. This SAMPLE FORM is not a fill-in-the-blank form. The form **cannot** be copied and used “as is”. If you need legal advice or assistance drafting legal documents, you must hire a private attorney. Law Library staff **cannot** assist you in drafting legal documents.

### **The Pennsylvania Rule of Court concerning Paternity Actions is found at Pa. R.C.P. No. 1930.6 Paternity Actions. Scope. Venue. Commencement of Action.**

- (a) This rule shall govern the procedure by which a putative father may initiate a civil action to establish paternity and seek genetic testing. Such an action shall not be permitted if an order already has been entered as to the paternity, custody, or support of the child, or if a support or custody action to which the putative father is a party is pending.
- (b) An action may be brought only in the county in which the defendant or the child(ren) reside.
- (c) An action shall be commenced by filing a verified complaint to establish paternity and for genetic testing substantially in the form set forth in subdivision (1). The complaint shall have as its first page the Notice of Hearing and Order set forth in subdivision (2).

*Note: See Pa. R.C.P. No. 1930.1(b). This rule may require attorneys or unrepresented parties to file confidential documents and documents containing confidential information that are subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.*

- (1) The complaint filed in a civil action to establish paternity shall be substantially in the following form: ...

**See the proposed form and order included in this rule on the reverse of this Pathfinder.  
See the Rule for the Notice to Defend and other important information.**

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**To begin researching about Paternity, DNA testing or Rescission of Acknowledgement of Paternity in Pennsylvania, you may wish to read the following sources online, on Westlaw or in print format.**

- The Pennsylvania Rules of Court concerning Establishment of Paternity for Child Support Cases are located at **Pa. R.C.P. No. 1910.15 Paternity.**
- **Purdon’s Pennsylvania Consolidated Statutes Annotated:**
  - 23 Pa. C.S.A. § 4343 Paternity
  - 23 Pa. C.S.A. § 5104 The Uniform Act on Blood Tests to Determine Paternity
  - 23 Pa. C.S.A. § 5103 Acknowledgment and Claim of Paternity
    - **23 Pa. C.S.A. § 5103(g) Rescission**
      - (1) Notwithstanding any other provision of law, a signed, voluntary, witnessed acknowledgment of paternity subject to 18 Pa. C.S.A. § 4904 shall be considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of the following:
        - (i) sixty days; or
        - (ii) the date of an administrative or judicial proceeding relating to the child, including, but not limited to, a domestic relations section conference or a proceeding to establish a support order in which the signatory is a party.
      - (2) After the expiration of the 60 days, an acknowledgment of paternity may be challenged in court only on the basis of fraud, duress or material mistake of fact, which must be established by the challenger through clear and convincing evidence. An order for support shall not be suspended during the period of challenge except for good cause shown.
- **Pennsylvania Law Encyclopedia, Second Edition.**
  - Blood tests to determine paternity are discussed under the subject “Parent and Child” in volume 37 § 3 and § 57.
- **Pennsylvania Family Law Practice and Procedure, 8<sup>th</sup> Edition, 17 West's Pa. Practice, Family Law § 27:2, Procedure in paternity proceedings**
- **16 Standard Pennsylvania Practice 2d § 86:118 Paternity cases and blood tests**
- **24A Standard Pennsylvania Practice 2d § 126:834 Effect of failure to appear at conference**
- **25 Standard Pennsylvania Practice 2d § 126:1283, et seq. Proceedings Involving Paternity**
- **25 Standard Pennsylvania Practice 2d § 126:1290, et seq. Establishment and Acknowledgment of paternity**

# LEHIGH COUNTY LAW LIBRARY PATHFINDER

## Sample Form: Complaint in Paternity and Order

**Notice: You may need to draft, file and serve other Forms, Notices and Pleadings.**

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

Plaintiff

vs

Case No.

Defendant

### COMPLAINT TO ESTABLISH PATERNITY AND FOR GENETIC TESTING

Plaintiff, \_\_\_\_\_, requests genetic testing to establish paternity pursuant to 23 Pa. C.S. § 4343 and in support of that request states that:

1. Plaintiff is an adult individual who resides at \_\_\_\_\_.
2. Defendant is an adult individual who resides at \_\_\_\_\_.
3. Defendant is the natural mother and Plaintiff believes that he may be the natural father of the following child(ren):

Child's Name

Date of Birth

4. The above-named children reside at the following address with the following individuals:

Address

Person(s) Living with Child

Relationship to Child

5. Defendant was/was not married at the time the child(ren) was/were conceived or born.

6. Defendant is/is not now married. If married, spouse's name: \_\_\_\_\_

7. There is/is not a custody, support or other action involving the paternity of the above-named child(ren) now pending in any jurisdiction. (Identify any such actions by caption and docket number)

8. There has/has not been a determination by any court as to the paternity of the child(ren) in any prior support, custody, divorce or any other action. (If so, identify the action by caption and docket number)

9. Plaintiff agrees to pay all costs associated with genetic testing directly to the testing facility in accordance with the procedures established by that facility.

Wherefore, Plaintiff requests that the court order Defendant to submit to genetic testing and to make the child(ren) available for genetic testing.

I verify that the statements made in this complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Petitioner

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY PENNSYLVANIA  
DOMESTIC RELATIONS DIVISION

Plaintiff

vs

Case No.

Defendant

And now, this [ordinal number of day] day of [name of month] [designation of year], upon denial of **paternity** by the respondent, [name of respondent] and upon **petition** by [name of petitioner], the court makes the following order:

The petitioner and respondent and the minor child whose **paternity** is in question, are hereby ordered to submit to blood grouping tests, red cell typing and human leukocyte antigen testing (Judicial Code; 23 Pa. C.S.A. § 5104), such **blood tests** to be performed by qualified experts.

The **blood tests** are to be taken by and made under the auspices of [name of expert] and at [place of testing] on the [ordinal number of day] day of [name of month] [designation of year], at [time of testing] [a.m./p.m.]

BY THE COURT:

Hon. \_\_\_\_\_ [name of judge]