

Paternity and Child Support: How Unmarried Parents Get a Support Order

When a married couple gets a divorce, the child support case is an automatic part of that divorce. But what about couples who were never married? When they separate, how does a mother get a child support order, and how does a father ensure his rights are protected? This is a critical two-step process called a "parentage" or "paternity" case. You cannot have a child support order without first having a paternity judgment. This is a foundational part of family law, and a [child support attorney in Orange County](#) is essential. At JOS FAMILY LAW, we handle these cases every day.

The first and most important step is to *establish paternity*. When a child is born to an unmarried mother, she is the only parent with legal custody. The biological father has *zero* legal rights and, just as importantly, *zero* legal obligations. He is a "legal stranger" to the child. A father has no legal obligation to pay child support until a court says so.

A paternity judgment is the legal "key" that unlocks the courthouse door for both child support and child custody. This judgment can be established in two ways:

1. **Voluntary Declaration of Paternity (VDP):** This is a form both parents sign at the hospital (or later), swearing they are the parents. This is fast and simple, but it *only* establishes paternity. It does *not* create a support or custody order.
2. **Petition to Establish Parental Relationship:** This is the formal court case. One parent files a petition with the court. The court will then order a DNA test (if needed) and issue a "Judgment of Paternity."

Once this judgment is entered, the court *now* has the authority to make orders for child support. The child support case proceeds exactly as it would in a divorce. The court will use the same guideline formula, looking at both parents' incomes and the new custody (time-share) schedule.

For a Mother: Filing this petition is the *only* way to get a legally enforceable child support order. An informal, "handshake" agreement to pay is worthless. When the payments stop, you have no recourse. A court order is enforceable. It allows you to garnish the father's wages, intercept

his tax refunds, and collect the financial support your child is legally entitled to.

For a Father: This process is just as critical for you. You may be paying "support" in cash without a court order. This is a huge risk. The mother could later take you to court and claim you never paid her a dime, and you will have no proof. A formal court order protects you by creating an official record of every payment. More importantly, this petition is the *only* way for you to secure your parental rights. It allows you to ask for a formal custody and visitation schedule, ensuring you have a legally protected relationship with your child.

A paternity case is not "just for the mother" or "just for the father." It is a necessary legal process that provides stability, security, and enforceable rights for everyone involved.

To start the paternity process and secure a fair child support and custody order, contact the legal team at JOS FAMILY LAW.