



# Clark County Family Services

Frank Prado, Director  
Wonswayla Mackey, Deputy Director  
Lisa Martinez, Deputy Director  
Pamela Kowalski, Deputy Director  
Stacie Dastrup, Deputy Director

## Clark County Family Services Policy

### SUBJECT:

Putative Fathers

| Effective Date | Amendment Number | Amendment Effective Date |
|----------------|------------------|--------------------------|
| August 5, 2019 | 1                | May 8, 2025              |

### SCOPE:

Establishing paternity for putative fathers of children in Clark County custody.

### SPECIFIC LEGAL and OTHER REFERENCES:

[NAC 432B](#)

[Nevada Division of Public and Behavioral Health Office of Vital Statistics](#)

[NRS 126](#)

[NRS 432B](#)

[NRS 440](#)

Diligent Search Policy and Procedure

Family Court Process Policy and Procedures

Releasing a Child in Protective Custody to a Parent who Resides Out-of-State Policy and Procedures

[Southern Nevada Health District Vital Records- Birth Certificates](#)

Termination of Parental Rights Policy and Procedures

### PROGRAMS IMPACTED:

Adoption-Permanency

Nevada Initial Assessment

Medical Case Management

Permanency

### SUMMARY OF CHANGES:

Added need to verify if a putative father has an identical twin.

Added reference to NRS 126 – Parentage.

Clarified need to submit paternity test results to assigned Deputy District Attorney (DDA) within 30 days of receiving results.

Emphasized completion of a Declaration of Paternity through the Southern Nevada Health District (SNHD) should be utilized before submitting a referral for genetic testing.

### DEFINITIONS:

For a list of acronyms and a glossary of terms used throughout DFS, refer to the Acronyms and Glossary document located on DFSNet.

### FORMS, PUBLICATIONS, AND INSTRUCTIONAL DOCUMENTS:

Birth and Death Certificate Application (in UNITY)

Declaration of Paternity (available at the Southern Nevada Health District)

Established Paternity Practice Guidance on DFSNet

Family Assistance Request (FPI Library)

Genetic Testing Instructions (FPI library)

Motion to Establish Paternity and to Add the Father onto the Birth Certificate (Deputy District Attorney completes this)

Order to Establish Paternity (in UNITY)

Putative Fathers Policy Quick Reference Guide (FPI Library)

## **POLICY:**

- A. It is critical to ensure paternity is established early in the case to avoid unnecessary delays of the child's permanency. Failing to appropriately and timely determine the identity of a child's father can delay termination of parental rights proceedings and permanency for the child.
- B. If CCFS has not had, or continues to not have, contact with the identified or putative father, it is important for CCFS to make diligent search efforts to locate the father and to avoid delays in potential termination of parental rights proceedings.
- C. A man is legally considered the father if he is listed as the father on the birth certificate.
  - 1. A man may be listed as a father if:
    - a. The father and mother sign and submit an acknowledgment of paternity.
    - b. A court finds him to be the father and orders that his name be added to the birth certificate.
  - 2. Paternity is established and must not be disturbed if a man is listed as the father on the child's birth certificate. Do not paternity test anyone when there is a man listed as the father on the child's birth certificate.
  - 3. The voluntary acknowledgment of paternity has the same effect as a court order after sixty (60) calendar days from the day both parents sign a voluntary acknowledgement, such as the Declaration of Paternity (available at the Southern Nevada Health District). It is not required for a court to ratify the voluntary acknowledgment for it to be considered the same as a court order. After sixty (60) calendar days, the voluntary acknowledgment cannot be challenged except upon the grounds of fraud, duress, or material mistake of fact. The burden of proof is on the person challenging the acknowledgment.
- D. A man is a putative father when he has been named by the mother as the child's father or known by collaterals to be the child's father but has not established paternity.
  - a. When paternity has been established, but a possible putative father is then identified, the possible putative father has the burden of filing a paternity suit to disestablish paternity of the legal father and establish paternity.
  - b. When there is an established father on the birth certificate, Clark County Family Services (CCFS) may notify possible putative fathers that may not be able to assert their rights (e.g. deployed, in another state, or incarcerated) and suggest that they write a letter to the judge outlining their circumstances.
- 2. If the father is not listed on the birth certificate, but either a support or custody order, including a divorce decree naming someone as father exists, then paternity has been established.
  - a. Paternity must be established to order child support or custody.
- 3. Refer to Established Paternity Practice Guidance (on DFSNet) for further information.
- E. For cases involving a putative father, and paternity has not been established, CCFS must expedite means of establishing paternity, which include:
  - 1. Determine if legal presumptions apply (in consultation with the Deputy District Attorney [DDA]).
    - a. Legal presumptions include:
      - i. Genetic testing shows a probability of ninety nine percent (99%) or more that he is the father.
      - ii. A man is married to the child's mother, or they were married, and the child was born during the marriage or within two-hundred and eighty-five (285) calendar days of the marriage ending.
      - iii. A man has been living with the child's mother for at least six (6) months before conception and continued to live with the mother during the period of time wherein she got pregnant.
      - iv. Before the child was born, the man and mother attempted to participate in a marriage ceremony, but the attempted marriage is invalid or could be declared invalid. The child is born during the attempted marriage or within two-hundred and eighty-five (285) calendar

days of it being terminated OR within two-hundred and eighty-five (285) calendar days of cohabitation ending for invalid marriage.

- v. While the child is a minor, that child lives with a man, and he openly holds the child out to be his own.
  - b. These presumptions may be rebutted in court by clear and convincing evidence. If there are competing presumptions, the winning presumption is the one based on facts founded on the weightier considerations of policy and logic. All presumptions are rebutted once a court enters a decree establishing paternity of the child by another man.
- 2. The completion of a Declaration of Paternity (available at the Southern Nevada Health District).
    - a. When completed, accepted, and processed by the Nevada Office of Vital Statistics, the Declaration of Paternity has the same effect as a court order establishing paternity.
  - 3. Arrangement of paternity testing at a medical facility and subsequent amendment of the birth certificate.
    - a. A man is conclusively presumed to be the father if a genetic test reveals a probability of ninety-nine (99) percent or more that he is the father, as long as there is confirmation that the putative father does not have an identical twin.
  - 4. The putative father admitting in open court that he is the father and issuance of a court order.
- F. Once paternity is established, caregiver protective capacities case planning, client contact, and all other services must be initiated or continued.
- 1. Within thirty (30) days of verifying paternity, CCFS must begin and complete the process to request an amended birth certificate when paternity is established.
  - 2. CCFS works in consultation with the DDA to request an amended birth certificate. CCFS applies to amend birth certificates for children in Clark County custody regardless of where they were born.
  - 3. If paternity was established by order of a court in a different case (such as child support or custody), staff the issue of getting the birth certificate amended with the assigned DDA.

Frank Prado, Director  
Clark County Department of Family Services

February 11, 2025

Approved Date