

Can I appeal the Order?

- If you are not satisfied with the Order made by the Magistrate, using *Notice of Appeal* (FORM 26) you may Appeal to the Family High Court, within 28 days from the date of the Order.
- You will have to pay filing fees to the Family Court Registry.
- If you cannot afford the filing fees, Legal Aid may be able to help you make other arrangements
- If you need legal help, visit the Legal Aid office nearest you.

(Footnotes)

¹ See Pamphlet on *Service*

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LEGAL AID
COMMISSION

PATERNITY

(Proving who the father
of a child is)

What is paternity?

A paternity request is usually made by a man responding to a Child Maintenance Case, when he complains that he is *not* the father so should not have to pay maintenance for the child.

How do I apply for a Paternity case?

- Pick and fill a *Response to Maintenance Form* (FORM 6) from a Family Court Registry nearest you.
- Take (FORM 6) with the *Application for Maintenance or Contribution* (FORM 5) given to you by the other party, to the nearest Legal Aid office. They will help you fill in the forms.
- You must then file 3 copies at Family Court Registry nearest you.
- Give a copy to the other party before the case is called in Court whether you do this or not you **MUST** still go to Court.¹
- Whether you have filled *Response to Maintenance or Contribution* (FORM 6) or not you still **MUST** go to Court and tell the Magistrate that you are *not* the father of the child.

What happens in Court during my paternity case?

- The Court will order a blood test to rule out any chance of you being the father.
- The Magistrate can also order a DNA test, but this is expensive and the cost has to be paid by the parties to the Maintenance case.
- Once the blood test has been ordered, you, the mother and the child have to go to a hospital together and get your blood sample taken. All three of you also have to take a passport size photo each to be signed by the doctor to confirm you are the one he/she took the blood sample from.
- Once the blood samples have been taken, the Doctor will prepare a report for the Court.
- If the Doctor's report says there is a "*possibility*" that you might be the father then you can either accept or go for hearing.

What things can the Court take note of in Paternity cases?

- If a child is born during a marriage, the Court will assume the child is the child of the marriage.
- If a woman was living in a defacto relationship with someone one month

before she became pregnant, the man she lived with can be taken to be the father of the child.

- If a woman was living with someone four months before birth, the man she was staying with is taken to be the father of the child.
- If a man's name is on the child's birth certificate, he is also taken to be the father of the child.

What happens at the Paternity hearing?

The Court will hear evidence from both parties as to whether or not she became pregnant by you. If the Court does not believe you are the father, you **WILL NOT** pay maintenance. If the Court finds you are the father, then the Magistrate will order you to pay child maintenance.

What if I want to change the Maintenance Order?

You can always return to Court to change your maintenance if it is an interim order. But if it's a final order then you will have to wait for 12 MONTHS before any change can be done.