

Is Your Child Really Yours? How Often Do Men Bring Up Some Other Man's Child?

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This brief essay focuses on the extent of paternity fraud, a thing which is notoriously hard to establish - though it should not be given the ease of carrying out DNA testing.

To start I reproduce in full below the whole of an article in The Guardian, originally 1/8/2008 and subject to correction on 13/8/2008, see <http://www.theguardian.com/politics/2008/aug/01/freedomofinformation.childprotection>. The staggering thing about this article is the massive conflict between the impression given in the title and the data given within the text. From the title, see below, you will understandably gain the impression that paternity fraud is at a rate of 1-in-500, or 0.2%, a comfortably low level. But the article itself quotes 19%! What? The provenance of the 19% figure is explained clearly within the article. The meaning of the headline 1-in-500 figure was clarified only in the corrigendum which heads the revised article, below. Reading between the lines we can guess that a spat had been ongoing between the author of the article and the relevant editor between the 1st and the 13th August 2008.

The headline 1-in-500 figure is completely meaningless. It is merely the number of men who were proved to have been falsely identified as the fathers, based on DNA testing, as a proportion of *all the cases processed by the Child Support Agency (CSA)*. Since DNA testing is carried out only on a tiny fraction of all CSA cases, this ratio is bound to be small - even if every DNA test carried out was negative! The actual data, for year 2007/8, were 3,474 DNA tests carried out of which 661 were negative (i.e., the man claimed to be the father was not the father), i.e., 19%. If 661 is 1-in-500 of CSA cases one can conclude that the CSA handled $500 \times 661 = 330,500$ cases in 2007/8. We can further conclude, therefore, that the CSA approved DNA tests for only 3,474 in 330,500, or 1.1% of cases. This is perhaps just as interesting a fact as the very high level of paternity fraud: extremely few men are allowed to know whether they are or are not the father.

Why are men not permitted to know? Because without the mother's permission a DNA test cannot be done. The man has no right to know. He can only ask, and the mother is within her legal rights to refuse the DNA test. The mother can maintain that the man is the father whilst simultaneously effectively concealing the evidence which would conclusively prove or disprove the claim. It is utterly outrageous. Paternity fraud is a crime. To prevent a DNA test is therefore to deliberately conceal evidence of a crime. And yet the law permits this to happen. There can be no justification for the law colluding in concealing a crime.

So the unexpected spin-off from this report is that ~99% of men named within a claim for child support either do not ask or are not allowed to know if they are the father. And consequently we do not know either. But there is no obvious reason to suppose that the rate of false claims will be smaller in the untested 99% than in the tested 1%. Some might say there is: the 1% are the contested cases. Yes, but who would be doing the contesting? The man. But it is not the man who authorises the DNA test, is it? It is the mother. One would claim with at least as much credibility, if not more, that the fraud rate would be found to be higher in the untested 99%. But we don't know. We could easily know, by testing all cases. But we don't. Bear in mind that in many cases

it will make no difference in terms of his financial liability. Even if the man proves not to be the father he will still be liable to pay child support (e.g., if he was married to the mother at the time of conception and no other man has been named).

Of course DNA testing kits are now readily available, costing typically ~£99. And it is not essential that the mother take part in such a test in order to ascertain if the man is the father. BUT it is obviously necessary to obtain a DNA sample from the child and it is illegal under the Human Tissue Act to do so without consent. For a child this consent will normally be delegated to the resident parent, i.e., the mother in the cases in question. So the man still cannot - legally - find out if he is the father. To do so illegally risks up to 3 years in prison.

Do note that the data on paternity fraud frequency in the article became available only through a freedom of information legislation request. Why, if this data is readily available is it not published freely, with requiring a FOI request? The answer is, of course, because of the vested interests in preventing the prevalence of paternity fraud becoming common knowledge. *They don't want you to know.*

This is also the motivation behind the grossly misleading, and in fact completely meaningless, headline. Flicking through your Guardian you eye alights on that headline and picks up the message "paternity fraud is rare". That's the intended effect. It's quite deliberate. It's completely untrue.

And, as the article notes, none of the 661 women identified as having committed a criminal fraud was prosecuted. And in 2007/8 alone, the data suggests the total number of such frauds would have been ~66,000. In contemplating the scale of this criminal activity do also be aware of the seriousness of the offence. In financial terms the fraud consists of up to 18 years payment of child support - a massive amount of money. In emotional terms the damage to the victim, the not-father, can hardly be over-estimated. It is truly unique in our society that a crime should simultaneously be so widespread and so vile.

DNA testing: One in 500 fathers wrongly identified by mothers in Child Support Agency claims

· No prosecutions made for false identifications

The following correction was printed in the Guardian's Corrections and clarifications column, Wednesday August 13 2008

To clarify the article below, the one in five proportion was of cases in which paternity was resolved through DNA testing in 2007-08; fathers were wrongly identified in 0.2% of overall cases processed by the CSA during that period, or one in 500. Our headline should have said 'One in 500 fathers wrongly identified by mothers in Child Support Agency claims'.

· This article was further amended on Wednesday September 10 2008. We have now amended the headline in line with the above clarification.

Nearly one in five paternity claims handled by the Child Support Agency end up showing the mother has deliberately or inadvertently misidentified the father, figures show.

Since DNA paternity testing figures began to be collected in 1998-99, 4,854 paternity claims have turned out to be false after DNA testing.

Under child support legislation it is a criminal offence to make a false statement or representation, and to provide false documents or information.

However, according to the CSA, there has not been a single prosecution of a woman for making a false claim. The figures showing the number of false paternity claims have been compiled using freedom of information legislation.

The latest figures for 2007-08 show that out of 3,474 tests ordered, 661 or 19% named the wrong man. The figure is a record for the CSA since central figures started to be collated nationally. The negative results for tests taken in 2004-05 were 10.6%, in 2005-06 were 16.4%, and 13.6% in 2006-07.

Government-approved paternity tests, based on samples in multiple parts of the body, are deemed to be 99.99% accurate.

The CSA does not have figures for whether any women have named the wrong father on more than one occasion. They also appear to have no information as to why women named the wrong father.

CSA rules state that if the DNA test establishes that the named father is the actual father, then he must pay for the cost of the test. If the DNA establishes he is not the father then the taxpayer pays, so there is no consequence for the mother in making a false claim.

The government has spent £9.37m on paternity tests since 1998. This includes refunds for DNA tests privately funded.

Under CSA rules, men must pay maintenance the moment they are named as the father of the child. They can challenge the ruling by asking for a DNA test but have to pay for it themselves.

Chris Grayling, Conservative spokesman for work and pensions, said yesterday: "This is an extremely worrying trend and one where proper action should be taken. If some CSA claimants are getting away with making false applications, it will not only slow things down for other families, but it also sends the wrong message about the things we're willing to accept."

The revelations came as CSA figures this week showed the much-criticised and reformed agency has been unable to collect £3.8bn in outstanding money owed by non-resident parents to parents who care for the child. The figure represents an increase of £120m on last year. Around £2.2bn of the debt is "probably uncollectable", and the overall figure is rising by £10m a month, the statistics showed. But the CSA said the latest performance figures showed 768,000 children were benefiting from maintenance payments - an extra 65,000 over the previous year and an increase of 207,000 since March 2005, before the agency's improvement plan was launched.

Of the £1.05bn benefiting children - an increase of £252m since March 2005 - a total of £137.6m collected was arrears. Both figures represent the highest level of money ever collected or arranged in a 12-month period.

At the same time, research by Grayling shows that more than 6,200 non-resident parents registered with the CSA are living abroad, but only 25% of them are paying any child maintenance. Of the cases abroad 5,000 owe a total debt of more than £26m, an average of more than £5,000 each.

There are 121,000 uncleared applications to the CSA. The agency now costs more than £500m a year to run, more than double the cost in 1997. It cost £563m in 2007/08 compared with £520m last year and £226m in 1997-98.

DNA testing

Paternity tests are relatively simple. In the past, blood samples were tested, but most now involve using a swab to take samples of cells from inside the cheek. The mother, child and assumed father must all take the test and the same type of test, whether blood samples or cheek cells. After examining the individual genetic markers in

DNA, scientists can give an answer that is more than 99% accurate. Paternity tests are not available on the NHS. The tests, for mother, child and assumed father, usually costs £257.58, according to the NHS Direct website.

A scientific review of international studies of paternal discrepancy was published in 2005 by Mark A Bellis, Karen Hughes, Sara Hughes and John R Ashton ("Measuring paternal discrepancy and its public health consequences", *Journal of Epidemiology and Community Health* **59** (2005) 749-754). The summary Table of data from the referenced studies is reproduced below. The first set of entries relate to cases where paternity was disputed and tests were conducted for that reason. The simple average of the mean % values of these tests is 26.9% but including the weighting for the differing sample sizes gives 28.3%. Of course one would expect the figures to be high in this category since the paternity was disputed prior to testing.

The second list is for tests conducted with no prior paternity dispute. The simple average of the mean % values of these tests is 6.7% but including the weighting for the differing sample sizes gives 3.4%. The latter is close to the figure quoted in the paper (3.7%) but I suspect it is dubious to weight simply on sample size since this assumes equity of testing methodology, etc, between samples - and also means the result is dominated by one particularly large sample. It could be argued that 6.7% is a more representative average.

What cannot be read immediately from these data is the average paternity discrepancy in the population at large, before any occasion for doubt or dispute arises. Simply assuming that the second list (those for which there was no prior paternity dispute) applies to the general population is not strictly valid. One reason is that these data, based on genetic health screening and other studies (where confirming paternity was not the objective) may underestimate paternal discrepancy as people can refuse to participate or are excluded when subjects or investigators consider paternity in doubt. Consequently even the 6.7% figure (never mind the 3.7% figure) may be an underestimate.

Most at risk were those born to younger parents, to unmarried couples and those of lower socio-economic status, or from certain cultural groups.

Table 1: Summary of studies providing measures of paternal discrepancy stratified into disputed paternity tests and those undertaken for other reasons

Country	Population*	Sample Size	PD estimate % (95% CIs)†	Method‡	Bias§	Reference
<p>* All populations in "other testing" are after birth. †CI, confidence intervals. 95% CIs were not included in most papers reporting levels of PD. Here, we have calculated all confidence intervals based on the sample size and percentage included in the table. However, this does not take into account sampling and other methodological variations between studies. 95% CIs have not been calculated for behaviour based estimates as these have been published as ranges. ‡ Blood and other markers methods usually rely on ABO and rhesus blood groupings or human leucocyte antigen differences. In studies using these methodologies calculations of PD prevalence often include a corrective factor to account for discrepancies that remain undetected. With DNA tests polymerase chain reaction and restriction fragment length polymorphism are commonly used and PD detection rates are usually sensitive enough to require little or no correction. § Bias is identified as (+)=likely to overestimate PD and</p>						

Country	Population*	Sample Size	PD estimate % (95% CIs)†	Method‡	Bias§	Reference
<p>(-) = likely to underestimate PD. All disputed paternity testing is likely to recruit individuals who already suspect PD and results exaggerate population levels. Genetic screening for health reasons is likely to be avoided by those concerned that PD will be exposed and consequently may underestimate PD. Not known is entered next to studies where direction of any bias is unclear. ¶ Behaviour based estimates rely on questionnaires rather than biomolecular markers to estimate PD.</p>						
Disputed paternity testing						
USA	After birth	200	29.0 (22.7 to 35.3)	Blood and other markers		Marsters, 1957 ⁶²
Sweden	After birth	3913	26.1 (24.7 to 27.5)	Blood and other markers		Valentin, 1980 ⁶³
USA	After birth	2500	25.5 (23.8 to 27.2)	Blood and other markers		Houtz <i>et al</i> , 1982 ⁶⁴
USA	After birth	1393	25.8 (23.5 to 28.1)	Blood and other markers		Mickey <i>et al</i> , 1986 ⁶⁵
Finland	After birth	26	34.6 (15.0 to 54.2)	DNA testing		Helminen <i>et al</i> , 1988 ⁶⁶
South Africa	After birth	2124	38.2 (36.1 to 40.3)	Blood and other markers		Du Toit <i>et al</i> , 1989 ³²
Mostly UK	After birth	1702	16.6 (14.9 to 18.4)	DNA testing		Jeffreys <i>et al</i> , 1991 ⁶⁷
Finland	After birth	35	15.2 (2.1 to 26.5)	DNA testing	suspected non-paternity (+)	Helminen <i>et al</i> , 1992 ⁶⁸
Germany	After birth	256	16.8 (12.2 to 21.4)	DNA testing		Krawczak <i>et al</i> , 1993 ⁶⁹
USA	Prenatal	37	53.0 (37.2 to 70.9)	DNA testing		Strom <i>et al</i> , 1996 ⁷⁰
USA	After birth	753	37.0 (33.6 to 40.5)	DNA testing		Strom <i>et al</i> , 1996 ⁷⁰
Russia	After birth	21	14.0 (0 to 30.6)	DNA testing		Molyaka <i>et al</i> , 1997 ⁷¹
UK	After birth	16122	13.0 (12.5 to	DNA testing		Boardman F, 1998 ⁷²

Country	Population*	Sample Size	PD estimate % (95% CIs)†	Method‡	Bias§	Reference
			13.5)			
Portugal	After birth	83	27.7 (17.9 to 37.5)	DNA testing		Geada <i>et al</i> , 2000 ⁷³
Portugal	After birth	790	29.8 (26.6 to 32.9)	DNA testing		Geada <i>et al</i> , 2000 ⁷³
USA and European	After birth	310490	29.1 (28.9 to 29.3)	Mixed methods		American Association of Blood Banks, 2002 ⁴⁸
Other testing						
UK	Southern English families	2578	3.7 (3.0 to 4.4)	Blood and other markers	not known	Edwards, 1957 ⁷⁴
USA	Undisputed paternity tests	67	18.0 (8.5 to 27.3)	Blood and other markers	not known	Sussman and Schatkin, 1957 ⁷⁵
USA	Michigan white sample	1417	1.4 (0.8 to 2.0)	Blood and other markers	not known	Schacht and Gershowitz, 1963 ⁷⁶
USA	Michigan black sample	523	10.1 (7.5 to 12.7)	Blood and other markers	not known	Schacht and Gershowitz, 1963 ⁷⁶
USA	Californian white sample	6960	2.7 (2.3 to 3.1)	Blood and other markers	not known	Peritz and Rust, 1972 ⁷⁷
UK	Southern English families	200	30.0 (23.6 to 36.4)	Blood and other markers	poor test sensitivity (-)	Philipp, 1973 ⁷⁸
South America	Yanomama tribe	132	9.0 (4.1 to 14.1)	Blood and other markers	not known	Neel and Weiss, 1975 ⁷⁹
USA	Hawaiian families	2839	2.3 (1.7 to 2.8)	Blood and other markers	non-participation in sample (-)	Ashton, 1980 ⁸⁰
France	Screening and paternity tests	300	7.0 (4.1 to 9.9)	Blood and other markers	some suspected non-paternity (+)	Salmon <i>et al</i> , 1980 ⁸¹
New Zealand	Tokelau families	1983	4.0 (3.1 to 4.9)	Blood and other markers	not known	Lathrop <i>et al</i> , 1983 ⁸²
Mexico	Families with new borns	217	2.9 (0.6 to 5.0)	Blood and other markers	not known	Peñaloza, 1986 ⁸³

Country	Population*	Sample Size	PD estimate % (95% CIs)†	Method‡	Bias§	Reference
UK	Cystic fibrosis screening	521	1.4 (0.4 to 2.3)	DNA testing	non-participation in sample (-)	Brock and Shrimpton, 1991 ¹⁵
France	Genetic screening (various)	362	2.8 (1.1 to 4.5)	DNA testing	non-participation in sample (-)	Le Roux <i>et al</i> , 1992 ⁸⁴
Canada	Haemophilia B screening	25	4.0 (0 to 12.3)	DNA testing	non-participation in sample (-)	Poon <i>et al</i> , 1993 ⁸⁵
Switzerland	Cystic fibrosis/bone marrow screening	1607	0.8 (0.4 to 1.3)	Mixed methods	non-participation in sample (-)	Sasse <i>et al</i> , 1994 ⁸⁶
Mexico	Nuevo Leon new borns	396	11.8 (8.7 to 15.1)	Blood and other markers	not known	Cerda-Flores <i>et al</i> , 1999 ¹⁴
UK	Multiple sclerosis screening	744	1.6 (0.7 to 2.5)	DNA testing	non-participation in sample (-)	Chataway <i>et al</i> , 1999 ⁸⁷
Behavioural estimates¶						
UK	Magazine readers	2708	6.9 to 13.8	Behaviour based estimate	sample composition (+)	Bellis and Baker 1990 ⁸⁸
USA	College undergraduates	285	13.0 to 20.0	Behaviour based estimate	not	

On <http://voices.yahoo.com/presumed-fathers-act-man-pay-child-support-507695.html> Manda Spring made the following observations about the US law on "Presumed Fatherhood". The law may differ somewhat in the UK but I suspect it is broadly similar,

"If any of the following situations occur then a man is presumed to be the father of a child in the eyes of the court.

- *One, the man was married to the mother when the child was conceived or born.*
- *Two, a man attempted to marry the mother, whether the marriage was legal or not does not matter, if the child was conceived or born during this time he is the presumed father.*
- *Three, the man married the mother after the conception or birth and has his name on the birth certificate.*
- *Or four, a man had welcomed a child into his relationship and home and chose to call the child his own.*

Now the fact is this, any father acknowledged or presumed can not be disproved in a court of law and is considered 'conclusive'. Even in the case of negative blood tests and proven paternity for another man.

A man can be "conclusively presumed" to be the father of any child if he is both married to and living with the mother. The only qualification is that he is not sterile or impotent. So, this means that if a wife cheats on her husband and a baby is born during the time of the marriage the husband is legally the father.

Here's the kicker, if a blood test proves that you are not the father, whether the real father is made known by proof or not, then the presumed father must still pay child support. Also, if the biological father is made known to the court he will not be obligated to pay child support but the custody and visitation will be shared only between the biological parents involved.

By law, a presumed father must pay child support."

Manda goes on to summarise the case of a man she knows personally,

"I wasn't married but I had been seeing this girl. At the time I owned my business and had really good income. She admitted to me that she was having an affair and we broke up. She moved in with the guy she was cheating on me with and over a year later I received a child support bill for her child. When I contacted her and asked what was up with this action against me she said that she was no longer with the other guy and she knew I could 'afford' to take care of her. She said that she put my name on the birth certificate and the baby was a few months old.

The blood test proved I wasn't but by the time all this happened the baby was almost a year old and had my name all that time. The judge said that is something he couldn't change and I was the better choice for the child because I had such a good job and so forth. I was then declared to be the presumed father. I have since removed myself from the situation because the biological that had taken the paternity test and was matched as the dad decided to get visitation and I didn't want to confuse the kid, so needless to say I haven't seen her since she was a baby."

If you are wondering how this has impacted this man's life, here are the results. He has gone bankrupt and lost his business because of high support he was paying. Because support is based upon your income his was set to a very high but manageable amount... but during a series of slow months he got behind. The mother issued a warrant out and the D.A. took his drivers license. *"Well, you can not work if you can't get there. I had to give up my business."* Well, that was constructive, wasn't it?

The worst aspect of paternity fraud is that women just do not recognise how wrong it is. This provides perhaps the most emphatic example of the female mindset that men don't matter. Although hardly a representative poll, Manda asked a couple of women what their views were on telling a man he was the father when they knew he was not...

"For the other side to this discussion I thought it best to get a few random people to stop and answer a few questions. I find that I get more honest opinions from various individuals than I would from a person that is justifying their own actions.

First woman: I guess it would really depend on the biological father and whether or not he was fit. The law, I am guessing is for the best interest of the children, so if the father is a criminal or something then I could see a mom placing a gentler and more financially set man in the role to take care of the kids." (A mother of 3)

Second woman: Well, I guess it depends on the women involved. You gotta get by the best you can right? If the guy has a good job then why not, he can afford it. If I got pregnant I know which ones out of all the guys I have dated that would be good dads and which ones wouldn't. It's all about choice... I think it's actually quite cool that a mother has the right to choose who the father is it allows them to make the right decision. Don't you ever wish you could cover a mistake with a good conclusion? I do, so I could see it in some situations, yeah. (A 25 year old woman who is not yet a mother)."

You see? These women actually think - and I quote - that "*the mother has the right to choose who the father is*" that is **after** the conception. Err, no, that would be a crime, dearie. The reason they don't know it's a crime is, of course, that no woman is ever prosecuted. And so we have nurtured a society in which it seems not to impinge upon women's minds that it matters to con a man over such a staggeringly important matter.