# Family Law Paternity testing guidelines worksheet

Please refer to [Guideline 4 of Part 4](https://www.handbook.vla.vic.gov.au/guideline-4-parentage-determinations) & [Notes on guideline 4](https://www.handbook.vla.vic.gov.au/notes-guideline-4-parentage-determinations) of the VLA Handbook.

## Class of matter for which aid is sought (Commonwealth priority)

Parenting Orders:

Live with

Spend time with

Child Maintenance & Support

## Merits tests

**Substantial issue in dispute satisfies the following:**

Reasonable prospects of success test

Prudent self-funded litigant test

Appropriateness of spending limited public legal aid funds test

No contravention of a relevant court order

Basis: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Child maintenance and support (applicable if testing sought in conjunction with child support)

**All requirements must be met:**

There is a child support and paternity dispute and

The male party’s contact details is known; and

Where the child is over 18 years of age, there is good reason to believe that the other party has the capacity to pay child maintenance; and

For male applicants who are denying paternity, that they have bona fide belief the child is not theirs biologically.

## Live with/spend time with (applicable if testing sought in conjunction with parenting orders)

*Male applicants:\*\*\**

Being denied contact with a child on the basis that the mother denies paternity, and

Cannot otherwise demonstrate that they are significant to the care, welfare or development of the child.

*Female Applicants:*

The mother has a reasonable basis for denying that the male party is the father, and

The male party cannot otherwise demonstrate that they are significant to the care, welfare or development of the child.

**\*\*\*Paternity applications are not appropriate where the male party has doubts about paternity and does not intend to pursue time with the child unless paternity tests confirm that the child is his.**