



No Minor Matter: Developing a Coherent Policy on Paternity Establishment for Children Born to Underage Parents

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INTRODUCTION

Each year, about one-third of all the babies born in the United States are born to unmarried parents. To ensure that these babies obtain the fiscal, emotional, and familial support of both parents, their paternity needs to be established. The earlier this formal relationship is established, the more likely it is that the baby will have a lasting and supportive relationship with his or her father. Indeed, recent social science research emphasizes the importance of father-child relationships in the development of healthy, stable children.

For this reason, in the last decade, there have been major legislative and judicial efforts to streamline paternity establishment so that as many parents as possible will establish their baby's parentage. There are three ways to accomplish this goal.

- The parents could marry. In all states, if the parents marry after a child is conceived but before his or her birth, the baby will be considered to be the husband's child. If the parents marry after their child's birth and the father publicly acknowledges the child as his, there is also a legal presumption that the baby is the husband's child.
- Both parents could sign a voluntary paternity acknowledgment. After a short waiting period, this document is the equivalent of a legal paternity determination.
- Either parent could file a law suit to establish the baby's paternity. Genetic testing will be ordered, and, based on the test results, paternity will be established or negated.

These streamlined processes have lead to dramatic improvements in paternity establishment rates. Except in cases where the baby was conceived through rape or incest, or where there are domestic violence concerns, many states have a goal of universal paternity establishment and their laws and policies reflect this goal.

However, there is a group of babies for whom paternity establishment is not so streamlined. These are the roughly 150,000 babies born each year to unwed parents at least one of whom is a minor (typically under age 18) (see Table 1). As minors, they are not free to marry or bring a law suit without parental permission. In many states, they must also obtain their parent's permission to sign a voluntary acknowledgment of paternity. In the absence of such permission, minors may not be able to establish their babies' parentage. One result is that the father's name will not appear on the baby's birth certificate. In addition, the father will have no right to claim custody or seek visitation with the child. He will also have no legal obligation to support the baby.

Custody, visitation, and support obligations are serious issues. It is certainly reasonable to want to protect minor parents from entering these obligations without careful thought or consideration. For example, immature youngsters might enter an ill-advised marriage; a young man might sign an acknowledgment of a child who is not his genetic offspring; or a young woman might sue to establish paternity when there are issues of abuse and she and the baby may be better off if paternity is not established. It is also critically important to the baby that his or her actual genetic parentage is properly determined. Otherwise, there might be a later proceeding to disestablish paternity when the child has grown fond of the father, established relationships with the father's extended family, and come to rely on him for financial support. Thus, some protections for minor parents and their offspring are appropriate to make sure that the proper result is achieved.

At the same time, social science research suggests that if paternity is not established within two years of a baby's birth, it becomes very difficult to establish. The likelihood of marriage diminishes. Indeed, the parents may no longer be involved with one another and often lose contact. This makes it hard to serve the father with court papers, bring him in for genetic testing, or present him with an acknowledgment form to sign.

States need to develop consistent laws and policies to address this problem. The potential rights, limitations, and obligations of the minor parents, their babies, and the grandparents all need to be considered in developing thoughtful approaches to this issue. This monograph is designed to help advocates, policymakers, and state officials do so. It begins with a description of the ways in which adults can establish paternity if their child is born outside marriage. It then addresses what it means to be a "minor" and the different approaches states currently take to the issues when minors are involved. Next, it discusses why distinctions should be made between adults and minors. In doing this, it draws on recent social science research. The monograph concludes with recommendations based on research as well as state policies that have been adopted or are under consideration. Hopefully, these recommendations will serve as a starting point for discussion about state paternity establishment policy as it relates to minor parents in states that have not yet addressed this critical issue.

PATERNITY ESTABLISHMENT: A GENERAL OVERVIEW

When a child is born to a married couple, the husband is presumed to be the father of the child.¹ Based on that presumption, the husband's name appears on the child's birth certificate as the father. Thereafter, the child has the right to financial support, to maintain a relationship with the father, to inherit through the father's family, and to obtain certain benefits like health care coverage and Social Security Disability or Survivor's benefits. When a child is born to an unmarried couple, that child's paternity must be established before he or she is entitled to any of these benefits.

In every state, parents can establish their child's paternity by marrying *before* the actual birth. Even if a child is conceived before marriage, his or her paternity is established if the parents marry before the birth, even if the marriage does not last very long. The simple act of pre-birth marriage is enough. In many states, the parents can also establish their child's paternity by marrying *after* the birth. In addition to the marriage, however, parents must take at least one additional step to establish paternity for their children through post-birth marriage. A typical state statute in this regard reads:

A man shall be presumed to be the natural father of a child if:

- (1) He and the child's mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, or dissolution, or after a decree of separation is entered by a court, or
- (2) After the child's birth, he and the child's natural mother have married or attempted to marry each other in a marriage solemnized in apparent compliance with the law, although the marriage is or may be declared invalid, and:

- (a) He has acknowledged his paternity of the child in a writing filed with the bureau of vital statistics; or
- (b) With his consent he is named as the child's father on the child's birth certificate; or
- (c) He is obligated to support the child pursuant to a written voluntary promise or court order.²

While some children do have their paternity established under this type of statute, more often paternity is established through a different route. One way to establish paternity is by filing a law suit.³ While governed by state law, paternity proceedings also

¹ This presumption goes back to English common law and is codified in some form in the law of every state. This concept is also embodied in all of versions of the Uniform Parentage Act promulgated by the National Conference of Commissioners on Uniform State Laws (NCCUSL) including the recent Uniform Parentage Act (2002).

² See, e.g., MONT. STAT. ANN. § 40-6-105 (2002); COL. REV. STAT. § 19-4-105 (2002).

³ For a more detailed discussion of modern practice in regard to establishing the paternity of non-marital children, see Paula Roberts, *Truth and Consequences Part I.*, 37 FAM. LAW Quarterly 35-54 (Spring 2003).

meet certain federal standards.⁴ In conformity with these standards, if one parent does not want to establish paternity, the other can file a law suit and have the matter decided by a court. All states now have laws allowing both mothers and fathers to bring paternity suits.⁵ All states also have laws requiring that genetic tests be conducted at the request of either party.⁶ If the test results show a high probability that the named man is the father, a court will establish his paternity unless further genetic testing creates a doubt.⁷ In that case, a hearing will be held. If paternity is found, the father's name will be added to the child's birth certificate and the child's legal rights will be established.⁸ Typically, these proceedings will also yield a support order for the child. The non-custodial parent will be required to pay cash support and enroll the child in any available health care coverage.

Alternatively, if the couple is in agreement on paternity, they can sign a voluntary acknowledgment. They can do this in the hospital at the time of their child's birth or any time thereafter at the birth records agency.⁹ In some states, they are also able to do this at community centers, health centers, and Head Start programs.¹⁰ After sixty days, the acknowledgment is the equivalent of a legal judgment. It can be challenged only on the basis of fraud, duress, or material mistake of fact.¹¹ If parents choose this route, the father's name will appear on their child's birth certificate, and the child will be entitled to the legal rights described above.¹² This process itself does not yield a child support order. However, if the custodial parent does want child support, he or she can seek a support order from the appropriate judicial or administrative agency. The issue of paternity will not have to be litigated in this proceeding as the voluntary acknowledgment will be recognized as having already established the child's paternity.

However, more than legal rights are involved. There is a growing body of social science research that demonstrates that, in the absence of violence, children do best when

⁴ States are eligible to receive a substantial amount of federal funding to run paternity establishment and child support enforcement programs pursuant to Title IV-D of the Social Security Act, 42 USC § 651 et seq. In order to receive these funds, however, states must adopt certain laws and procedures. 42 USC §§ 654 and 666. In addition, receipt of block grant funding for the state's Temporary Assistance for Needy Families (TANF) program is also contingent on being in compliance with the requirements of Title IV-D. 42 USC § 602(a) (2). As a consequence, all states have adopted the paternity establishment system described herein. The federal statute requiring the particular procedure will be cited where appropriate. However, those interested in this area should look to the state codification of these laws as well.

⁵ Historically, mothers have always had the ability to bring paternity suits. To meet the IV-D requirements described in note 4, *supra*, states have to extend this right to fathers as well. 42 USC § 666(a) (5) (L).

⁶ *Id.* § 666(a) (5) (B).

⁷ *Id.* § 666(a) (5) (G). States set the standard under which paternity is presumed. The majority use a 99 percent standard, although a few use a somewhat lower level (97 percent). As a practical matter, most test results exceed the standard and provide a 99.9 percent probability of paternity.

⁸ *Id.* § 666(a) (5) (D).

⁹ 42 USC § 666(a) (5) (C) (iii).

¹⁰ *Id.* The law gives states the option to allow voluntary acknowledgment at sites other than hospitals and birth records agencies if they use the same forms and materials. 45 CFR § 302.70(a) (5) (iii) (B) and (C).

¹¹ *Id.* § 666(a) (5) (D). These terms are defined by state law, and there is substantial state variation on the process of attacking an acknowledgment once the 60-day period has expired. For a detailed discussion of these issues, see Roberts, *supra*, note 3.

¹² 42 USC § 666(a) (5) (D) (i). In the absence of an acknowledgment or adjudication, the father's name cannot appear on the birth certificate.

raised by both biological parents.¹³ For some, this occurs in the context of a married, two-parent biological family. For others, it occurs in the context of cohabitation. For still others, it occurs in the context of a cooperative parenting relationship between their unmarried, non-cohabiting parents. In any setting, the earlier the relationship is established, the more likely it is that a father will develop ties to his child that will benefit the child.

For this reason, there has been a strong push in the last decade to establish paternity as early as possible in the child's life.¹⁴ This was the thrust of legislation enacted by Congress in 1993, requiring every state to offer in-hospital paternity acknowledgment programs so that parents could establish their children's paternity at birth. It was also the basis of the reforms enacted in 1996, to strengthen the contested paternity process.¹⁵ It is also the impetus behind recent federal efforts to encourage unmarried parents to consider marrying.¹⁶ A major policy question is: should this push for swift resolution of paternity also apply to children born to minor parents? Or, should a more cautious approach be taken when it is children themselves who are being asked to establish paternity for their offspring?

¹³ For a more detailed discussion of the research on family structure and child outcomes, see Mary Parke, ARE MARRIED PARENTS REALLY BETTER FOR CHILDREN? WHAT RESEARCH SAYS ABOUT THE EFFECTS OF FAMILY STRUCTURE ON CHILD WELL-BEING (May 20003), available at the Couples and Marriage Section of the CLASP website (www.clasp.org) or through the Publications Department of CLASP, 1015 Fifteenth Street NW, Suite 400, Washington, DC 20005.

¹⁴ According to the federal Office of Child Support Enforcement (OCSE), paternity was established or acknowledged for over 1.5 million children in fiscal year 2002, the last year for which data is currently available. Of these, 697,000 were the result of legal actions and almost 830,000 were through the voluntary acknowledgment process. Child Support Enforcement (CSE) FY 2002 Data Report (2003), Tables 46, 47 and 48. The report is available at www.acf.dhhs.gov/programs/cse/pubs

¹⁵ For a detailed description of this legislation, see Paula Roberts, A GUIDE TO ESTABLISHING PATERNITY FOR NON-MARITAL CHILDREN: Implementing the Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (1996), available at the Child Support and Low Income Fathers Section of the CLASP website (www.clasp.org) or from CLASP Publications, note 13 *supra*.

¹⁶ Legislation now pending in Congress would provide \$1.5 billion over five years to states so that they could promote marriage. For a summary of the provisions, see Vicki Turetsky, SUMMARY OF CHILD SUPPORT, FATHERHOOD, AND MARRIAGE PROVISIONS IN HOUSE AND SENATE VERSIONS OF HR 4 (2003). There are also provisions in the President's FY 2005 budget proposal for initiatives in Supporting Healthy Marriage and Promoting Responsible Fatherhood. Moreover, some states have already been active in this area. For more on this, see Mary Parke and Theodora Ooms, MORE THAN A DATING SERVICE? STATE ACTIVITIES DESIGNED TO STRENGTHEN AND PROMOTE MARRIAGE (2002). Both publications are available on the Couples and Marriage Section of the CLASP website (www.clasp.org) or through CLASP Publications, note 13 *supra*.

PATERNITY ESTABLISHMENT AND MINOR PARENTS

The Meanings and Uses of Legal Distinctions Based on Age

Society has long recognized that children are in need of special legal protection. Until they reach a certain age, they generally lack the experience and rationality to marry, bring law suits, or enter contracts without an adult to guide them. For this reason, children below a certain age are considered to be “minors.” Until they reach “majority,” they must have a parent or guardian to approve their entry into legal obligations.

There is no national definition of the age of majority. This is a matter of state law, and either state statutes or case law sets the age (see Table 1 for a list of ages of majority by state). However, all but two states now use age 18 as the cut-off date. Those below age 18 are minors; those age 18 and above are adults in all but those two states.

However, even here there is some flexibility. Some states allow minors to go to court and bring an action for *emancipation* before reaching their 18th birthday. If they are successful, they achieve the legal status of adults. Those wishing to do this must demonstrate self-sufficiency and make a case for why parental control is no longer appropriate. Some states also allow minors to become emancipated by marrying or joining the military. In some states, the mere fact of marriage or enlistment is enough to emancipate the child while others insist that the minor obtain a court order as well.

In addition, there are some circumstances under which states allow minors to make a specific decision without parental control or consent.¹⁷ One such circumstance is the decision to have an abortion. Eight states do not require parental involvement in that decision: in those states, a minor may act without parental or court involvement. The other states do require parental involvement in the decision. A minor wishing to obtain an abortion before reaching the age of majority may have to obtain parental consent or at least notify her parents of the decision.¹⁸ However, in all those states, the law requires that she have the option of going to court on her own to seek permission to have an abortion without parental involvement.¹⁹ These judicial by-pass provisions recognize that, in some instances, obtaining parental consent for abortion may cause extreme hardship for a young woman. Accordingly, minors of sufficient age, experience, and

¹⁷ For example, Florida has enacted a series of statutes allowing minors to act in specific circumstances. See, e.g., FLA. STAT. Ch. 743.065 (2003), which allows an unwed pregnant minor to consent to medical or surgical services related to her pregnancy as if she had reached the age of majority and also allows minor mothers to authorize medical care for their children. For a comprehensive description of state laws in this area, see Abigail English, STATE MINOR CONSENT LAWS: A SUMMARY (2d ed.) (2003), which can be ordered at www.cahl.org

¹⁸ PARENTAL INVOLVEMENT IN MINOR'S ABORTIONS, published by The Alan Guttmacher Institute (November 2003) lists the states with no requirements, parental notification requirements, and parental permission requirements. It also indicates which laws are in effect and which have been enjoined as unconstitutional. This document may be obtained at www.agi.org

¹⁹ The United States Supreme Court has held that a statute that requires parental involvement must have a judicial by-pass provision in order to be constitutional. See *Hodgson v. Minnesota*, 497 U.S. 417 (1990), and *Ohio v. Akron Center for Reproductive Health*, 497 U.S. 502 (1990).

reason have a constitutional right to act even if they do not involve their parents, so long as there is some adult involvement. In some circumstances, a judge may be better positioned to assess a teen's situation than her parents are. The law recognizes this.

It is also worth noting that society's concept of "minority" is not fixed. Who is considered to be a "minor" has changed radically in the last 50 years. At one time, all unmarried individuals under the age of 21 were considered to be minors. Later, some states set different ages of majority for males and females: typically 21 for males and 18 for females. However, since the 1971 passage of the 26th Amendment to the United States Constitution—which gives 18-year-olds the right to vote in federal elections—most states have lowered their age of majority for both males and females to age 18. This reflects the fact that there is no long-standing, immutable understanding of what the age of majority should be.

Finally, it is important to recognize that, for criminal law purposes, many states distinguish the age of majority from the age at which a person is deemed capable of consenting to sexual intercourse. The age of sexual consent is the age at which a person is deemed capable of making an informed, rational choice to have or not have sexual intercourse. If a person is over the age of sexual consent, intercourse with that person is not considered to be rape unless coercion or violence is involved. If a person is under the age of consent, intercourse with that person is considered to be rape even if the person consented to the intercourse. This is often referred to as "statutory rape."

As seen in Table 1, in 13 states, the age of majority and the age of sexual consent are the same: 18. In the other states, however, the age of sexual consent is *lower* than the age of majority. Thus, there is less consensus about the age at which teens are considered old enough to consent to a sexual relationship than there is about the age of majority. There does, however, seem to be a tacit understanding that *there is a difference between 16- and 17-year-olds and those 15 and younger*. As seen in Table 1, only four states have adopted laws that treat those 15 and younger as capable of informed consent to sexual activity. In other words, most state laws distinguish among minors of different ages in at least this one context.

In summary, once a child reaches the age of 18, he or she is considered to be an adult in all but two states. Before reaching that age, a child must have parental permission to take legal action. In most states, the same age restriction applies if a minor wishes to abort her pregnancy. If she is under the age of 18, she must either consult with or gain the permission of at least one of her parents. However, the law allows her to by-pass parental involvement and obtain court permission instead—if she is of sufficient maturity and understanding. States also have laws governing the age at which a minor is deemed to be able to freely consent to sexual relations. In most states, the age is younger than 18. While there is no apparent consensus on a proper age, there does seem to be a basis for distinguishing younger teens (under 15) from middle teens (15- to 17-year-olds) in this regard.

The Paternity Establishment Consequences of Age Distinctions

As discussed above, almost all states now accept age 18 as the age of majority. Once a teen reaches his or her 18th birthday, his or her legal status changes from minor to adult. Thus, it is important to be clear at the outset that *not all teenagers are minors*. Only those under age 18 qualify for this status.

Moreover, *the bulk of teens who become parents are not minors*. Two-thirds of the babies born to teen mothers are born to 18- or 19-year-olds.²⁰ By definition, they are not minors. Assuming that the fathers are of similar ages (see below for more on this); this means that *most paternity actions involving teens will not include a minor parent*.

Nonetheless, in every state, hundreds of babies are born each year to couples at least one of whom (usually the mother) is a minor. In 2002, for example, there were 317 births to minor mothers in Alaska, 466 such births in Delaware, and 445 in Rhode Island. In 36 states, the number of babies born to minor mothers reaches the thousands each year—for instance, in 2002, 18,123 in California, 8,519 in Florida, 4,997 in North Carolina, and 19,775 in Texas (Table 2). Thus, it is important that states grapple with the issue of how best to establish paternity for babies born to minor mothers—as their policies will affect significant numbers of children each year and hundreds of thousands of children over time.

With this as background, we now turn to current state policies as they relate to various forms of paternity establishment by minors: marriage, law suit, and voluntary acknowledgment.

Marriage

The right to marry is an important civil right. Indeed, there are several United Nations agreements on marriage, including the Universal Declaration of Human Rights (1948), the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages (1962), and the Convention on the Elimination of All Forms of Discrimination against Women.²¹ Nonetheless, there is concern about those who marry when they are very young. Girls who marry when they are in their early teens suffer extreme and persistent poverty, are unlikely to complete their education, have a high rate of mortality and morbidity, and increase the risk of contracting a sexually transmitted

²⁰ FACTS AT A GLANCE, Child Trends (November 2003). Using 2002 data from the National Center for Health Statistics, this publication reports that 7,318 babies were born to mothers under age 15; 138,296 were born to mothers aged 15 to 17; and 286,374 were born to mothers aged 18 to 19. Thus, of the total births (431,988), two-thirds were to teens aged 18 or 19. This fact sheet may be obtained at www.childtrends.org under Publications.

²¹ A summary of the provisions of these resolutions can be found in Sanyukta Mathur, Margaret Greene and Anju Malhotra, TOO YOUNG TO WED: The Lives, Rights and Health of Young Married Girls (2003), p. 2. This report is available from the International Center for Research on Women, 1717 Massachusetts Ave NW, Suite 302, Washington, DC 20036

disease.²² While less common, early marriage by boys is also of concern²³ and is addressed in the 1962 United Nations Declaration mentioned above. If both parents are minors, then there may be good reason for both to avoid entering a marriage until they are older.

United States law reflects these concerns. Like the age of majority, the age at which a person is free to marry is governed by state law. As shown in Table 3, *every state requires parental consent to a marriage involving a child if he/she is under the age of 18.* (In a few states, the minimum age is even higher.) Beyond this fundamental principle, there is substantial state variation on when and under what circumstances a minor may marry. In summary:

- Some states require both of the minor's parents to consent while others allow one parent (or the custodial parent where the parents have divorced) to act. If no parent is available, the child's legal guardian may play this role.²⁴ The basic point is that every state requires at least one adult to agree that marriage is appropriate for the minor.
- Even with parental consent, many states require court approval for a marriage as well. In a few states, the court must approve all marriages by minors.²⁵ More typically, however, a court must approve a marriage if one of the parties is under a specific age, usually 15 or 16.²⁶ This is the law in 28 states.
- At least 20 states have laws prohibiting marriage if one of the parties is under a certain age, even with parental or court approval. Five prohibit marriage by those under 15, while another nine prohibit marriage by those under age 16.

These rules apply even if the couple is expecting a baby or already has a child. For example, Illinois law specifically states that pregnancy alone is not enough to establish that a minor's best interests would be served by marrying.²⁷

However, a few states (Delaware, Florida, Georgia, Kentucky, Maryland, and Oklahoma) do not require parental permission for a marriage if the minor is pregnant or has already given birth. In those states, minors seeking a marriage license have to provide either a medical certification of pregnancy or a birth certificate in order to show that they

²² For a detailed discussion of these concerns, see Mathur, Greene and Malhotra, *supra* note 20. See also CHILD MARRIAGE (2003), available from the International Center for Research on Women, *supra* note 20.

²³ There is considerably less information about boys than about girls in regard to marriage and parenting. The information that is available does not distinguish minors from older teens. Nonetheless, we do know that American boys who become fathers as teens achieve lower levels of schooling, have lower income, and work fewer hours in the labor force. See, e.g., Michael O'Brien and Robert Willis, "Costs and Consequences for Fathers", in Rebecca Maynard, ed., KIDS HAVING KIDS (Urban Institute Press 1997). It seems reasonable to assume that early marriage, particularly if accompanied by parenthood, has the same effects.

²⁴ See, e.g., UTAH CODE §30-1-9 (2003).

²⁵ See, e.g., CAL. FAMILY CODE § 302 (2003).

²⁶ See, e.g., KY. REV. STAT. ANN. §402.210(2) (2003).

²⁷ 750 ILL. COMP. STAT. 5/28 (2003).

meet the qualifications for avoiding parental consent.²⁸ However, just because they can marry without parental consent does not mean they are totally free of adult constraints. In three of the seven states, the couple must obtain permission from a court before a marriage license can be issued.²⁹

Thus, minors are generally unable to marry without parental or court permission, even if the female partner is pregnant or has given birth to the couple's child. The parents or judges may be reluctant to grant permission because such marriages are not always in the best interest of the minor parent or the baby. Of obvious concern are those cases in which the child was conceived through incest. In these cases, marriage cannot even be considered as it violates other state law.³⁰ Also of concern are those cases where the baby was conceived through rape. While marriage may be legally possible, it is likely a poor choice for both the mother and the baby as it may expose them to ongoing physical, sexual, and emotional abuse. (See discussion below of this issue in the context of paternity establishment through litigation.)

Where rape and incest are not issues, teen marriages present a mixed picture. On the negative side, such marriages are unstable: with a 50 percent divorce rate, parents or a court might well ask "what's the point?" Evidence also suggests that young mothers who marry are more likely to have a rapid second birth than those who do not. Rapid, multiple births are associated with long-term poverty and lower educational attainment for girls (and possibly boys).³¹ These facts might weigh against granting permission. On the positive side, the marriage might work out. And, if the parents marry and live together, the father is more likely to form an early, strong bond to the child. Even if the couple later divorces, this may lead to more contact and greater financial support for the child.³²

Nonetheless, as discussed above, some consensus has emerged about the propriety of marriage by very young minors. State law has settled in a manner suggesting that those under age 15 or 16 should not be allowed to marry under any circumstances. Once they reach age 16, they may be allowed to marry but only with guidance from their parents and/or the courts.

²⁸ DEL.CODE ANN. tit.13 §123 (2003); FLA. STAT. Ch.741.0405 (2003); GA.CODE ANN. § 19-3-2 (2003); KY. REV. STAT. ANN. §402.210 (2003); MD.CODE ANN. [FAM. LAW] §2-301 (2003); OKLA. STAT. tit. 43, §3 (2003).

²⁹ See FLA. STAT. ch. 741.0405 (2003); KY. REV. STAT. ANN. §402.210 (2003); and OKLA. STAT. tit. 43, §3 (2003).

³⁰ See, e.g., GA.CODE ANN. § 19-3-2(4) (2003), which prohibits marriage between persons related by blood or marriage.

³¹ On the issue of repeat pregnancy and its negative effect on girls, see Florencia Greer and Jodie Levin-Epstein, MORE THAN ONE: Teen Mothers and Subsequent Childbearing (1998) available at the Teens and Reproductive Health Section of the CLASP website www.clasp.org or through CLASP Publications, *supra*, note 13. For information on boys, see O'Brien and Willis, *supra*, note 23.

³² For a more detailed discussion of the evidence in this area, see Naomi Seiler, IS TEEN MARRIAGE A SOLUTION?, CLASP Publications (2002) available at the Teens and Reproductive Health Section of the CLASP website www.clasp.org or through CLASP Publications, *supra*, note 13.

Thus, it is not surprising that marriage is not common among minors.³³ Recent data suggests that only eight percent of women married for the first time by their 18th birthday.³⁴ Even if they become pregnant, minor mothers are unlikely to marry. Only 20 percent of the births to teenagers—whether minors or adults—are marital, and most of those who marry are no longer minors. Moreover, there is a distinct trend away from marriage as a way of paternity establishment. The marital teen birth rate declined by 47 percent between 1990 and 2001.³⁵ Marriage is—and likely will remain—a paternity establishment option used by few minors.³⁶

Paternity Suits

Another option for establishing a baby's paternity is through a law suit. A minor mother might want to bring such a suit if the biological father otherwise refuses to acknowledge the child. In this case, one of her parents will have to bring the suit in the mother's name. Alternatively, a minor father might wish to acknowledge paternity in a situation where the mother (or her family) does not wish paternity to be established.³⁷ If so, one of his parents must sue in his name.

Typically, these contested situations arise where the mother and father are no longer romantically involved and one of them wishes to end all contact. Establishing paternity makes this nearly impossible as it leads to both financial obligations and paternal contact through visitation and possibly shared custody. Alternatively, the parents may be romantically involved and wish to establish their baby's paternity, but one or both sets of grandparents may be resistant. These grandparents may feel that the parents' relationship is inappropriate or they may harbor ill-will against the other parent. The minor mother's parents may view the father as someone who seduced their child, who would not be a good father to their grandchild, or who has issues, such as drug or alcohol abuse, that make it dangerous for him to be around their daughter and her infant. If he is significantly older than the mother, the grandparents might also view him as a predator and believe it would be in her best interest to end the relationship. The minor father's parents might have similar concerns about the mother. They may also have doubts about whether their son is actually the baby's father.

³³ Committee on Ways and Means, United States House of Representatives, 2003 GREEN BOOK, Appendix M, p.M-5, available on line at <http://waysandmeans.house.gov/media/pdf/greenbook2003/pdf>

³⁴ Matthew Bramlett and William Mosher, COHABITATION, MARRIAGE, DIVORCE, AND REMARRIAGE IN THE UNITED STATES, National Center for Health Statistics, DHHS Publication No. (PHS) 2002-1998 (2002), p.11.

³⁵ FACTS AT A GLANCE (2003), *supra*, note 20.

³⁶ It is worth noting that marriage before the 18th birthday is more likely among women who have less than a high school education, have lower family income, are associated with a fundamentalist Protestant faith, and live in the South. Bramlett and Mosher, *supra*, note 34, pp.11-12.

³⁷ Of note, but beyond the scope of this monograph, is what happens when a rapist wishes to sue to establish his parental rights. A recent (2002) discussion of this issue is found in Laura Wish Morgan, THE PARENTAL RIGHTS OF RAPISTS available at www.childsupportguidelines.com. Morgan recommends that all states enact statutes saying that rapists do not have parental rights. For an interesting discussion of the issues in the context of statutory rape, see *Shephard v. Clemens*, 752 A.2d 533 (Del. 2000).

As noted above, paternity litigation typically also includes a request for child support. Thus, another factor weighing in the decision is the grandparent's potential financial liability. For centuries, the law has been that grandparents have no duty to support their grandchildren.³⁸ As a practical matter, a minor mother's parents might assume some financial responsibility for their grandchild. The parents of unacknowledged minor fathers faced no such legal or practical obligation. As can be seen in Table 4, at least ten states have now enacted statutes that impose financial liability on maternal and paternal grandparents for the support of babies born to their minor children.³⁹ Another three states have enacted statutes imposing such liability on paternal grandparents. In nine states, these are laws of general applicability. In four states, they apply only if the grandchild receives aid from the Temporary Assistance for Needy Families (TANF) welfare program.⁴⁰ In those states, if paternity is established, at least some paternal grandparents may have to pay child support until their minor son reaches the age of majority. The amount may be based on their son's ability to pay, or it may be based on the grandparent's financial means. In all but one state, this liability does not arise without a court order. Thus, if paternity is not established, the paternal grandparents face no liability. This factor may weigh in the decision by the minor mother's parents to bring a suit as their daughter might thereby receive regular child support. Conversely, it might weigh in the decision of paternal grandparents to refuse to sue at their son's behest in order to avoid such liability.

Thus, both financial and emotional considerations may influence a grandparent's decision to bring a paternity suit at their child's request. If the parent's refuse to sue, the minors cannot proceed and must wait until reaching the age of majority before establishing paternity through this route.⁴¹

If the minor's parent does bring suit, the action will proceed in the same manner as a suit involving adults. The other parent will be served with legal papers, genetic testing will be ordered, and paternity will be determined based on the results of that testing (see description of the contested paternity establishment process above). The one difference is that a court may appoint an adult representative (called a "guardian ad litem") to protect the interests of either parent who is a minor, as well as of the child whose paternity is at issue.⁴² As a result, in addition to their own parents, minors and their babies may have other adults looking out for their interests in the proceeding.

³⁸ For a discussion of this issue, see *In re Gollahon*, 707 N.E.2d 735 (Ill. 1999).

³⁹ In 1996, Congress encouraged states to enact grandparent liability laws, at least covering grandparents whose children receive assistance from the TANF program, 42 USC §666(a) (18). The states that heeded this advice generally went beyond TANF recipients to cover all grandparents whose children are minors. It is not clear how widely these laws are used. Their implementation may be at the discretion of the court. Nonetheless, their mere existence does give grandparents a reason to be cautious.

⁴⁰ See Table 4 for details and statutory citations.

⁴¹ If a grandparent does agree to bring suit, the other parent will be named and will have to respond even if he or she is a minor. Again, either a parent or guardian appointed by the court will usually be involved to protect that minor's interest.

⁴² There is substantial state variation here. In some states, the appointment of a guardian may be mandatory, while in others it is at the discretion of the court.

In other words, litigation is an option available to establish the paternity of a child born to minor parents. However, the availability of this option is highly dependent on the desires of grandparents. They have unfettered discretion to block a suit even if their child wants to proceed. While this lack of consent does not prevent paternity establishment, it does delay the process until the parent who wishes to bring suit reaches the age of majority. If the grandparent does agree, and a suit is brought, there may be several adults involved whose job it is to protect the rights of minor parents and their babies and ensure that paternity is properly established.

Voluntary Acknowledgment

The third way in which paternity might be established for a baby born to minor parents is through use of the voluntary paternity acknowledgment process. Under this option, genetic tests are not conducted as both parents acknowledge the male's paternity. Instead, the parents sign a document either in the hospital at the time of their baby's birth or any time thereafter at the birth records agency attesting to their mutual parentage. Each then has 60 days to rescind the acknowledgment pursuant to the process described in state law. After 60 days, the acknowledgment is the equivalent of a court order and can only be challenged based on fraud, coercion, or material mistake of fact.⁴³

Whether minors can use this process varies considerably by state. Unlike the laws governing the rights of minors to marry or bring suit, there is no settled, common approach to voluntary paternity establishment. As described in more detail in Table 5, there are four basic approaches, with variations even within each. States either:

- Do not address the issue. A majority of state voluntary paternity acknowledgment statutes do not specifically address the age at which parents can use the process. In those states, it is not clear whether minors can use the process or, if they do so, what the legal status of the acknowledgment is.
- Prohibit minors from entering a voluntary acknowledgment unless a parent or guardian co-signs or otherwise consents. If consent is obtained, the acknowledgment has the same effect as if signed by an adult.
- Allow minors to sign a voluntary acknowledgment under the same terms and conditions as adults.
- Allow minors to sign voluntary paternity acknowledgments without adult approval but provide additional time for rescission or other legal challenge. The minor is allowed to rescind the acknowledgment with a certain period of time (usually 60 days) after reaching the age of majority. Until that time has passed, the acknowledgment is evidence of paternity but does not conclusively establish paternity.

⁴³ In some states, rescission can be accomplished by simply sending a letter to a state official. In others, a formal court process is required. For a detailed description of the process in each state, see Paula Roberts, *supra*, note 3.

In the latter category, the California statute is instructive. It reads:

Voluntary declaration of paternity; minor parents; validity; rescission; presumption; admissibility

- (a) Notwithstanding [the state's general voluntary acknowledgment statute] a voluntary declaration of paternity that is signed by a minor parent or minor parents shall not establish paternity until 60 days after both parents have reached the age of 18 years or are emancipated, whichever occurs first.
- (b) A parent who signs a voluntary declaration of paternity when he or she is a minor may rescind the voluntary declaration of paternity at any time up to 60 days after the parent reaches the age of 18 or becomes emancipated, whichever occurs first.
- (c) A voluntary declaration of paternity signed by a minor shall be admissible in evidence in any civil action to establish paternity of the minor named in the voluntary declaration.
- (d) A voluntary declaration of paternity shall not be admissible as evidence in a criminal prosecution for violation of [the state's statutory rape law].

Note that this statute covers declarations when one parent is a minor and when both are. It provides legal significance to the document even when one or both of the parents are still minors by making it evidence of paternity in a legal proceeding on that subject. However, the declaration is not conclusive after 60 days as would normally be the case. Rather, the minor can rescind if he/she does so within 60 days of turning 18. Note also that the statute address the problem of statutory rape by making the declaration inadmissible in such a proceeding. In other words, the state can still pursue statutory rape in appropriate cases, but it cannot use the paternity declaration as evidence. Other evidence will have to be provided.

Summary

Like adults, minors can establish their babies' paternity in one of three ways: marriage, litigation, or voluntary acknowledgment. However, their ability to use any of these methods is constrained by law. In no state may a minor marry or bring suit without either parental consent or court approval or both. A minority of states does allow minors to establish paternity through the voluntary acknowledgment process without parental approval, but only five make the laws applicable to adults equally applicable to minors. Three allow voluntary acknowledgment but require parental approval, and four allow voluntary acknowledgment without parental approval but give the minor extra time to rescind the document (Table 5).

TEENS, SEX, AND BABIES: WHAT THE RESEARCH TELLS US

In the last three years, a lot of new information has been released about the sexual experiences of teenagers. Some of this information divides teens into age groups that allow us to distinguish minors from teens who have passed the age of majority. Some also distinguishes the youngest group of teens (14 and under) from those who are slightly older, but still minors (15- through 17-year-olds).⁴⁴ It must be noted, however, that the reports often do not distinguish minors from older teens (18- and 19-year-olds). In the descriptions below, when the data clearly provide information about an age subset, that fact is noted. When the data focus on teens generally, that is noted as well.

In addition, much of the newer data covers boys as well as girls. This is an important change as, in the past, most of the available information dealt with girls alone. It is also helpful in developing policy as minor fathers as well as minor mothers need to be considered. Again, when the data provide the ability to distinguish the attitudes and experiences of boys from those of girls, this is noted.

This research on teens and sex, which is helpful in thinking through policy choices, is summarized below and in Table 6. First, information is presented on the prevalence of sexual activity, contraceptive use, and resulting pregnancy and birth rates among teens. This information is useful in defining the *scope of the problem*. This is followed by data about potential age differences between mothers and fathers. This data is useful in analyzing the potential impact of paternity establishment on *statutory rape laws*. Finally, information on the prevalence of incest, rape, and violence in relationships involving minors is presented. This information is helpful in thinking through the need for adequate protections for minors, as well as just how far the state should go in encouraging paternity establishment in this population.

Minors and Sexual Experience

Those Aged 14 and Under

A 2003 monograph from the National Campaign to Prevent Teen Pregnancy reports that approximately one in five adolescents had sexual intercourse *before* his or her 15th birthday.⁴⁵ This is consistent with a 1995 teen survey that also reported that about one-fifth of both boys and girls reported having sex *before* the age of 15.⁴⁶ As noted

⁴⁴ While the exact reason for these age differentials is not clear from the research itself, it may reflect the fact that the National Center for Health Statistics breaks teen birth data into three cohorts: under 15, 15-17, and 18-19.

⁴⁵ National Campaign to Prevent Teen Pregnancy, *FOURTEEN AND YOUNGER: THE SEXUAL BEHAVIOR OF YOUNG ADOLESCENTS* (May 2003). An un-paginated version of the major findings of this study can be found at www.teenpregnancy.org on the Resources page.

⁴⁶ About 20 percent of females and 21 percent of males reported having sex before the age of 15. While the percentage of boys reporting this level of sexual activity remained constant, the percentage of young sexually active girls increased from 11 percent to 20 percent between 1988 and 1995. J. Abma and F. Sonenstein, "Teenage Sexual Behavior and Contraceptive Use: An Update," Paper presented at American Enterprise Institute Conference, April 1998.

above, most state laws deem such intercourse—whether by males or females—non-consensual and hence illegal. Nonetheless, it is occurring.

Those Aged 15 through 17

At age 15, about a quarter of boys and girls had sex at least once (27 percent of males and 25 percent of females).⁴⁷ By age 17, more than half of males (59 percent) and females (52 percent) report that they had ever had sex.⁴⁸ In other words, before they reach the age of majority, more than half of all teens have engaged in behavior that puts them at risk of becoming parents.

Sexual Experience Versus Sexual Activity

Those Aged 14 and Under

Not all sexually experienced teens are sexually active. The 2003 report cited above notes that most of those aged 14 and younger who have had sex are not currently sexually active (defined as having had sex in the last three months). Approximately half of this age group who are sexually experienced had sex 0-2 times in the past year.⁴⁹

Those Aged 15 through 17

The available data are not broken down between those who are aged 15 through 17 and those aged 18 and 19. However, in the whole teenaged population, 8-10 percent of sexually experienced teens report no sexual activity in the past year. On the other hand, roughly one-third of sexually experienced teens report that they are currently sexually active.⁵⁰ From this one can assume that, at any point in time, a substantial number of minors in this age group are engaging in behavior that can lead to early parenthood.

Contraceptive Use

Sexual activity does not necessarily lead to pregnancy. The consistent use of contraception cuts the risk considerably. Teens have a variety of methods available to them, including condoms for boys and birth control pills and Depo Provera for girls.

⁴⁷ Child Trends Research Brief, TRENDS IN SEXUAL ACTIVITY AND CONTRACEPTIVE USE AMONG TEENS (2002) p. 1. available at www.childtrends.org.

⁴⁸ Id.

⁴⁹ FOURTEEN AND YOUNGER, *supra*, note 45. “Sexually active” is generally defined as having sex at least once in the past 3 months.

⁵⁰ Id., p. 2.

Those Aged 14 and Under

Data suggest that contraceptive use has increased among young teens when they have sexual intercourse for the *first* time.⁵¹ Contraceptive use is also common in subsequent sexual encounters. About half the girls and two-thirds of the boys in the under 14 age group also say they used some form of contraception the *most recent* time they had sex.⁵²

Nonetheless, it is worth noting that girls who had their first sexual experiences at a very young age are less likely to routinely use contraception in their first and in their subsequent sexual encounters than their peers who became sexually active at a somewhat later age.⁵³ As a result, they are at higher risk for pregnancy and child birth.

Those Aged 15 through 17

The available data do not distinguish teens aged 15-17 from 18- and 19-year-olds. The data do indicate that teens in general are using contraception at both their first sexual encounter and subsequent sexual experiences at a greater rate than in the past. However, a significant number of teens are still not routinely using contraception. In fact, almost one-third of adolescent females report no contraceptive use at their most recent sexual intercourse.⁵⁴ One troubling finding is that, for those using birth control pills, consistency of use does vary by age. Seventy-four percent of those aged 18 and 19 report consistent use, but only 58 percent of 15- to 17-year-olds report consistent use.⁵⁵

Sexually experienced males report similar contraceptive behavior.⁵⁶ While 65 percent report using a condom the last time they had sex, only 44 percent of all males aged 15-19 report using a condom every time they had sex in the previous year.⁵⁷

Pregnancy and Child Birth

The teen birth rate has dropped 31 percent in the last decade from 61.8 births per 1,000 females in 1991 to 42.9 births per 1,000 females in 2002. Nonetheless, America has a higher teen birth rate than most developed countries.⁵⁸ And, while the majority of babies born to teens have parents who are 18 or 19 (and are thus not legally minors), a significant number of minors do become mothers and fathers every year (see Table 2).

⁵¹ FOURTEEN AND YOUNGER, *supra* note 45. Between half and three-quarters of youth aged 12-14 report they used contraception the first time they had sex.

⁵² *Id.*

⁵³ *Id.*, p. 5.

⁵⁴ TRENDS IN SEXUAL ACTIVITY AND CONTRACEPTIVE USE, *supra*, note 47, p.4.

⁵⁵ *Id.*

⁵⁶ *Id.*, p. 3.

⁵⁷ THE SEXUAL ATTITUDES AND BEHAVIOR OF MALE TEENS (October 2003) p.3, available from The National Campaign to Prevent Teen Pregnancy, www.teenpregnancy.org

⁵⁸ See The Alan Guttmacher Institute, TEENAGE SEXUAL AND REPRODUCTIVE BEHAVIOR IN DEVELOPED COUNTRIES: Can More Progress Be Made? (2001).

Girls Aged 14 and Under

Approximately one in seven sexually experienced 14-year-old girls report having been pregnant. That translates into about 20,000 pregnancies and 8,000 live births each year.⁵⁹ In fact, the exact figure for 2002, was 7,318 babies born to girls aged 14 and under.⁶⁰

Girls Aged 15 through 17

A much larger number of babies are born to girls aged 15-17. In 2002, for example, 138,296 babies were born to mothers in this age range.⁶¹

Boys

Less is known about the number of minor fathers. There are some data on teen fathers, but it does not separate adult teens from minors. According to these data, 14 percent of sexually experienced males aged 15-19 report that they have gotten a partner pregnant. Not all of these pregnancies result in a birth. Nonetheless, the reported teen birth rate for boys aged 15- 19 was 18.5 per 1,000. This is considerably lower than the female rate mentioned above.⁶² It also represents a 25 percent drop in the male birth rate for this age cohort in the last decade.⁶³

In part, this reflects the use of contraception discussed above. However, it also reflects the fact that the partners of teen mothers are not necessarily teens themselves.

Age Differences between Minor Partners

In developing policy, it would be useful to know if minors typically partner with other minors or whether their partners are likely to be older. If the partners are both likely to be minors, and the girl becomes pregnant, then policies that address the legal status of both parents need to be developed. However, if minors are likely partnered with adults the policies might be different. Moreover, if there are significant age differences between the partners, the state's statutory rape laws may have to be considered as well.

Unfortunately, the issue of age difference is quite difficult to gauge. As a general rule, teens have sexual relationships with those who are near to them in age. However, as noted below, there is a sizable subset of girls who have partners significantly older than themselves. Nonetheless, if the girl is young enough, her partner—although significantly older—may still be a minor. Therefore, it seems prudent to assume that the majority of births to minor mothers may involve a minor father as well.

⁵⁹ FOURTEEN AND UNDER, *supra*, note 45. Many of these pregnancies end in miscarriage and some are terminated by abortion. The remainder is live births.

⁶⁰ Child Trends, FACTS AT A GLANCE (November 2003) p. 1. Available at www.childtrends.org.

⁶¹ *Id.*

⁶² SEXUAL ATTITUTDES, *supra*, note 55, pp. 3-4.

⁶³ *Id.* p.3.

Those Aged 14 and Under

About half of 12- to 14-year-olds report having been on a date or having a romantic relationship in the past 18 months. About a quarter of those relationships involved a person who was two or more years older. This kind of age disparity was far more common for girls than for boys. Significantly, for this age cohort, relationships with a partner who is two or more years older are much more likely to include sexual intercourse than relationships involving a partner who is close in age or younger.⁶⁴

Thus, it is not surprising that among teen aged girls who first had sex before age 14, 65 percent had a partner who was at least two years older. Twenty-five percent had a partner who was at least four years older. In contrast, only 17 percent of boys who were sexually experienced by age 14 had a partner who was two or more years older.⁶⁵

Those Aged 15 through 17

Again, available data on partners do not distinguish minors from adult teens. However, as with the data on those who become sexually experienced before the age of 14, overall data on the first sexual partners of teens aged 15-17 do show distinctly different patterns for girls and boys.⁶⁶ Fifty-one percent of girls reported that their first partner was at least two years older, and 19 percent reported a first partner who was four or more years older. In contrast, 13 percent of teen boys had a partner who was at least two years older.⁶⁷

Experiences with Coercion and Violence

Violence and coercion in sexual relationships involving minors is a very serious issue.⁶⁸ Evidence suggests that not only does it occur prior to pregnancy, it is not uncommon for violence to occur in the period of pregnancy and shortly after the birth.

⁶⁴ FOURTEEN AND YOUNGER, *supra*, note 45.

⁶⁵ Suzanne Ryan, Jennifer Manlove and Kerry Franzetta, THE FIRST TIME: CHARACTERISTICS OF TEEN'S FIRST SEXUAL RELATIONSHIPS, Child Trends Issue Brief, Pub. No. 2003-16 (2003), p. 2. This publication is available at www.childtrends.org or from Child Trends, 4301 Connecticut Avenue, NW, Suite 350, Washington, D.C. 20008.

⁶⁶ For an excellent summary of the research, see Suzanne Ryan, Jennifer Manlove and Kerry Franzetta, *supra*, note 65.

⁶⁷ *Id.*, p.2.

⁶⁸ For an excellent summary of the research in this area, see Sally Leiderman with Cari Almo, INTERPERSONAL VIOLENCE AND ADOLESCENT PREGNANCY: PREVALENCE AND IMPLICATIONS FOR PRACTICE AND POLICY (2001). This report was produced through a partnership between the Center for Assessment and Policy Development (CAPD) and the National Organization on Adolescent Pregnancy, Parenting and Prevention, Inc. (NOAPPP) and is available on the NOAPPP web site, www.noapp.org. See also Carolyn Tucker Halpern, Selene Oslak, Mary Young, Sandra Marin, and Lawrence Kupper, *Partner Violence in Adolescents in Opposite-Sex Romantic Relationships: Findings From the National Longitudinal Survey of Adolescent Health*, AMERICAN JOURNAL OF PUBLIC HEALTH, vol. 91, No. 10, pp. 1679-1685 (October 2001).

This clearly bears on the question of how strongly the state should encourage paternity establishment during this time.

Those Aged 14 and Under

About 10 percent of girls who first have sex before the age of 15 describe it as non-voluntary.⁶⁹ Many others describe it as relatively unwanted. The abuse carries over to subsequent sexual encounters as well. Seventy-four percent of sexually active girls younger than 14 and 60 percent of those younger than 15 report involuntary sexual activity.⁷⁰ These girls are at particular risk for pregnancy. As one set of authors noted:

Some women become pregnant directly through interpersonal violence, through incest, sexual abuse or through violence that includes birth control sabotage. Others become pregnant indirectly through correlating circumstances or conditions associated with prior sexual or physical abuse. For example, abused children may remain in an unsafe living situation where they are likely to be exposed to additional sexual advances. They may experience emotional or psychological damage that makes them especially vulnerable to coercive or violent partners when they leave home. As adolescents, they may be depressed and self-medicate with drugs or alcohol. All of these circumstances and conditions put them at high risk of early pregnancy, compared to adolescents who were not abused.⁷¹

Those Aged 15 through 17

Once again, the data do not distinguish 15- to 17-year-olds from those who are 18 or 19. Nonetheless, one can extrapolate some information from the data on all teens. It suggests that the experience of those aged 15-17, when they have their first sexual encounter, is not much different than those who first have sex before age 15. Nine percent of all teens report that their first sexual partner engaged in physical abuse (pushing, shoving, throwing dangerous objects), and 24 percent said verbal abuse (name calling, insults, swearing, disrespectful treatment in front of other people) occurred; 7 percent reported both forms of abuse.⁷²

Nor is the violence confined to first sex. Evidence suggests that about one-quarter of adolescent mothers experience some form of partner violence in the year surrounding their pregnancy—with some studies reporting rates of 50- 80 percent. Young mothers are at particularly high risk.⁷³ Though less common, boys may also face abuse.⁷⁴

⁶⁹ 14 AND YOUNGER, *supra*, note 45.

⁷⁰ Leiderman, *supra*, note 68, p.7.

⁷¹ Sally Leiderman and Cari Almo, *Interpersonal Violence and Adolescent Pregnancy: Prevalence and Implications for Practice and Policy*, in NOAPPP NETWORK, vol. 21, no.3 (Fall 2001) p. 5.

⁷² Ryan, Manlove et al. *supra*, note 65, p. 3.

⁷³ Leiderman, *supra*, note 68, pp. 6-7.

⁷⁴ *Id.* p.8.

Summary

In terms of policy development, social science research suggests:

- About 20 percent of both boys and girls have their first sexual experience before they turn fifteen. By age 17, more than half of teens have had sexual intercourse. Most continue to have at least sporadic sexual relationships after their first sexual experience. Those who remain sexually active and do not use contraception (or experience contraceptive failure) are more likely to experience a pregnancy and birth. As a result, state paternity establishment policy must take into account the fact that it will affect a significant number of minor mothers and fathers.
- If the minor parent seeking to establish paternity is a boy, it is likely that the mother is also a minor. However, if the minor parent seeking to establish paternity is a girl, there is a significant likelihood that the father is not a minor. The younger the girl the more likely it is that the father is significantly older. In any case, statutory rape issues may arise in the paternity establishment process, and state policy in that regard needs to be addressed.
- A significant amount of both physical and verbal abuse goes on in teen sexual relationships. Sensitivity to domestic violence concerns is warranted in this population just as much—if not more so—than it is for older parents.
- Interfamily sexual abuse must also be taken into account. A father, brother, grandfather, uncle, or cousin may be the baby's biological father. The biological father may also be the teen mother's step-father or another adult male living in the household. In these cases, rather than seeking to facilitate paternity establishment, states need to provide avenues for the minor and her baby to escape an intolerable living situation.

CONCLUSION AND RECOMMENDATIONS

Babies born to unmarried minors should have their paternity established so that they can obtain the emotional, social, and financial support they need. Early paternity establishment helps to cement the emotional and familial ties between the baby and his/her father. In some cases, the baby will also receive an order for financial support. Even if the father has little income, so that only a token order is entered, the existence of the order puts the father on notice that he has financial responsibility for his child and helps him develop an early pattern of meeting that responsibility.⁷⁵ Moreover, in time, his income will likely increase, making the baby more secure financially.

There are three different ways in which minors can establish paternity: marriage, paternity suit, or voluntary acknowledgment. In the majority of cases, using one of these options is in the baby's best interest, and the existing systems should be strengthened so that these infants do have their paternity determined as quickly and accurately as possible. In this regard, streamlining the processes to give at least some minors more control seems warranted. On the other hand, given the vulnerability of many young mothers and fathers, there is a need for adult oversight to help them choose the most appropriate route for paternity establishment—including the choice not to establish paternity in cases of rape or incest and where domestic violence is an issue. Recommendations for states interested in improving each of these avenues are discussed below.

These recommendations are structured to differentiate “young teens” (age 14 or 15 and under), “middle teens” (age 16 and 17), and “older teens” who are legal adults (generally 18- and 19-year-olds). The social science research discussed above suggests that states develop more rigorous constraints on the youngest group and a more open set of options for the middle group than is now contained in the laws of most states. Consistent with the law of almost all states, teens who have reached their 18th birthday should be treated as adults and be free to act without parental or court supervision.

While these age differentiations are somewhat arbitrary, they do reflect a consensus in both state law and social science research that it is rational to distinguish within the group commonly referred to as “teens.” The younger the teen the more vulnerable he or she is and the more likely that he or she will need some adult guidance on the proper course of action. The older the teen, the more likely it is that he or she will be able to act appropriately without adult guidance. Existing state laws on the age of majority, the age of sexual consent, and the age of marriage generally reflect this kind of age differentiation and might be used to develop parallel state policy in regard to paternity establishment. The point here is not that the suggested ages should be deemed hard and fast but that, in developing paternity establishment policy, it is both rational and appropriate to distinguish between young, middle, and older teens.

⁷⁵ For a discussion of some of these issues, see Judith Rozie-Battle, *Economic Support and the Dilemma of Teen Fathers*, JOURNAL OF HEALTH AND SOCIAL POLICY, vol.17, no. 1 (2003).

These recommendations also take into account that minors and their parents may disagree about the right course of action. Parents might pressure the couple to marry when that is not their desire or withhold permission when the minors believe this to be the right thing to do. Parents may also prevent teens from establishing their baby's parentage (even when the teens wish to do so) through law suit or voluntary acknowledgment for reasons that have nothing to do with the well-being of the parents or their baby. For example, grandparent liability laws may make paternal grandparents loath to allow paternity establishment because they will then be responsible for the child support owed by their minor child. Similarly, grandparents may be reluctant to sue or allow a voluntary acknowledgment in circumstances where the couple's relationship violated the state's statutory rape law. These issues need to be taken into account in developing policy.

Marriage

In most states, once a person reaches the age of 18 he or she is able to marry without parental consent. If a person below that age wishes to marry, he or she must have parental consent. In the case of young minors, the court must also approve. A handful of states waive the approval process if the female partner is pregnant or the couple already has a child. Slightly less than half the states also have laws prohibiting marriage by those under a certain age under any circumstances (see Table 3).

States that have not set a minimum age for marriage, and those that have not provided court oversight for marriages involving very young minors, should do so. As noted above, sexually active girls 14 and under may be particularly vulnerable to coercion and violence by a partner. They are also likely to have a significantly older partner who may appear to the girl's family to be a good marital prospect even though she does not wish to marry. These girls need protection from forced marriage.

Moreover, for all minor mothers, there is a need to be alert to the possibility that incest or rape has led to the pregnancy. In these circumstances, criminal prosecution—not marriage—should be pursued. Yet the minor mother might be coerced by her family to marry someone in order to hide the incest. She might also be pressured by any abusive partner to marry in order to avoid a rape charge. Finally, the pregnancy might have been the result of statutory rape. In this case, the family of the statutory rapist may push him (or possibly her) to marry in order to avoid prosecution. While this might be the best way out of a criminal charge, it is not necessarily the best solution for the parents or their baby. Judicial oversight seems particularly appropriate to make sure that the decision to marry is indeed free of coercion and not a way to avoid prosecution for otherwise criminal conduct. Therefore, states should consider enacting statutes:

- Allowing marriage without parental approval by teens who have reached the state's age of majority.
- Allowing minors aged 16 and 17 to marry if they have parental consent *and* court permission. In addition, those who cannot obtain parental consent should be allowed to go to court and make their case. If convinced that

marriage is in the couple's best interest, the court should be able to by-pass parental consent.

- Prohibiting marriage when one or both potential spouses is aged 15 or under.

Enacting these types of laws will help minors and their babies. Except in the case of the youngest teens, these laws will not prevent paternity establishment through marriage. Teens above the age of majority will be free to marry. Middle teens will also be able to marry if their parents and/or a court feel that this is the right course of action, the decision is free of coercion, and is not a means of hiding rape or incest. Young teens will not be free to marry while they are so young. However, once they reach their middle teens, they will be able to marry if they can convince their parents or a court that it is reasonable for them to do so. If they cannot do so, they will still be free to marry once they reach the age of majority. Moreover, where the goal is paternity establishment, all teens will still be able to establish their child's paternity through one of the other avenues discussed below.

Paternity Suits

In all states, teens over the age of majority are free to bring a paternity suit. Young and middle teens cannot do so without parental consent. Once litigation is brought, a number of statutory and due process protections apply. Genetic tests will be done to make sure that the right father is identified. In cases being handled through the state's child support enforcement program, the agency will arrange the testing and pay the upfront cost.⁷⁶ An order will be entered when the results indicate a very high probability of paternity. If not, unless the tests exclude paternity, a full court hearing will be held.

However, in order to use this procedure, the minor who wishes to sue must obtain parental permission. If such permission is not obtained, the minor cannot sue. Given that the minor and the minor's parents may have serious conflicts over the wisdom of a law suit, it would seem appropriate to let minors 16 and above proceed even if they cannot obtain parental consent. In this situation, however, some adult should be involved to protect the minor's best interests as well as that of the baby. States should consider enacting statutes that:

- Allow those over the age of majority to sue without parental involvement.
- Allow minors aged 16 and 17 to bring suit with or without parental consent. However, if parental consent is not obtained, then the court should appoint a guardian ad litem for any minor parent involved in the proceeding as well as for the baby whose paternity is to be determined.
- Allow minors 15 and under to bring a paternity suit only with parental consent.

⁷⁶ This is another required state law for states that wish to receive federal funding for their child support and TANF programs. See 42 USC § 666(a) (5) (B) (ii). The state may later try to recoup the cost if paternity is established, but at least initially cost is not a barrier to obtaining the results.

Voluntary Acknowledgments

As noted above, in the area of voluntary acknowledgments by minors, the laws in 36 states are silent. In those states, it is quite possible that practice varies widely. Some hospitals and birth records agencies may allow minors to enter acknowledgments, some may refuse, and still others may require the consent of a parent or guardian. This, in turn, can lead to a situation in which paternity is not established even when the minors and their parents wish to have this done. It can also lead to a situation in which minor parents think they have validly established paternity, but they have not actually done so. This is not good for minors or their babies. It also raises serious potential problems in interstate cases. One state should not have to guess what the law or practice is in another state. Yet, in determining whether paternity has been validly established, this is what the second state will have to.⁷⁷

In states that are silent on the issue, as well as in the five states that specifically allow minors to sign acknowledgments without parental consent, another concern is that an unadvised minor may enter a paternity acknowledgment without really being sure of what he or she is doing. For example, a young man who does not understand the significance of an acknowledgment might sign one to help out a friend, knowing he is not the biological father. Or a young man who has had a sexual relationship with the mother might simply take her word that he is the father. She may believe that he is. However, if she has had multiple partners, she may be wrong. If he is violent, she may also name him as the father in fear of retaliation if she reveals her other sexual partners.

One way to address this problem would be to require genetic testing before allowing minors to sign a paternity acknowledgment. Special outreach efforts to this population to let them know that testing is available and that they can apply for child support services from the state and obtain such tests at no cost is another possible approach.⁷⁸ Another option is to allow minors to sign voluntary acknowledgments but allow them to rescind the acknowledgment if they do so within 60 days of their 18th birthdays.

In deciding what approach to take, states might want to consider two related laws as well. One is grandparent liability for child support mentioned above. A state that has both a requirement of parental permission for a minor to acknowledge paternity and a grandparent liability statute may find that grandparents are reluctant to grant their minor children permission to enter into a voluntary paternity acknowledgment. Either states

⁷⁷ This would typically happen when the custodial parent seeks child support from an out-of-state parent. The custodial parent might assume that paternity is not an issue since the acknowledgment was signed and the 60 day rescission period has passed. The other parent might then challenge the acknowledgment. In the absence of any guidance from the state where the acknowledgment was signed, a court in the second state would likely find it void. The court could do so by analogizing the acknowledgment to a contract. Since unemancipated minors cannot enter contracts without the permission of a parent or guardian in any state, the voluntary acknowledgment would be void in the absence of proof of such consent. It would be far better for both the minor parents and their baby if the law addressed the issue directly.

should reconsider these laws or allow at least middle teens to sign without parental permission.

State laws on the age of sexual consent may also pose a problem. As noted in the discussion of teen sexual activity above, relationships involving very young mothers have a high probability of violating the state's statutory rape laws. In those cases, the parents may hesitate to voluntarily acknowledge paternity as the acknowledgment is an admission of the crime. Even if they wish to sign an acknowledgment, their parents or guardians may be unwilling to allow them to do so.

This is a complex issue. Most states would not be comfortable abolishing their statutory rape laws, particularly ones that protect very young teens. One possibility is to leave the statutory rape laws alone but make voluntary paternity acknowledgments inadmissible in criminal proceedings. This would allow the parents to establish paternity without fear that the documentation would come back to haunt them.⁷⁹

Thus, states should consider enacting laws:

- Allowing those over age 18 to sign voluntary paternity acknowledgments under the same conditions as any other adult.
- Allowing 16- and 17-year-olds to sign voluntary acknowledgment without parental consent.
- Allowing those 15 and under to sign acknowledgments but only with parental consent.
- Requiring the completion of genetic tests before accepting an acknowledgment in any case involving at least one minor parent. Alternatively, giving the minor 60 days from his or her 18th birthday to rescind the acknowledgment. In the interim, the voluntary acknowledgment would be evidence of paternity, but not dispositive on the issue.
- Making voluntary acknowledgments inadmissible as evidence in criminal proceedings.

Conclusion

With these or similar protections in place, it should be easier for minor parents to establish paternity through any of the three potential methods for doing so, when that is the appropriate course. It should also be easier to protect minors and their babies from coercion and violence.

In conjunction with these policies, states may also want to develop methods for providing services to minors and their babies when it becomes apparent that criminal conduct has occurred. If there are issues of rape or incest, states need to work with the mother to protect her and her baby from further abuse. This may include housing

⁷⁹ California has taken this approach. See, Cal. Fam. Code §7577 (2002).

services, second-chance homes, and the like, as well as health care and counseling. Protocols should also include referral to law enforcement in appropriate cases.

States might also consider adopting special child support rules for minor parents when paternity establishment leads to a support order. If the goal is to encourage early paternity establishment in appropriate cases, removing the fear of a substantial support order might be effective in encouraging lower income non-custodial parents to step forward and become involved in their children's lives. These parents might also be offered parenting classes, credit for providing child care so the other parent can work or go to school, or a minimum order while successfully attending school. This would also prevent the need to drop out of school, making it possible for the non-custodial parent to be a better provider in the long run.

With these approaches in place, life for minor parents and their children should be enhanced.

TABLE 1: THE AGE OF MAJORITY and THE AGE OF SEXUAL CONSENT BY STATE

STATE	AGE OF MAJORITY	AGE OF SEXUAL CONSENT
Alabama	19	16
Alaska	18	18
Arizona	18	18
Arkansas	18	18
California	18	18
Colorado	18	15
Connecticut	18	16
Delaware	18	16
District of Columbia	18	16
Florida	18	18
Georgia	18	16
Hawaii	18	14
Idaho	18	18
Illinois	18	18
Indiana	18	16
Iowa	18	16
Kansas	18	16
Kentucky	18	16
Louisiana	18	17
Maine	18	16
Maryland	18	16
Massachusetts	18	16
Michigan	18	16
Minnesota	18	16
Mississippi	18	18
Missouri	18	17
Montana	18	16
Nebraska	19	16
Nevada	18	16
New Hampshire	18	16
New Jersey	18	16
New Mexico	18	17
New York	18	17
North Carolina	18	16
North Dakota	18	16
Ohio	18	16
Oklahoma	18	18
Oregon	18	18
Pennsylvania	18	14
Rhode Island	18	16
South Carolina	18	15
South Dakota	18	NA
Tennessee	18	18
Texas	18	17
Utah	18	16
Vermont	18	16

Virginia	18	18
Washington	18	16
West Virginia	18	16
Wisconsin	18	18
Wyoming	18	16

Sources: Laws of the Fifty States, District of Columbia and Puerto Rico Governing the Emancipation of Minors, available at www.law.cornell.edu/topics/Table_Emanicipation.htm and Age of Consent available at www.bet.com/articles/1

**TABLE 2: NUMBER OF BIRTHS TO MINOR MOTHERS IN 2002,
BY STATE**

STATE	UNDER AGE 15	AGE 15-17
Alabama	185	2,975
Alaska	15	302
Arizona	198	4,096
Arkansas	109	1,799
California	809	17,314
Colorado	112	2,342
Connecticut	63	1,004
Delaware	28	438
District of Columbia	37	347
Florida	507	8,012
Georgia	392	5,753
Hawaii	24	480
Idaho	21	602
Illinois	342	6,625
Indiana	133	3,037
Iowa	34	1,049
Kansas	45	1,369
Kentucky	91	2,110
Louisiana	222	3,434
Maine	4	321
Maryland	161	2,307
Massachusetts	78	1,628
Michigan	219	4,627
Minnesota	70	1,583
Mississippi	196	2,542
Missouri	119	2,819
Montana	11	382
Nebraska	25	760
Nevada	63	1,222
New Hampshire	7	264
New Jersey	143	2,553
New Mexico	79	1,650
New York	328	6,532
North Carolina	269	4,728
North Dakota	5	174
Ohio	277	5,253
Oklahoma	105	2,325
Oregon	66	1,477
Pennsylvania	262	4,384
Rhode Island	21	424
South Carolina	182	2,624
South Dakota	15	337
Tennessee	215	3,417
Texas	1,074	18,701
Utah	31	1,089
Vermont	4	135
Virginia	158	2,914
Washington	111	2,253

West Virginia	29	784
Wisconsin	80	2,170
Wyoming	7	220

Source: Child Trends, FACTS AT A GLANCE (2003), Table 1, p.3.

TABLE 3: STATE LAWS ON MARRIAGE BY MINORS

STATE	AGE AT WHICH PARENTAL APPROVAL REQUIRED	AGE AT WHICH COURT APPROVAL ALSO NEEDED	AGE UNDER WHICH MARRIAGE NOT ALLOWED
Alabama	Under 18		
Alaska	Under 18		
Arizona	Under 18	Under 16	
Arkansas	Under 18		
California	Under 18		
Colorado	Under 18	Under 16	
Connecticut	Under 18	Under 16	
Delaware	Under 18		
District of Columbia	Under 18		Under 16
Florida	Under 18	Under 16	Under 18
Georgia	Under 18		
Hawaii	Under 18	Age 15	Under 16
Idaho	Under 18	Under 16	
Illinois	Under 18		
Indiana	Under 18	Under 17	
Iowa	Under 18		
Kansas	Under 18		
Kentucky	Under 18	Under 16	
Louisiana	Under 18	Under 16	
Maine	Under 18	Under 16	
Maryland	Under 18	Under 16	
Massachusetts		Under 18	
Michigan	Under 18		Under 16
Minnesota	Under 18	Under 15	
Mississippi	Under 21		Under 15 if female or 17 if male*
Missouri	Under 18	Under 15	
Montana	Under 18	Under 18	Under 16
Nebraska	Under 19		Under 17
Nevada	Under 18	Under 16	
New Hampshire	Under 18	Under 18	Under 13 if female or 14 if male
New Jersey	Under 18	Under 16	
New Mexico	Under 18	Under 16	
New York	Under 18	Under 16	Under 14
North Carolina	Under 18	Under 16	Under 14
North Dakota	Under 18		Under 16
Ohio	Under 18	Under 18	Under 16 if female or 18 if male*
Oklahoma	Under 18		
Oregon	Under 18		Under 17
Pennsylvania	Under 18	Under 16	
Rhode Island	Under 18	Under 16 if female or 18 if male	
South Carolina	Under 18		Under 14 if female or 16 if male
South Dakota	Under 18		Under 16
Tennessee	Under 18	Under 16	

Texas	Under 18		Under 14
Utah	Under 18	Age 15	
Vermont	Under 18		Under 16
Virginia	Under 18		Under 16
Washington	Under 18	Under 17	
West Virginia	Under 18		Under 16
Wisconsin	Under 18		
Wyoming	Under 18	Under 16	

* May be waived under appropriate circumstances if the minor's parents consent and the court agrees.

Source: TEEN MARRIAGE LAWS BY STATE. Available at <http://usmarriagelaws.com>. A blank space indicates that there is no statute covering the issue.

TABLE 4: STATE STATUTES ON GRANDPARENT LIABILITY FOR SUPPORT OF CHILDREN BORN TO MINOR PARENTS

STATE	CITATION	WHO IS RESPONSIBLE	ORDER NECESSARY	AMOUNT OF JOINT AND SEVERAL LIABILITY
Arizona	Ariz. Rev. Stat. § 25-810 (2002)	Paternal grandparents*	Yes	Minor parent's child support obligation
Idaho	Idaho Code Ann. § 32-706(4) (2002)	Maternal and paternal grandparents	Yes	Reasonable and necessary amount
Illinois	305 Ill. Com. Stat. § 5/10-10 (2002)	Responsible relatives	Yes	Not specified
Maryland	Md. Code Ann., Family § 5-203(c) (2002)	Paternal grandparents if grandchild receives TANF cash assistance*	Yes	Minor parent's child support obligation
Missouri	Mo. Rev. Stat. § 54.400(2)(16) (2002)	Paternal grandparents if grandchild receives TANF cash assistance*	Yes	Minor parent's child support obligation
New Hampshire	N.H. Rev. Stat. Ann. § 167:3-a (2002)	Maternal and paternal grandparents	Yes	Relative responsibility standard in public assistance law
North Carolina	N.C. Gen. Stat. § 50-13.4 (2002)	Maternal and paternal grandparents	Yes	Minor parent's child support obligation and arrears
Ohio	Ohio Rev. Code Ann. § 3109.19 (B)(1) (2002)	Maternal and paternal grandparents	Yes	Not specified
Rhode Island	R.I. Gen. Laws § 15-5-16.2(g) (2002)	Paternal grandparents of child receiving TANF*	Yes	Public assistance amount
South Carolina	S.C. Code Ann. § 20-7-936 (2002)	Maternal or paternal grandparents	Yes	Not specified
South Dakota	S.D. Codified Laws § 25-5-18.2 (2002)	Maternal or paternal grandparents	Yes	According to their financial means
Wisconsin	Wis. Stat. § 49.90(1)(a)(2) (2002)	Maternal or paternal grandparents	No	According to their financial means
Wyoming	Wyo. Stat. Ann. § 42-2-103(e) (2002)	Maternal or paternal grandparents if minor parent	Yes	Child support obligation under the guidelines

		receives TANF and does not live at home		
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* For ease of explanation, the wording in these examples assume that the mother is the custodial parent and the father is the non-custodial parent, since that is most often the case. However, the statutes in these states are written such that, if the reverse is true, then the maternal grandparents—rather than the paternal grandparents—would be responsible as they would be the parents of the minor non-custodial parent.

TABLE 5: STATES WITH LAWS ADDRESSING THE ABILITY OF MINOR PARENTS TO ESTABLISH THEIR CHILD’S PATERNITY THROUGH THE VOLUNTARY ACKNOWLEDGMENT PROCESS

STATE	CITATION	DESCRIPTION
California	Cal. Fam. Code § 7577 (2002)	<p>Minor parents are allowed to sign a voluntary acknowledgment. However, a minor signatory can rescind the acknowledgment at any time up to 60 days after that parent reaches the age of 18 or becomes emancipated, whichever comes first.</p> <p>For that reason, the acknowledgment does not establish paternity until 60 days after both parents have reached age 18 or become emancipated, whichever occurs first. Before that, it creates a rebuttable presumption of paternity and is admissible as evidence in a civil paternity action. It is not, however, admissible in a criminal action for statutory rape.</p>
Connecticut	Conn. Gen. Stat. § 46b-172 (2002)	Minors may sign voluntary acknowledgments, and these acknowledgments are binding on them.
Delaware	Del. Code Ann. § 804(c)(3) (2003)	<p>Minor parents are allowed to sign a voluntary acknowledgment. However, a minor signatory can rescind the acknowledgment at any time up to 60 days after that parent reaches age 18.</p> <p>For that reason, the acknowledgment does not establish paternity until 60 days after both parents have reached age 18.</p>
Illinois	Ill. Comp. Stat. 45/5(b) (2002)	Minor parents are allowed to sign a voluntary acknowledgment. However, a minor signatory can rescind the acknowledgment at any time up to 6 months after that parent reaches the age of majority or is emancipated.
Kansas	Kan. Stat. Ann. § 38-1138(b)(1) (2002)	Minor parents are allowed to sign a voluntary acknowledgment. However, a minor signatory has up to one year after his/her 18 th birthday to file a request with a court to vacate the acknowledgment. If the baby whose paternity was established by the acknowledgment is under one year of age, the vacation is automatic. If the baby is over age one, the court must first consider that child’s best interest.
Kentucky	Ky. Rev. Stat. Ann. § 213.046(3) (2003)	Minor, unmarried parents may not be approached in the hospital about paternity establishment. Rather, paternity establishment must proceed under the state’s contested case statute.
Massachusetts	Mass. Gen. Laws ch. 209, § 11(a) (2002)	Minor parents are allowed to sign a voluntary acknowledgment, and the acknowledgment is binding on them as if they were adults.
Minnesota	Minn. Stat. § 257.75 (4) (2002)	Minor parents may execute a paternity acknowledgment. The acknowledgment creates a presumption of paternity.
Montana	Mont. Code Ann. § 40-6-105 (2002)	Minor parents are allowed to sign a voluntary acknowledgment, and the acknowledgment is binding on

		them as if they were adults.
New Hampshire	N.H. Rev. Stat. Ann. § 126:6-a (2002)	Minor parents are allowed to sign but must be told of any rights they have by virtue of their minority status.
Ohio	Ohio Rev. Code Ann. § 3119.962 (2003)	Minor parents are allowed to sign a voluntary acknowledgment. If a support order is then entered, male minor parents may challenge the acknowledgment based on genetic test results on the same basis as Ohio law allows other male parents to raise such a challenge.
Tennessee	Tenn. Code Ann. § 68-3-305(b)(2)(B) (2002)	Minor parents are allowed to sign a voluntary acknowledgment, and the acknowledgment is binding on them as if they were adults—if a parent or legal guardian is present and consents to the completion of the acknowledgment.
Washington	Wash. Rev. Code § 26.26.315 (2003)	Minor parents are allowed to sign a voluntary acknowledgment, and the acknowledgment is binding on them as if they were adults.
Wisconsin	Wis. Stat. § 69.15(3)(b)(3) and § 767.62(3)(b) (2002)	Minor parents are allowed to sign a voluntary acknowledgment, and the acknowledgment is the basis of their baby's birth certificate <i>if a parent or legal guardian co-signs the acknowledgment</i> . If a support action is then brought, the court must appoint a guardian ad litem for the minor unless he/she is already represented by an attorney.
Wyoming	Wy. Stat. Ann. § 14-2-102(c) (2002)	Minor parents are allowed to sign a voluntary acknowledgment <i>if a legal guardian co-signs the acknowledgment</i> .

TABLE 6: TEEN SEXUAL ACTIVITY

CHARACTERISTIC	Percentage of GIRLS	Percentage of BOYS
Report They Had Sex at Least Once Before Age 15	20	21
Report They Have Had Sex at Least Once at Age 15	25	27
Report They Have Had Sex at Least Once at Age 17	52	59
Report That Their First Experience Was “Romantic”	89	79
Report That Their First Partner Was 2 or More Years Older Than They Were	51	13
Average Length of First Relationship	6.3 months	5.3 months

Source: Suzanne Ryan, Jennifer Manlove and Kerry Franzetta, THE FIRST TIME: CHARACTERISTICS OF TEENS FIRST SEXUAL RELATIONSHIPS (2003).