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**NATIONAL ASSEMBLY QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER: 1426**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 01 APRIL 2022**

**INTERNAL QUESTION PAPER NUMBER: 13 - 2022**

**1426.   Mrs G Opperman (DA) to ask the Minister of Social Development:**

What has he found to be the financial impact on (a) unmarried and (b) unemployed fathers for DNA testing to determine that they are the biological father?         NW1744E

**REPLY:**

There is currently no research findings on this matter and I would not want to speculate. However, it is important for the Honourable Member to note that Section 21(1)(*b*) of the Children’s Act (Act No.38 of 2005) provides, that an unmarried father of a child, regardless of whether he has lived or is living with the mother of the child, acquires full parental rights and responsibilities over the child if he –

1. consents to be identified or successfully applies to in terms of section 26 to be identified as the child’s father or pays damages in terms of customary law;
2. contributes or has attempted in good faith to contribute to the child’s upbringing for a reasonable period; and

(iii) contributes or has attempted in good faith to contribute towards expenses in connection with the maintenance of the child for a reasonable period’.

Furthermore, the Act confirms in Section 36 a presumption in respect of a child born out of wedlock (parties who were not married to each other). The presumption is that the person whom had sexual intercourse with the mother at any time when that child could have been conceived will be presumed to be the biological father of the child in the absence of evidence to the contrary which raises reasonable doubt. The Act also states that as paternity is determined on a balance of probabilities, the man is not entitled to demand scientific proof and that in relevant instances, the court has the inherent power as upper guardian of all minor children to order such tests if it is in the best interests of the child.