

Legal Paternity Testing



Technical Bulletin 40-012

Setting the Standard for Quality DNA Identification

Legal paternity tests can be used in a court of law and are often performed when one or both of the parents are seeking custody, child support or social security payments. A legal test should be performed in any circumstance in which the test participant(s) think they may want to take the results to court or use them in a legal proceeding.

For a legal test, specific collection, consent, documentation of samples, identification records and chain of custody must be maintained as they relate to the case.



Sample Collection

Samples for a legal case must be collected or witnessed by an individual with no interest in the outcome of the test. In addition, the samples must be analyzed by a laboratory accredited by the AABB. Individuals qualified to collect samples include physicians, child support workers, attorneys, ministers, or a person/company hired by the laboratory.

Consent

For a legal case, it is always imperative to obtain and document consent of the tested individuals.

Documentation of Samples

Each sample envelope shall be labeled with the name of the individual being sampled and the stated relationship (i.e., mother, child, and father). The envelope shall also document the date the sample was collected.

After collecting the samples, the sample collector and the person being sampled (or the individual with legal authority) shall sign the sample envelope verifying that the samples inside belong to the person whose name is on the sample envelope.

Identification Records

Both personal information and photo-identification must be collected and submitted to the laboratory in order to process a legal case. The following personal information is required for each individual being tested:

- Printed name (must be legible)
- Alleged relationship (i.e. mother, child, father)
- Date of birth
- Race/ethnicity (with the exception of the child)
- Location of sample collection
- Date of sample collection
- Printed name and signature of the person collecting the sample or witnessing the collection
- A history of any blood/bone marrow transfusion/transplant.



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Photo-Identification

It is required that a legible photograph AND/OR copy of a government-issued photo ID be supplied at the time of collection.

All tested individuals may appear in a single photograph together or they can be photographed individually. The photos are used to positively ID the person that was sampled for the test, so that the individual(s) being sampled cannot send another person in their place. To help prevent fraud, it is always best to photograph the test participants at the time of collection. Individuals may not always look like their driver's license picture, and therefore a driver's license can easily be given to a friend to use for a sample collection.

In order for a test to be legal, it is imperative that either a copy of the government photo ID or photograph be submitted with the samples. It is also good practice to have the tested individual(s) and collector sign and date the photographs, but it is not required.

If a government issued photo-ID or photograph cannot be obtained, either because the sample is from a deceased individual, a prenatal sample, an incarcerated individual or a sample provided by law enforcement officials, a signed affidavit attesting to the identity of the individual sampled, may be supplied by the individual who performed or witnessed the sample collection, such as a doctor, coroner, corrections officer, etc. Some laboratories may have a special form that can be filled out for these particular situations.

Chain of Custody

Chain of custody is documentation of where samples have been and who has handled them. Chain of custody begins as soon as a sample is collected. The person collecting the sample has ownership of the samples until they transfer them to the next person, usually a shipping carrier, such as FedEx, DHL, UPS, etc.

Do not allow test participants to package or transport samples. After samples are collected they should be placed into tamper evident envelopes, sealed and given to a carrier for shipment to the laboratory. This action can be documented on the chain of custody form by signing the name, date and time that samples were transferred from one individual to the next.

When the laboratory receives the samples, they will continue the chain of custody by documenting how they received the samples, who received them and at what time.

Chromosomal Labs is accredited by the American Association of Blood Banks (AABB) for relationship testing. In accordance with AABB standards, all exclusions are run in duplicate. In addition, every report is reviewed by a Ph.D. scientist. Chromosomal Labs prepares a court admissible package for legal tests which includes a legal paternity/relationship report, chain of custody form and photo-documents of the tests participants. Should the need arise, Chromosomal Labs also offers expert witness testimony for a fee.



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Nation Association for DNA Collection and Management (NADCM)

The relationship testing market has been growing steadily over the last twenty years, increasing on average at a rate of 12% per year. Today, it is projected that the annual number of persons that will participate in some type of paternity or extended relationship test will exceed 1 million. In sharp contrast, it is estimated that less than 200,000 persons were tested in 1988.

The increased demand for testing has been fueled by greater public awareness of the power of DNA and the accessibility of affordable DNA testing. The growth and popularity of the internet has also fueled demand through increased direct to consumer marketing.

The accuracy of modern DNA testing methods is forcing a change to antiquated paternity laws across the U.S. Many states are adopting laws that level the field for falsely accused men, allowing some degree of financial relief from hardships created from paying support for another man's child.

By all accounts, the outlook for the DNA paternity and relationship testing market is strong. As more people take a proactive role in their lives, the DNA testing industry will further develop and mature and ultimately require an increased demand for neutral third party administrators to provide DNA collections and case management services.

A high growth industry tends to attract a dynamic range of players, each with a range of skill sets and ethics. As the DNA testing industry evolves and the sophistication of the clientele increases, there will be a need for firms that are offering DNA collection to differentiate themselves through quality benchmarks. The *National Association for DNA Collection and Management (NADCM)*, a division of Chromosomal Laboratories, Inc, was created with that vision in mind and has culminated in the first edition of ***Standard Methods for the Collection of Biological Specimens for Paternity and Relationship Testing***.

Standard Methods for the Collection of Biological Specimens for Paternity and Relationship Testing is a comprehensive sample collection resource that draws from a number of peer reviewed publications representing industry best practice, including *Standards for Relationship Testing Laboratories*, 7th edition, published by the American Association of Blood Banks (AABB), *Forensic DNA Typing*, by John Butler, and regulations from New York State and U.S. Department of Homeland Security.

For more information, please see www.nadcm.com



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