

# THE ADVANTAGES OF “LEGAL” PATERNITY TESTS

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The reliability and accuracy of a DNA paternity test depends primarily on two things: (1) the level of confidence or certainty that the samples collected and submitted to the laboratory are those of the intended participants, and (2) the level of technical competence of the laboratory performing the DNA analysis. Of the different paternity testing options available to consumers, a “chain-of-custody” (COC) test performed by an AABB-accredited laboratory provides the highest level of trustworthiness.

A chain-of-custody paternity test, sometimes called a “legal”, “legally-admissible” or “legally-defensible” paternity test, is one in which neutral third parties with no interest in the test outcome (1) obtain informed consent and positive identification—usually an instant photographs and/or government-issued photo IDs—for all tested parties, (2) collect, label, and package all samples in a tamper-evident manner, (3) receive and test the samples at the laboratory, and (4) document each stage of the testing process to ensure that a verifiable, traceable chain-of-custody is maintained. These procedures not only minimize misidentification and laboratory errors, but they also enable precise traceability of each step in the testing process, should an investigation be necessary.

Most labs performing COC paternity tests hold one or more accreditations or certifications that reflect their proficiency in various aspects of the testing process. In the United States, the most widely recognized accreditation program specific for paternity testing laboratories is that established and administered by AABB. Through regular inspections—or assessments—AABB ensures that the policies, processes, and procedures in place at its accredited labs adhere to AABB’s published Standards for Relationship Testing Laboratories, which govern quality control and quality assurance in COC paternity testing. These Standards encompass the qualifications and training of staff, procedures for sample identification and chain-of-custody, technical proficiency in DNA sample analysis and data interpretation, validation of tests and instrumentation, and handling of incidents, errors, accidents, among other issues. AABB is approved by the U.S. Secretary of Health and Human Services as a body whose accreditation, in most states, qualifies a lab to perform chain-of-custody paternity tests for civil court cases (mostly family law matters).

If test results may potentially be presented as evidence in civil matters to any government entity—including family courts, the IRS, U.S. Citizenship and Immigration Services (USCIS), Social Security Administration (SSA), and the U.S. military—or other official tribunal such as an Indian tribal council, then tested parties are advised to obtain a COC test and to ensure that the testing laboratory is AABB-accredited. In so doing, participants can be confident that their results are trustworthy, defensible in a court of law, and unlikely to face judicial challenge or rejection. Moreover, because sample identification and chain-of-custody is rigorously documented and maintained throughout the testing process, test participants may be protected and have legal recourse against the lab in the event of a lab error. While some paternity testing labs hold other accreditations that may provide additional assurance of reliability, AABB accreditation is considered the gold standard in the industry. In the State of New York, paternity tests must be ordered by a court or physician and performed only by laboratories certified by the New York State Department of Health. Most, if not all, of these laboratories are also AABB-accredited. As one might expect for paternity tests that must comply with strict regulatory requirements, COC tests performed by AABB-accredited labs are not only the most trustworthy, they are also the most expensive, typically ranging from \$400 to \$600.

Because the outcome of a DNA paternity test can completely change the course of a life—sometimes many lives—I believe that the highest priority of those seeking a paternity test should be obtaining a test that they can trust, even if that means spending \$400 for a COC test as described above. If you decide that a non-COC test, such as a home paternity test, is the best choice for your particular situation, please take the time to research and consider the potential disadvantages, risks, and limitations of your options, so that you can take appropriate steps to minimize the concerns and maximize your confidence in the test results.