



Addressing Paternity Fraud in Jamaica: Legal Reform, Socioeconomic Determinants, and Policy Interventions in a Postcolonial Context

Paul Andrew Bourne¹, PhD, DrPH

¹Adjunct Professor, Northern Caribbean University (NCU), Manchester, Jamaica, WI.

Abstract

Paternity fraud in Jamaica represents a legally ambiguous and socially embedded phenomenon that challenges existing frameworks of family law, justice, and social policy. While global estimates of misattributed paternity vary, evidence suggests that rates are influenced by socioeconomic inequality, cultural norms, and institutional gaps. In Jamaica, the issue is further complicated by informal family structures, economic marginalisation, and limited enforcement of legal safeguards. This paper critically examines the structural drivers, legal deficiencies, and social consequences of paternity fraud using a multidisciplinary policy lens. Drawing on sociological theory, legal analysis, and public health perspectives, the study evaluates how misattributed paternity affects men, women, and children differently. It argues that the absence of mandatory verification mechanisms and clear legal remedies contributes to systemic injustice. The paper proposes a comprehensive policy framework that integrates legal reform, social protection, and public education. Ultimately, it contends that addressing paternity fraud requires balancing biological truth, social fatherhood, and child welfare within Jamaica's unique socio-legal context.

Keywords: Paternity fraud, Jamaica, family law, social policy, inequality.

Introduction

Paternity fraud, defined as the incorrect identification of a child's biological father, has become an increasingly debated issue within family law and social policy. Although often framed as an interpersonal issue, it is more accurately understood as a structural phenomenon shaped by economic, cultural, and institutional forces (Draper, 2007; Wilson, 2012). In Jamaica, family formation frequently occurs outside formal marriage, with visiting unions and common-law relationships playing a significant role in reproductive patterns (Ariza & De Oliveira, 2001; Barrow, 1996; Grace Kennedy Foundation, 1993; Fyffe, n.d.). These arrangements complicate the establishment of legal and biological paternity, particularly in the absence of routine genetic verification. As a result, paternal responsibility is often

assigned based on social recognition rather than biological certainty. This creates conditions under which misattributed paternity can occur without immediate detection (Bourne et al., 2023a, 2023b). Consequently, the issue must be examined within a broader socio-legal framework rather than through individual blame.

The Jamaican legal system does not mandate universal paternity testing before the assignment of child support obligations, which introduces a critical gap in procedural fairness. Legal fatherhood may be established through acknowledgment, presumption, or cohabitation rather than scientific verification (Freeman, 2014). While such approaches aim to protect the child's welfare, they may inadvertently expose men to financial obligations based on incorrect assumptions (Draper, 2007). At the same time, women may face structural pressures, including poverty and social stigma, that influence decisions about paternity disclosure (Barrow, 1996; Bourne et al., 2023a, 2023b). This dual dynamic reflects deeper inequalities embedded within Jamaican society, rooted in historical patterns of economic deprivation (Beckford, 1972). The absence of clear legal recourse for disestablishing paternity further exacerbates the problem. Therefore, the issue raises fundamental questions about justice, responsibility, and rights. Addressing these concerns requires a policy-oriented approach grounded in empirical evidence.

This study aims to develop a comprehensive policy framework for addressing paternity fraud in Jamaica. It examines the interplay between socioeconomic conditions, legal structures, and cultural norms in shaping patterns of misattributed paternity (Bourne, 2025a, 2025b). The central research question guiding this analysis is: how can Jamaica implement equitable policies that reduce paternity fraud while safeguarding the welfare of children? The study also considers the ethical implications of policy interventions, particularly in relation to gender equity and reproductive autonomy (Draper, 2007). By integrating insights from sociology, law, and public health, the paper seeks to provide a holistic understanding of the issue. It contributes to both academic discourse and practical policymaking. Ultimately, the study advocates for reforms that enhance transparency, accountability, and social justice.

Theoretical Framework

The concept of structural inequality provides a foundational lens for analysing paternity fraud in Jamaica. Structural inequality theory posits that social outcomes are shaped by systemic disparities in access to resources, opportunities, and power (Wilson, 2012). In Jamaica, historical legacies of colonialism and plantation economies have produced enduring patterns of poverty and social stratification (Beckford, 1972). These structural conditions influence family formation, reproductive decision-making, and economic survival strategies. Women in economically vulnerable positions may face incentives to attribute paternity to financially stable partners (Bourne et al., 2023a, 2023b). This behaviour, while often framed as deception, can also be understood as a response to constrained choices. Structural inequality, therefore, shifts the analytical focus from individual morality to systemic conditions. It underscores the need for policy interventions that address root causes rather than symptoms.

Rational choice theory offers an additional perspective by examining decision-making processes under conditions of uncertainty. According to this framework, individuals weigh the costs and benefits of their actions based on available information (Becker, 1993). In the context of paternity fraud, the absence of mandatory testing reduces the perceived risk of detection, thereby influencing decision-making (Anderson, 2006). This may incentivise misattribution in situations where economic or social benefits are substantial. Conversely, men may assume paternal roles based on trust, emotional attachment, or social expectations (Bourne et al., 2023a). This asymmetry in information and risk creates a structural imbalance between parties. Rational choice theory helps explain behavioural patterns without resorting to moral judgement. It also highlights the importance of institutional safeguards in shaping incentives.

Legal pluralism further enriches the analysis by recognising the coexistence of formal legal systems and informal social norms. In Jamaica, informal unions and community-based understandings of fatherhood often operate alongside statutory law (Barrow, 1996). This dual system can create inconsistencies in how paternity is defined and enforced. For example, a man may be socially recognised as a father even in the absence of biological ties. While this may support child welfare in some cases, it also complicates legal accountability (Freeman, 2014). Legal pluralism highlights the gap between law in theory and law in practice. It emphasises the need for culturally sensitive policy interventions. By integrating these theoretical perspectives, the study provides a multidimensional framework for understanding paternity fraud.

Literature Review

Research on misattributed paternity reveals significant variation in prevalence across different populations and contexts. Studies indicate that median rates of non-paternity are relatively low in general populations but higher in specific subgroups characterised by socioeconomic disadvantage (Bellis et al., 2005). Similarly, Anderson (2006) argues that while public discourse often exaggerates prevalence, the issue remains socially significant. These findings suggest that paternity fraud must be understood within specific demographic and cultural contexts. In developing societies such as Jamaica, structural inequalities may amplify the likelihood of misattribution (Wilson, 2012). However, reliable national data remain limited, highlighting a major empirical gap. Existing studies emphasise methodological challenges and variability in estimates. This underscores the importance of cautious interpretation and context-specific analysis.

Scholarly work on Caribbean family systems provides critical insights into the social context of paternity fraud. Barrow (1996) documented the prevalence of visiting unions and non-marital childbearing, which contribute to fluid paternal roles. These family structures reflect adaptive responses to historical and economic conditions but complicate biological certainty. Economic instability further intensifies these dynamics, as financial provision becomes central to paternal identity (Beckford, 1972). Empirical work by Bourne et al. (2023a, 2023b) highlights that both men and women navigate these realities within constrained socioeconomic environments. Women may face pressure to secure financial support, while

men often rely on trust rather than verification. These dynamics illustrate the intersection of culture, economics, and gender norms. Consequently, the literature underscores the complexity of paternity attribution in Jamaica.

The consequences of paternity fraud have been examined from legal, psychological, and ethical perspectives. Draper (2007) argues that misattributed paternity raises fundamental issues of consent, justice, and financial responsibility. Men who discover non-paternity often experience emotional distress, financial loss, and identity disruption (Bourne et al., 2023a). Children may also face psychological challenges when biological truths are revealed. At the societal level, paternity fraud can undermine trust in legal and family institutions (Freeman, 2014). Ethical debates emphasise the need to balance the rights of biological fathers, social fathers, and children. This complexity makes policy design particularly challenging. Nevertheless, the literature provides a strong foundation for reform-oriented analysis.

Gaps in the Literature and Contribution of the Current Study

A critical gap in the literature on paternity fraud is the limited availability of empirically grounded and context-specific research in Jamaica and the wider Caribbean. While global studies provide useful benchmarks on misattributed paternity, these findings are largely derived from Western populations and are not directly transferable to Jamaica's socio-cultural environment (Anderson, 2006; Bellis et al., 2005). Caribbean scholarship provides important insights into family systems, particularly the prevalence of visiting unions and informal parenting structures, but it does not sufficiently quantify or model paternity fraud as a distinct empirical phenomenon (Barrow, 1996). As a result, the phenomenon is often inferred indirectly rather than systematically measured within national datasets. Empirical contributions by Bourne (2025a, 2025b) and Bourne et al. (2023a, 2023b) begin to address this limitation, yet they remain constrained by sample scope and methodological boundaries. There is also a lack of longitudinal, nationally representative data that can reliably establish trends, determinants, and temporal patterns of paternity misattribution. This absence significantly constrains the development of evidence-based policy frameworks tailored to the Jamaican context.

A second major gap lies in the insufficient integration of interdisciplinary perspectives in the existing literature. Most studies treat paternity fraud either as a legal anomaly or as a moral issue, without adequately incorporating the socioeconomic conditions that shape reproductive behaviour and family formation (Draper, 2007; Wilson, 2012). Sociological literature tends to emphasise cultural norms and family organisation, while legal scholarship focuses narrowly on rights, obligations, and procedural justice (Freeman, 2014). Economic analyses that examine incentive structures, financial burdens, and welfare implications remain particularly underdeveloped in this field. This disciplinary fragmentation produces a conceptual gap in which no unified explanatory framework exists to fully account for the phenomenon. Without such integration, interpretations remain partial and policy responses risk addressing symptoms rather than underlying causes. A more coherent analytical model is therefore necessary to link structural inequality, legal ambiguity, and behavioural decision-making.

A third gap concerns the lack of policy-oriented research that translates theoretical insights into practical and actionable interventions. Although the literature identifies a range of causes and consequences associated with paternity fraud, it rarely develops structured frameworks for legal or institutional reform. There is limited critical evaluation of policy options such as mandatory paternity testing, compensation mechanisms, or statutory disestablishment procedures. Key implementation issues such as affordability of DNA testing, access to justice, and institutional capacity constraints are also insufficiently examined (Bourne, 2025a, 2025b). This creates a disconnect between academic knowledge production and real-world policymaking needs. Furthermore, ethical tensions between biological truth, child welfare, and social fatherhood are often acknowledged but not operationalised into policy design. As a result, the literature offers limited guidance for governments seeking to develop coherent and feasible reforms.

This study directly addresses these gaps by providing a comprehensive, interdisciplinary, and policy-driven analysis of paternity fraud in Jamaica. It situates the phenomenon within the country's specific socio-economic and cultural context, rather than relying on externally derived assumptions. The study integrates structural inequality theory, rational choice theory, and legal pluralism to construct a unified analytical framework that explains both behaviour and institutional outcomes. It also synthesises empirical findings with legal and policy analysis to move beyond descriptive accounts of the problem. In doing so, it proposes evidence-based reforms that include mandatory testing in contested cases, strengthened social protection systems, and legal mechanisms for redress. The study further evaluates the ethical and practical implications of these interventions within the Jamaican context. Consequently, it contributes both to academic scholarship and to the development of realistic and implementable policy solutions.

Conceptual Framework: Structural-Legal-Cultural Model of Paternity Fraud in Jamaica

The conceptual framework for this study explains paternity fraud in Jamaica as a **multi-layered and interdependent system** in which structural, social, institutional, and policy factors interact to produce outcomes such as misattributed paternity, financial inequality, and psychological harm. Rather than treating paternity fraud as an isolated behavioural issue, the model positions it as a **systemic product of postcolonial inequality, informal family organisation, and legal ambiguity** (Beckford, 1972; Wilson, 2012). The framework is organised into five interconnected layers: structural drivers, social and cultural processes, institutional factors, outcomes, and policy interventions. Each layer builds on the previous one, demonstrating how deep structural conditions shape everyday family practices and legal outcomes in Jamaica. The model is grounded in structural inequality theory, rational choice theory, and legal pluralism, which together explain how constrained choices, informal norms, and weak enforcement systems interact (Becker, 1993; Barrow, 1996). It therefore provides a holistic explanation of how paternity uncertainty emerges and persists in the Jamaican context. Ultimately, the framework shows that effective reform must address all levels of the system simultaneously.

At the **structural level**, the framework identifies poverty, historical inequality, and gendered economic vulnerability as foundational drivers of paternity fraud. Jamaica's postcolonial economic structure, shaped by plantation legacies, has produced persistent inequality and limited upward mobility for many households (Beckford, 1972). These conditions influence family formation patterns and create economic pressures that affect reproductive decision-making (Wilson, 2012). Within this context, women may experience incentives to secure financial stability for children through paternal attribution, while men may lack economic power to enforce or verify paternity (Bourne et al., 2023b). Structural inequality theory explains these behaviours not as moral failures but as responses to constrained life chances and limited institutional support. Therefore, the framework positions economic deprivation as a root cause that shapes all downstream processes. This level establishes the foundation upon which social and legal dynamics operate.

The **social and cultural processes layer** explains how structural inequalities are translated into everyday family practices. In Jamaica, visiting unions, informal partnerships, and non-marital childbearing are widely recognised family forms that shape paternal roles outside formal marriage structures (Barrow, 1996). These arrangements contribute to what the framework identifies as "social fatherhood," where caregiving and financial provision may take precedence over biological connection. Legal pluralism further reinforces this dynamic by allowing informal norms to coexist with formal legal definitions of fatherhood (Freeman, 2014). Trust-based paternal assumptions are therefore common, particularly in contexts where formal verification mechanisms are absent. Rational choice theory also helps explain how individuals make decisions under uncertainty, often relying on trust due to limited access to reliable information (Becker, 1993). As a result, cultural norms both stabilise family life and unintentionally increase the risk of misattributed paternity.

The **institutional factors layer** highlights how weaknesses in the legal and administrative system contribute directly to paternity fraud. The absence of mandatory DNA testing in disputed paternity cases represents a major institutional gap in Jamaica's family law system. Legal fatherhood is often established through presumption, acknowledgment, or cohabitation rather than biological verification, which increases the risk of legal misclassification (Freeman, 2014). Additionally, weak mechanisms for paternity disestablishment make it difficult to correct errors once legal responsibility has been assigned. Limited access to justice and the high cost of genetic testing further restrict individuals' ability to challenge paternity claims. From a policy perspective, this institutional environment creates structural inertia that perpetuates uncertainty and inequity. Consequently, institutional failure acts as a mediating mechanism between social norms and adverse outcomes.

The **outcomes layer** demonstrates the multidimensional consequences of paternity fraud across individuals and society. At the individual level, men may experience emotional distress, financial loss, and identity disruption upon discovering non-paternity (Draper, 2007). Children may suffer psychological instability and relational uncertainty when biological truth is revealed later in life (Freeman, 2014). Women may face social stigma or economic vulnerability depending on the circumstances surrounding disclosure and family breakdown (Bourne et al., 2023a). At the societal level, unresolved paternity disputes weaken trust in

legal institutions and family systems, contributing to broader governance concerns. These outcomes demonstrate that paternity fraud is not a private family issue but a public policy problem with wide-reaching implications. Therefore, the framework highlights the cumulative social cost of structural, cultural, and institutional failures.

Finally, the **policy intervention layer** represents the feedback mechanism designed to correct systemic failures and reduce paternity fraud. Mandatory paternity testing in contested cases is proposed as a mechanism to ensure biological accuracy and legal fairness (Anderson, 2006). Social protection programmes are also necessary to reduce economic pressures that contribute to misattribution (Wilson, 2012). Legal reforms, including compensation and paternity disestablishment procedures, address issues of justice and accountability (Draper, 2007). Public education campaigns further aim to shift cultural norms toward greater transparency in parental relationships. These interventions are designed to operate across all levels of the framework rather than targeting a single cause. Therefore, the model emphasises that sustainable reform requires coordinated action across structural, social, and institutional domains.

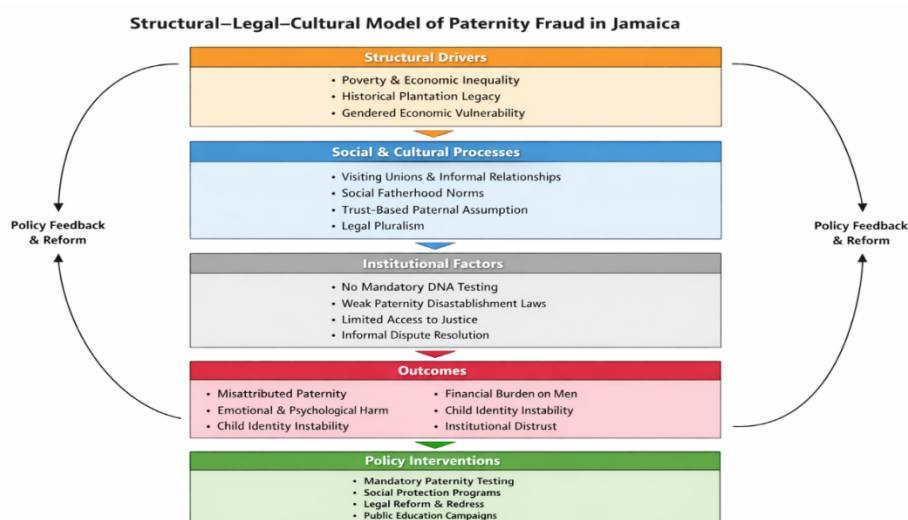


Figure 1: Current Conceptual Framework

Methodology

This study employs a qualitative policy analysis methodology to examine paternity fraud in Jamaica within a structured and interdisciplinary framework. The approach involves a systematic review of peer-reviewed literature, legal scholarship, and policy reports to ensure a comprehensive evidence base. Sources were selected based on relevance, credibility, and accessibility through established academic databases such as PubMed, JSTOR, and Google Scholar. The review focuses on studies published between 1990 and 2025 to capture both historical developments and contemporary debates. Emphasis is placed on Caribbean scholarship and developing country contexts, where family structures and socioeconomic conditions differ from those in Western societies (Barrow, 1996; Beckford, 1972). This selection strategy allows for contextual sensitivity in interpreting findings. The analysis synthesises existing evidence to identify recurring themes, structural drivers, and institutional

gaps (Bourne, 2025a, 2025b). Consequently, this methodological approach ensures a nuanced and contextually grounded understanding of paternity fraud in Jamaica.

A comparative analytical framework is also utilised to situate Jamaica within broader global debates on misattributed paternity. International studies provide important insights into prevalence, legal responses, and ethical considerations (Anderson, 2006; Bellis et al., 2005). By examining multiple jurisdictions, the study identifies best practices and policy innovations that may be adapted to the Jamaican context. This approach is particularly valuable given the limited availability of large-scale empirical data in Jamaica (Bourne et al., 2023a, 2023b). Comparative analysis also highlights the diversity of legal responses, ranging from voluntary testing regimes to mandatory verification in contested cases. These variations offer important lessons for policy design. Furthermore, cross-national comparisons enable the identification of potential unintended consequences of policy interventions. As such, this framework strengthens both the analytical depth and policy relevance of the study.

The study further employs a critical policy evaluation framework to assess proposed interventions in terms of effectiveness, equity, and feasibility. This framework examines how different policy options may affect various stakeholders, including men, women, and children. Ethical considerations, particularly those relating to privacy, consent, and reproductive autonomy, are central to this analysis (Draper, 2007). The evaluation also considers the institutional capacity required for implementation within the Jamaican context. Potential unintended consequences, such as increased stigma or misuse of genetic testing, are critically assessed. This ensures that recommendations are not only theoretically sound but also practically viable. The framework emphasises the importance of balancing competing rights and interests. Ultimately, the methodology aligns with the study's objective of producing actionable, evidence-based policy recommendations.

Results and Discussion

Structural and Socio-Familial Determinants of Paternity Fraud

The results of this study indicate that paternity fraud in Jamaica is structurally rooted in the interaction between informal family systems, economic insecurity, and historical inequality. Family organisation in Jamaica is heavily characterised by visiting unions and non-marital childbearing, which produce fluid and often non-exclusive paternal roles (Barrow, 1996; Grace Kennedy Foundation, 1993). These arrangements reflect adaptive responses to long-standing socioeconomic constraints originating from plantation economies and postcolonial underdevelopment (Beckford, 1972). Within this context, fatherhood is frequently socially assigned rather than biologically verified, increasing the probability of misattributed paternity (Bourne et al., 2023a). The findings suggest that paternity uncertainty is not an anomaly but an embedded feature of the Jamaican family system. Consequently, structural inequality functions as a primary determinant of paternity misattribution (Wilson, 2012). This interpretation shifts the issue from individual behaviour to systemic conditions shaping family formation.

The discussion of these findings highlights that structural deprivation constrains reproductive decision-making for both men and women. Women in economically vulnerable contexts may face pressure to secure financial stability for children, which can influence paternity attribution decisions (Bourne et al., 2023b). Men, in turn, often assume paternal responsibility based on trust, emotional attachment, or social expectation rather than biological certainty (Bourne et al., 2023a). This asymmetry reflects broader inequalities in access to economic resources and legal protection. Therefore, paternity fraud emerges partly as a rational adaptation to constrained survival environments rather than intentional deception. These findings align with structural inequality theory, which emphasises systemic rather than individual causation (Wilson, 2012). As such, policy responses must address underlying socioeconomic conditions rather than focusing solely on behavioural correction.

Legal Ambiguity and Institutional Weakness

A central finding of this study is that Jamaica's legal framework contributes significantly to the persistence of paternity fraud due to its reliance on presumptive fatherhood rather than mandatory biological verification. Legal fatherhood can be established through acknowledgment, cohabitation, or social recognition, without requiring DNA confirmation (Freeman, 2014). While this approach prioritises child welfare, it creates a legal environment in which men may incur long-term financial obligations without biological certainty (Draper, 2007). The absence of compulsory testing in disputed cases represents a major procedural weakness in the justice system. Furthermore, there are limited mechanisms for disestablishing paternity once it has been legally assigned, even when biological non-paternity is later discovered. This creates a rigid legal structure that prioritises stability over accuracy. Consequently, the findings reveal a fundamental tension between legal protection and procedural justice.

The discussion of these results suggests that institutional weakness is not merely administrative but structural in nature. The absence of a comprehensive national paternity verification framework means that disputes are often resolved informally or remain unresolved. This undermines public trust in the legal system and contributes to prolonged social and financial conflict (Freeman, 2014). Additionally, the lack of accessible and affordable DNA testing limits the ability of individuals to challenge or confirm paternity claims. These institutional gaps disproportionately affect low-income populations, thereby reinforcing existing inequalities. The findings, therefore, indicate that legal reform must go beyond procedural adjustments to include systemic restructuring. Without such reform, the legal system will continue to reproduce uncertainty and inequity in paternal determination.

Cultural Norms, Legal Pluralism, and Social Fatherhood

The study also finds that cultural norms play a critical role in shaping paternal identity and family structure in Jamaica. Fatherhood is often socially constructed within communities, where caregiving and financial provision may take precedence over biological ties (Barrow, 1996). This reflects a broader system of legal pluralism in which formal legal definitions of fatherhood coexist with informal social interpretations (Freeman, 2014). While this dual

system can enhance child welfare by ensuring support from social fathers, it also creates ambiguity in legal accountability. The findings suggest that social fatherhood is frequently accepted even in the absence of genetic linkage, which can mask underlying cases of misattributed paternity. This cultural flexibility, while socially functional, complicates legal enforcement and dispute resolution.

The discussion highlights that legal pluralism produces both protective and problematic outcomes. On the one hand, it allows communities to maintain stable family structures despite economic instability. On the other hand, it reduces the emphasis on biological verification, increasing the likelihood of long-term paternity disputes. This duality reflects the tension between cultural adaptation and legal certainty. Therefore, policy interventions must carefully balance respect for cultural norms with the need for legal accuracy. Ignoring cultural dynamics would undermine policy effectiveness, while ignoring legal requirements would perpetuate injustice. The findings, therefore, support a culturally sensitive but legally robust approach to reform.

Consequences of Paternity Fraud

The findings demonstrate that paternity fraud has significant multidimensional consequences affecting men, women, children, and broader society. Men who discover non-paternity often experience emotional distress, identity disruption, and financial loss, particularly when long-term paternal relationships are involved (Draper, 2007). These outcomes can result in psychological trauma and erosion of trust in intimate relationships. Children may also experience identity confusion and emotional instability when biological parentage is revealed later in life (Freeman, 2014). Women may face social stigma, economic hardship, or relational breakdown depending on disclosure circumstances (Bourne et al., 2023b). These outcomes demonstrate that paternity fraud is not a gender-neutral issue but one with differentiated social impacts.

At the societal level, unresolved paternity disputes weaken confidence in both legal institutions and family systems. When individuals perceive the legal system as incapable of ensuring fairness in paternity determination, institutional legitimacy is undermined. This can contribute to broader distrust in social policy and governance structures. The findings, therefore, indicate that paternity fraud has implications beyond private family relations, extending into public policy and social stability. Consequently, addressing the issue is necessary not only for individual justice but also for institutional credibility. These results reinforce the argument that paternity fraud is a public policy concern requiring systemic intervention.

Integrated Discussion: Policy Implications of Findings

Overall, the findings demonstrate that paternity fraud in Jamaica is produced through an interaction of structural inequality, legal ambiguity, and cultural norms. The study confirms that no single factor is sufficient to explain the phenomenon. Instead, it emerges from overlapping systems of economic deprivation, informal family organisation, and weak institutional enforcement (Beckford, 1972; Wilson, 2012). International comparisons suggest

that while misattributed paternity exists globally, its expression is shaped by local socioeconomic conditions (Anderson, 2006; Bellis et al., 2005). Therefore, policy responses must be multidimensional and context-specific. Legal reform alone is insufficient without accompanying social and economic interventions. This integrated interpretation supports a holistic policy framework.

Conclusion

This study has demonstrated that paternity fraud in Jamaica is best understood as a systemic outcome emerging from the interaction of structural inequality, informal family organisation, and institutional limitations within the legal system. It is not adequately explained by individual behaviour alone or by isolated moral transgressions. Instead, it reflects deep-rooted socioeconomic conditions shaped by Jamaica's postcolonial development trajectory. Persistent poverty, uneven access to economic opportunities, and historical patterns of social stratification have significantly influenced family formation practices. Within this context, fatherhood is often socially constructed rather than strictly biologically verified. Consequently, misattributed paternity arises as a structural possibility embedded within everyday social and economic life.

The analysis further shows that the current legal framework contributes to this problem through its reliance on presumptive and socially assigned paternity. This approach, while designed to protect child welfare and ensure continuity of support, creates significant risks of legal and financial misclassification. The absence of routine DNA verification in contested cases limits the ability of the system to establish biological certainty in a consistent manner. In addition, there are weak and often inaccessible mechanisms for challenging or reversing established paternity decisions. These institutional gaps generate uncertainty that disproportionately affects vulnerable populations. As a result, the legal system simultaneously seeks to provide stability while inadvertently producing conditions for injustice.

Importantly, the study highlights that the consequences of paternity misattribution extend well beyond individual family disputes. Affected men may experience emotional distress, financial burden, and long-term disruptions to identity and trust in intimate relationships. Children may also be impacted through instability in caregiving relationships and potential psychological consequences when biological parentage is revealed later in life. Women, depending on context, may face social stigma, economic pressure, or relational instability arising from contested paternity. At the societal level, unresolved disputes contribute to declining confidence in legal institutions and weaken perceptions of fairness in family governance systems. These cumulative effects demonstrate that paternity fraud is a broader social policy concern rather than a private issue.

Ultimately, the study concludes that addressing paternity fraud in Jamaica requires a comprehensive and integrated policy response rather than fragmented legal adjustments. Effective reform must combine legal precision through verification mechanisms with socioeconomic interventions that reduce structural vulnerabilities. It must also acknowledge the cultural significance of social fatherhood while ensuring that legal responsibility is clearly

defined and fairly assigned. A balanced approach is therefore necessary to avoid undermining existing family support systems while promoting accountability and justice. Strengthening institutional capacity, improving access to genetic testing, and enhancing social protection systems are central to this process. In this regard, paternity fraud becomes a critical entry point for understanding broader issues of inequality, governance, and family stability in Jamaica.

Recommendations for Addressing Paternity Fraud in Jamaica

1. *Legal and Judicial Reform*

1.1 Introduction of Mandatory Paternity Testing in Contested Cases

Jamaica should introduce legislation requiring **court-ordered DNA testing in all disputed paternity cases** before the final assignment of legal fatherhood. This would reduce reliance on presumptive or socially assigned fatherhood and improve procedural fairness.

- Testing should be triggered in cases of:
 - Child support disputes
 - Contestation of paternity at birth registration
 - Requests for paternity disestablishment
- The state may need to **subsidise DNA testing for low-income families** to ensure equitable access and prevent justice inequality.

1.2 Creation of a Statutory Paternity Disestablishment Mechanism

A formal legal pathway should be established allowing men to **challenge and reverse paternity determinations** within a defined legal timeframe (e.g., 1-3 years after discovery of non-biological paternity).

- Grounds for disestablishment should include:
 - Verified DNA exclusion
 - Fraudulent misrepresentation (where provable)
 - Procedural error in registration or adjudication
- The law must also clarify:
 - Whether child support arrears are adjusted retrospectively or prospectively
 - The legal status of emotional/social fatherhood after disestablishment

1.3 Reform of Child Support Legislation

Child support laws should be amended to **differentiate between biological and non-biological obligations**, especially where misattribution is proven.

- Financial obligations should:
 - Cease or be reallocated after confirmed non-paternity (subject to child welfare safeguards)
 - Include provisions for state or biological father responsibility where applicable

2. Institutional and Administrative Reforms

2.1 Establishment of a National Paternity Registry System

Jamaica should develop a **centralised digital paternity registry** integrated into the civil registration system.

- At birth registration:
 - Paternity status is recorded as:
 - Confirmed (DNA verified)
 - Acknowledged (unverified voluntary declaration)
 - Undetermined (pending test or dispute)
- This system would:
 - Improve data accuracy
 - Reduce future legal disputes
 - Enable policy monitoring of paternity patterns

2.2 Strengthening Access to Justice and Genetic Testing

To avoid inequality in enforcement:

- Government should provide:
 - Subsidised or free DNA testing for low-income households
 - Mobile or regional testing units in rural parishes
 - Fast-track family court procedures for paternity disputes

2.3 Training for Judicial and Social Welfare Personnel

Judges, family court officers, and social workers should receive specialised training on:

- Paternity law and DNA evidence interpretation
- Psychological impacts of paternity disputes
- Gender-sensitive decision-making
- Ethical handling of child welfare in disputed cases

3. Socioeconomic Policy Interventions

3.1 Strengthening Economic Support for Vulnerable Households

Since economic insecurity is a key structural driver, Jamaica should expand:

- Conditional cash transfer programmes for single-parent households
- Employment and skills training for women in low-income communities
- Affordable childcare services to reduce dependency pressures

3.2 Male Economic Empowerment and Engagement Policies

To strengthen paternal accountability:

- Expand youth employment and apprenticeship programmes for young men
- Introduce fatherhood support initiatives linked to employment services
- Promote stable income pathways to support family formation stability

4. Cultural and Social Norm Transformation

4.1 Public Education Campaign on Responsible Parenthood

A national campaign should be launched to promote:

- Transparency in paternity disclosure
- Importance of biological certainty in contested cases
- Responsible sexual and reproductive behaviour

4.2 Redefining Social Fatherhood within Legal Awareness

Given Jamaica's strong tradition of social fatherhood:

- Public discourse should distinguish between:
 - Social fatherhood (care-based role)
 - Biological fatherhood (legal-genetic responsibility)
- Education should emphasise that:
 - Both roles are socially valuable
 - But legal responsibility must be clearly defined

4.3 Community-Level Mediation Systems

Introduce community-based family mediation units to:

- Resolve paternity disputes before court escalation
- Provide counselling for affected families
- Reduce adversarial legal conflict

5. Ethical and Rights-Based Safeguards

5.1 Protection of Child Welfare as a Central Principle

All reforms must ensure that:

- Children are not financially abandoned during disputes
- Interim support mechanisms are in place until resolution
- Psychological services are available where paternity is contested

5.2 Privacy and Data Protection in DNA Testing

Legislation must include strict safeguards on:

- Storage and use of genetic data
- Consent procedures for testing (especially minors)
- Protection against misuse or commercial exploitation

5.3 Compensation and Redress Mechanisms

Where paternity fraud is legally established:

- Courts should consider:
 - Partial or full reimbursement of child support payments (case-dependent)
 - Emotional distress compensation in extreme cases
 - Legal cost recovery provisions

6. Research and Data Development Agenda

6.1 Establishment of a National Paternity Research Programme

Jamaica should invest in:

- Longitudinal studies on paternity certainty
- Nationally representative DNA sampling studies
- Linkage of family, health, and legal administrative datasets

6.2 Integration of Paternity Data into National Statistics

The Statistical Institute of Jamaica should:

- Include paternity certainty indicators in demographic reporting
- Track trends in contested paternity cases
- Monitor socioeconomic correlates of misattribution

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