

WHO'S YOUR DADDY?

It's a father's worst nightmare – and perhaps the mother's too: discovering that the child you've loved for years isn't yours. Thousands of suspicious husbands are turning to DNA testing to find out the truth. Christine Toomey investigates the problem lawyers have dubbed 'paternity fraud'. Portraits: Harriet Logan

I wanted.” But after attending Sam’s birth, Paul says he felt “humbled and happy. The nurses had to prise him out of my arms to do the normal tests”.

Paul and Sam’s mother were reunited briefly after he was born, but when they split again, Paul would continue to drive over 100 miles most weekends to see him. “We were very close,” says Paul. “We went everywhere together.”

Shortly after Sam’s fifth birthday, Paul, 38, met Marian and within a few months had asked her to marry him. Marian took on the role of a second mother to Sam. She also struck up a close friendship with Paul’s mother, who, during one of the couple’s visits to her home, let slip a comment that would set her son on a painful path of discovery. In a moment of frustration at the noise Sam was making as he careered from room to room, Paul’s mother said to Marian: “Well, he’s no grandson of mine!” Marian asked her to explain. “She was vague, and didn’t want to go into details,” says Marian. “She said, ‘At least his [Paul’s] previous girlfriend had always been discreet.’”

A few months after this first seed of doubt was planted, another was sown by Sam’s aunt. One day, when Paul was having trouble making arrangements to see Sam, the boy’s mother’s sister said there was something Paul did not know about Sam. “You should walk away now,” she advised.

Slowly, other people’s doubts about whether Sam was his son began to eat away at Paul. “I wanted them to shut up and leave us alone. I was convinced he was mine. People used to say how alike we looked. We both have big eyes, long eyelashes, webbed toes and a similar birthmark on our backs.” Marian was not so sure. A trained midwife, she was aware Sam had a double crown – often an inherited trait – and that neither Sam’s mother nor Paul had the same characteristic.

It was the couple’s wedding that proved the catalyst. The day before the ceremony, Paul’s former girlfriend threatened that he would never see Sam again if the marriage went ahead. Paul said that he would have a DNA test to prove he was Sam’s father and would then seek a court order granting him access. “I did not have any doubts that the test would prove positive and would settle things once and for all,” he says.

Faced, Paul believes, with the prospect that, if the test proved negative, Paul’s maintenance payments could cease, Sam’s mother changed her mind. She agreed that Paul could carry on seeing the boy whenever he wanted. It was this sudden change of heart, Paul says, that caused him to have his first real doubts about whether Sam was biologically his. Scanning the internet, Paul discovered that it was easy to obtain and pay for a DNA test to establish paternity. In the past year, approximately 20,000 British parents are believed to have subjected their children to paternity tests – almost double the number requested two years ago – with around a third discovering that the children they have loved are not theirs by blood.

As the number of paternity tests requested escalates sharply, the government is attempting to tighten up the regulations under which such tests are carried out; at the moment, they are governed

“I feel very sorry for him – I felt like his father and he still calls me Daddy, but he’s not my son and it’s better he knows that”

TONY, 37. AFTER TAKING A DNA TEST, HE DISCOVERED THAT HE WAS NOT THE FATHER OF THE FIVE-YEAR-OLD BOY HE HAD RAISED

by only a voluntary code of conduct. The Human Tissue Bill currently going through parliament, for instance, proposes making it a criminal offence to take DNA from another person without proper consent; in the case of paternity tests this will, on the whole, mean getting both parents’ consent. Many paternity “home testing kits” available over the internet, often marketed as “peace of mind” tests, require the consent of only one parent. It was this type of test – widely referred to as “motherless tests” – that Paul ordered.

For months, Paul put off using the test. Then, during one weekend stay, Paul pretended to Sam that he was going to brush the boy’s teeth and his own especially thoroughly. With a small spiral brush from the £245 test kit, he scraped the inside of his mouth to gather his own cheek cells and sealed the brush in a sterile envelope. He then took a second brush, did the same to Sam and mailed the two samples off for analysis. Paul only had to look at Marian’s face when he returned from work several weeks later to know it had proved that Sam’s DNA did not match his own.

Paul is not sure whether he regrets ordering the test. And if adults find such dilemmas difficult, imagine what it is like for a child who has no say in the investigation being conducted. How can that child’s best interests be protected? And how can the interests of the child be balanced against the

rights of its mother and father, or a man who is unsure whether he is the father or not?

Such questions go to the heart of the most complex and sensitive areas of human nature: sex, betrayal, money, parenting, abandonment and a yearning for genetic immortality. Some estimates go as far as suggesting that 1 in 20 people in Britain today has a different biological father from the one they believe to be theirs. Who is prepared to answer these questions for the general public? At the moment, the answer is nobody.

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The issue of paternity, or at least responsibility for it, has been the subject of conjecture for centuries. In ancient times, seers and oracles were consulted on such matters. Modern medicine offered more reliable methods. While early blood tests could rule a man out as a potential father, they were less successful in proving definitively who the father was. But the advent of DNA testing in the past 15 years has left no room for doubt.

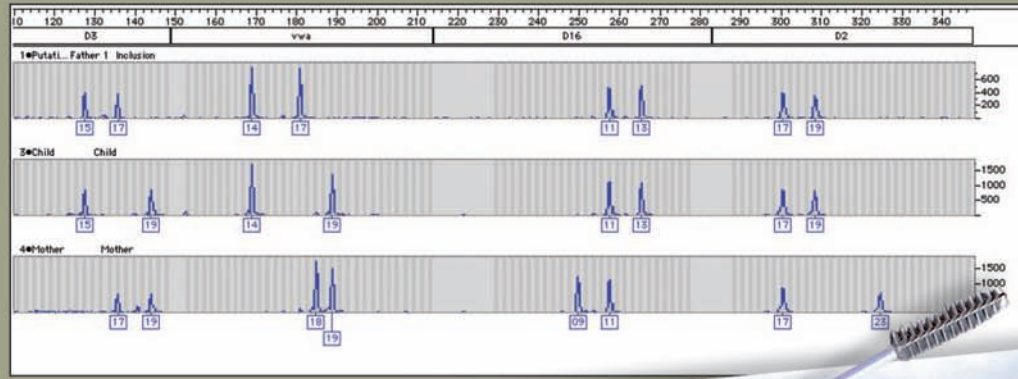
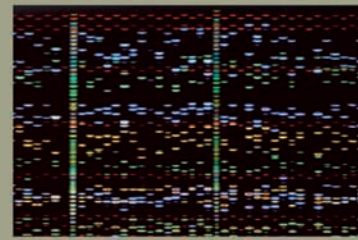
While paternity testing is advertised as “quick and simple”, the science behind it is very complex. The process of turning DNA samples into a multicoloured computerised graph, from which a test result with a statistical accuracy of 99.99% is derived, provides a fascinating insight into the most basic building blocks of our human make-up. At LGC in Teddington, Middlesex, one of the



THE QUICK WAY TO THE TRUTH

Simple, fast and reliable – buying a DIY paternity test kit off the internet

Hundreds of firms offer test kits via the internet. The man uses a brush (bottom) to scrape a sample from inside his cheek. This he sends, with a sample from the child, to the lab. Results are deemed 99.99% accurate. Right: this screen shows DNA analysis. Each column of bands is one person's DNA profile; the solid columns are the control samples. Below: a result confirming paternity. The numbers in the child's DNA profile are all present in the profile of the mother or father



country's largest private laboratories for DNA testing, the government's voluntary code of practice regarding paternity testing is strictly adhered to. All samples sent for analysis must have been taken under a doctor's supervision, and a mother's consent for the test to be carried out on her child is required. Here DNA samples go through three colour-coded laboratories to unlock their hidden codes.

First the DNA contained within chromosomes in the form of two strands of molecules (the

Unravelling the implications of the secrets that DNA testing reveals can take a lifetime

"double helix") is gathered from an oral swab or a drop of dried blood before being purified by a complex "washing out" of the protein, fats and other cell constituents. The DNA sample is amplified using a process that repeatedly heats and cools the DNA, causing the sample to make multiple copies of itself, while incorporating special fluorescent dyes. Each sample is then added to a gel sandwiched between two glass plates. An electrical current is applied, causing the DNA to separate into a "bar-code-like" format. The results are shown in a computerised graph, which is then subjected to statistical analysis. The child's graph is

then compared with those from the samples taken from the child's mother and putative father. The basic principle of the test is that we all inherit half of our DNA from each of our parents, and this comparative analysis of known areas of variation along the DNA strand holds the key to how our DNA matches with that of our parents.

While this process of unravelling the human helix may take a matter of days in a laboratory, unravelling the implications of the secrets that it reveals can take those involved a lifetime. In the past, DNA testing has overwhelmingly been sought by mothers trying to prove the fatherhood of men refusing to support their children. This still accounts for most tests conducted in the UK. In some cases, advanced medical screening for certain types of disease unwittingly reveals that men who believe children are biologically theirs are not genetically related. But there is a growing number of applications from fathers wanting to

ensure that the children they are raising, or are being asked to support financially, are theirs.

As far as English common law was concerned, for the past five centuries a married man was always presumed to be the father of a child born within his marriage. But as society has changed, so has the law. In recent years, the rights of children born out of wedlock have increased and, as in parts of the US, there is now no limit to the maintenance a mother can claim from a "father" of the child.

In the US, this has long been a motivation for men seeking to ascertain paternity. One recent high-profile case was that of Kirk Kerkorian, the octogenarian billionaire who surreptitiously obtained a sample of dental floss from the refuse of Steve Bing, the Hollywood producer formerly involved in a paternity dispute with Elizabeth Hurley. Kerkorian believed Bing to be the father of a little girl whom Kerkorian had raised as his own with his then wife, Lisa Bonder, who sued him for more than a quarter of a million pounds a month in child maintenance after their divorce. Although the test result itself was never revealed, since the men settled their dispute privately, Bing later sued Kerkorian for breach of privacy. In many American states, even if a man can prove through a DNA test that a child is not biologically

TOP RIGHT AND CENTRE: COURTESY OF LGC

his, he is still held to be financially responsible for that child's upkeep. As a result, a growing number of men have been lobbying legislators to change the laws on what they call "paternity fraud". Using the slogan "If the genes don't fit, you must acquit," they argue that while advances in DNA testing have liberated convicts from death row, similar advances in paternity testing have done nothing to address the injustice of their situation.

National debate on the issue has raged in the US. One family-policy think-tank concluded that once a child has reached the age of two, the harm of losing a father would outweigh the harm caused to a man paying to support a child who was not his own. In line with this thinking, some states insist that paternity tests be conducted at a very early stage in a child's life. But a rising number of states, including Georgia, Ohio and Vermont, have introduced legislation allowing a man to stop paying court-ordered support if he did not father the child in question. Vermont is even considering making mothers who knowingly make false assertions that a man is the biological father of a child liable to two years' jail.

With over a quarter of a million paternity tests – costing on average £400 a time – undertaken annually in the US, DNA testing is big business. Roadside billboards carrying freephone numbers alongside pictures of smiling babies and slogans like "Who's my daddy?" are commonplace, as are TV ads mocking up delivery-room scenes where a man gives birth as an announcer declares: "This would be one way to know the father." Given the speed with which social trends cross the Atlantic, it's not inconceivable that such scenarios will show up here. Already British courts are having to deal with the fallout. One family court recently gave leave to a man to sue for the return of a proportion of many years of maintenance payments for a child who, as he was able to prove through a paternity test, was not biologically his. Legal experts believe that the judge ruled that only a portion of the full sum be returned to avoid a flood of similar court cases – and this may also be why attempts are being made to tighten up on regulations governing "motherless tests".

The London-based lawyer Vanessa Lloyd-Platt, who represents mothers as well as fathers in family disputes, believes tightening the law this way will discriminate against fathers: "It is a potentially explosive area in which to legislate, which is why the government probably hasn't done anything about it yet. A lot of us are fighting for the right of every individual to know if a child is or isn't theirs. It's a very modern moral conundrum."

Daniel Leigh, spokesman for the London-based company DNA Solutions, which does not require both parents' consent for a test to be performed, believes any attempt to make a mother's consent compulsory will encourage those who don't have that consent to use testing services based abroad, via the internet. "The genie is out of the bottle," he says, pointing out that most tests reveal the expected result. Although conducting tests without a mother's consent may seem unfair on them, he says that "this pales by comparison to



Top: Paula and Jess Yates, whom she believed to be her biological father until she was 37. Above: Elizabeth Hurley and Steve Bing – a paternity test confirmed that he was the father of her son

the anguish some supposed fathers go through". So what of the children whose lives may be shattered by the results of such tests? How is a child to understand if a sudden announcement is made that the man he or she has grown up calling Dad is not biologically related and perhaps no longer regards himself as their parent? It is hard enough for an adult to deal with such news – as illustrated by the deep trauma Paula Yates apparently felt at discovering, at 37, that Hughie Green was her biological father. Dr Pat Spungin,

'I felt a bitter hatred towards his mother. When I told her, "He's not mine," she hung up'

child psychologist and founder of the parenting website Raisingkids, believes it is vital for those requesting paternity tests to be honest with themselves about why they are doing so. "Once a father starts down the path of questioning whether he is a child's parent, there is bound to be some 'leakage'. Something in that parent-child relationship will change," she says. "Unless that person is absolutely sure they can keep quiet about what they discover, then the child should at some point be told the truth. Otherwise half-truths can build up into something terrible in a child's mind."

At what age such news is likely to cause least trauma for a child is a matter of debate. Spungin believes it may be best for a child to be told the truth once they are in their mid-teens, and the psychotherapist Malcolm Stern agrees that the most damaging time for a child to be confronted with the truth could be between the ages of 7 and 14. "It is the middle years, when children believe

the world is meant to be a certain way, that they can find it hardest to deal with the situation." But Stern argues that when children are very young they don't have a fully formed idea of what a father is. "In some ways," he says, "they may be better equipped to deal with something like this then."

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This is Paul's hope. His decision to tell Sam followed a period of deep soul-searching and despair. For more than a week after hearing the result of the DNA test, Paul was in a dark room, unable to eat, trying to drown his pain in alcohol. "I felt a bitter hatred towards his mother. When I told her on the phone, 'He's not mine,' she hung up. A few days later, she was full of apologies."

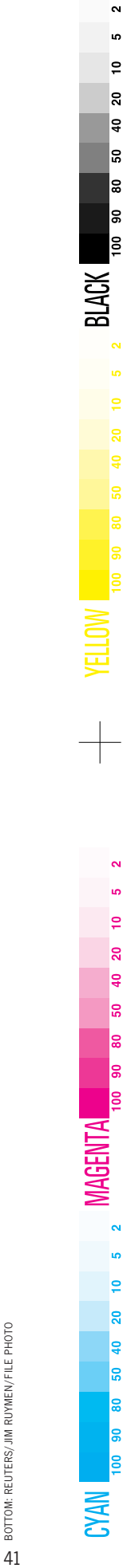
But, convinced his mother would not tell Sam the truth, Paul decided the boy had a right to know. The next time Sam came to stay for the weekend, Paul told him that he was not his "real father". Just six years old, Sam appeared to take little notice of what he was being told and immediately went to play on his PlayStation. Since that visit, however, Paul has not seen the boy. Though he has wanted to, Sam's mother's new partner does not, apparently, see why he should, and Paul refuses to arrange meetings in secret.

According to Stern, a huge factor determining how individuals will react in a situation of disputed paternity is the age of the child when a man starts having doubts about whether he is the father. "In my experience, once children are grown it is less likely that a man will want to know the truth, as it causes such psychological devastation. The attitude is likely to be, 'I'm their father, anyway. What's the point in pursuing it further?'"

This feeds into the nature-nurture debate about parenting and the development of personality, and the fury of many fathers about too little importance being placed on their role in a child's upbringing. While fathers fighting for greater access to their children after divorce have started

resorting to traffic-stopping measures, such as scaling suspension bridges and hurling condoms full of purple powder at the prime minister, at least they have some redress to the law. Those who find they have no biological link to the children they thought were theirs may have none.

Where more than one child is involved, the situation is more complicated. According to paternity-testing companies, it's not uncommon for a man to learn he is the biological father of one or more of several children he has been raising as his, but not of another, and that the family breaks up as a result. When Tony, a 37-year-old service engineer from Hove, Sussex, discovered that his five-year-old son was not biologically his, but that the boy's four-year-old sister was, he says it solved many questions he had about the stark difference between the children's behaviour. The girl, he says, had a quiet personality, similar to his own, but the boy was constantly disruptive. It was when ►►►



BOTTOM: REUTERS/JIM RUYMEN/FILE PHOTO

Tony tried to make an appointment to have the boy's behaviour assessed that his mother, from whom Tony had separated when the children were very young, blurted out: "I don't know why you're bothering. He's not yours, anyway."

As with Paul, the outburst came before Tony was due to get married. When Tony had DNA tests carried out on the children – with the mother's consent in the case of the boy, and without her knowledge in the case of his sister – they confirmed that only the girl was genetically related. As a result, Tony has decided to apply to the courts for custody of his daughter, and doubts he will see much of the boy in future. "I feel very sorry for him – I felt like his father and he still calls me Daddy, but he's not my son and it's better he knows that," says Tony, adding that one of the reasons he's relieved to have learnt the truth before his marriage is that he would not include the boy in their wedding photos. The impact this will have on the two children can only be imagined.

As the Human Tissue Bill goes through parliament, those charged with advising ministers on paternity testing are only too aware of the complexities of their task. "New companies come in and society's attitudes change, so the regulatory environment has to be reviewed at frequent intervals," says Phillip Webb, chairman of the subcommittee of the HGC (Human Genetics Commission, currently reviewing the structure of existing legislation for the government). "The

courts believe generally that it is in the child's best interests to know its biological parents." Another member of the HGC subcommittee, Professor John Burn, who runs the non-profit paternity-testing laboratory NorthGene, which is attached to Newcastle University, acknowledges that the paternity-testing debate is treading on delicate ground: "It's getting tangled up in the debate about how we view the role of the mother and father, and society's opinion keeps shifting. There is a constant anxiety for all of us involved to keep the child's interests in sight, and we go to great lengths to get the appropriate consent."

But he also agrees that science has leapt ahead of public debate on this issue. "As long as technical barriers to finding out this sort of information existed, they acted as a fence to protect the public. Now these barriers have fallen, the legal and ethical barriers are being left behind."

One aspect of paternity testing that Burn is particularly unhappy about is the lack of insistence on the need for counselling before and afterwards. "The power of the information revealed by paternity testing can be as devastating as if you're told you carry a gene for a certain disease," he argues. "Yet this information is being traded without a true recognition of the great cost that can be involved for the individual family."

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As he continues to struggle with the personal cost of the paternity test he carried out on Sam, Paul is

clear about where he stands on the nature-versus-nurture debate. "Anyone can plant a seed," he says, "but it takes a gardener to grow a flower. It takes a man to raise a child. For six years I know I made a good job of raising that lad. I fed him, watched him smile and cry. I taught him to ride a bike. When he was scared I was there."

But for Paul and Sam, the clock cannot be turned back. Some time after receiving the DNA test result, Paul and Marian asked Sam's mother if they could adopt the boy. Though she did not object in principle to him adopting Sam, Paul says she did not want Marian to become his adoptive mother. "When I speak to the little lad on the phone, he asks when he's going to see me again and I can't answer that. It is very hard. When he is older, I hope he will understand and not think I've abandoned him. Maybe one day I'll be able to tell him not to let what happened become his cross or burden, but to become a better man because of it."

The week before we meet, Marian gave birth to the couple's first child, and most of the time as we speak, Paul cradles his newborn daughter in his arms. Finally, laying her back in her crib, he says that his advice to anyone thinking of requesting a paternity test would be to seek professional counselling before doing so. "Any man thinking of doing this should think hardest of all about how he'll cope if the result of the test is the opposite of what he expects. Am I glad I did it? Yes and no," he says. "Yes, I know the truth, but at what cost?" ■

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