

***If you are not married to the father of your newborn,
please read the instructions carefully for marital status
and paternity establishment on the birth worksheet.***

The birth worksheet establishes your baby's legal birth certificate. When you sign the worksheet, the information you provide becomes legally binding. These are state laws, not hospital policies.

It is important that you tell the truth – both ethically and legally. The “Birth Worksheet” is a legal document used to establish the birth certificate. In addition, the “Paternity Affidavit” is a legal document used to establish the “paternity” of a child whose birth mother is not legally married to the biological father at the time of conception.

The information you provide on both the Birth Worksheet and the Paternity Affidavit must be complete and accurate. *(For example, if your own legal last name before any marriage contains two names, then you must list them both consistently.)*

According to Iowa law, it is illegal to make false statements on either of these documents. Doing so could result in a large fine, jail time, or both – and could jeopardize your custody of your baby.

Never Married or Not Still Legally Married:

According to Iowa law, you must answer “no” to the marital status question if you have never been legally married, or you were not legally married when you conceived this child (also see Married/Previously Married instructions on the reverse side of this handout). Common law marriages are NOT legal marriages for the purposes of establishing paternity on the birth certificate. Iowa law does not allow hospitals to enter the other parent's information on the original birth certificate if you were not legally married.

If both you and the biological father want him listed on the birth certificate, you may complete a “Paternity Affidavit.” Paternity Affidavits are mutual, voluntary agreements that are legally binding by Iowa law. The Paternity Affidavit also allows you to change the child's last name. If you both agree, you may either add the biological father's last name or change the child's last name to that of the father.

Paternity Affidavits:

“Paternity Affidavits” are legal actions the same as going to court and must be completed truthfully, carefully, and completely. Sign only in front of a notary public, who is required by law to see your current photo identification. There is no cost to file a Paternity Affidavit.

The Paternity Affidavit must be either typewritten or written legibly in black ink on the original form as provided by the state vital records office. **If you make a mistake – start over.** Any form that has cross-outs, white-outs, or scribbles will be rejected and returned to you.

Affidavits are also rejected that have information about the mother or the baby that is different than what was provided on the original birth worksheet. If the difference is due to a typographical error, the error must be resolved first before the Affidavit can be processed. If the difference is due to false, incomplete, or missing information provided on either the original birth worksheet or the Paternity

Affidavit, you must provide proof as directed by the state vital records office. This will greatly delay getting the Paternity Affidavit processed so that the biological father can be listed on the birth certificate. The original birth certificate may also be marked as a false record in some instances.

Married or Previously Married:

If you have been previously married, your divorce must have been final and filed with a Clerk of District Court before the conception of this child. If your divorce was not final, then by Iowa law your spouse is the legal parent of this child.

If you were or are legally married at birth, conception, or any time between, then you must indicate “yes” to the marital status question because he is, by Iowa law, the legal parent.

If you are legally married to someone other than the biological father of this child, and both you and the biological father want him listed on the birth certificate, you may complete a “Paternity Affidavit.” Paternity Affidavits are mutual, voluntary agreements that are legally binding by Iowa law. The Paternity Affidavit also allows you to change the child’s last name. If you both agree, you may either add the biological father’s last name or change the child’s last name to that of the father. The Paternity Affidavit is only for establishing the biological father on the birth record when the birth mother is not married or married but not to the biological father – i.e., “paternity.”

You must also comply with the instructions on the Paternity Affidavit regarding your marital status. You may complete the affidavit at the hospital, but you should take it home with you and mail it to the state vital records office yourself when you get the proper court order. The court order must state that your legal husband at the time of conception is not the biological father of this child. Your divorce decree, or a modification to your divorce decree, may serve as this court order only if the language is very specific about your conception and pregnancy with this specific child while still legally married to your husband. When you send in the Paternity Affidavit, include a certified copy of your court order. Any certified birth certificate you receive from the state vital records office must also be returned along with the Paternity Affidavit and court order along with a notarized statement and a photocopy of your photo identification. After the paperwork is processed, you will receive a replacement certified birth certificate with the biological father’s name listed.

If you submitted a Paternity Affidavit, but . . .

If you receive the newborn certified birth certificate from the state vital records office and the father’s name is not listed, read the letter that comes with it carefully before calling either the hospital or the state vital records office. The letter contains information, as well as a correction form, instructing you to return the certified birth certificate to the state office for a replacement copy if you have already submitted a Paternity Affidavit.

