

ORAL INFORMATION ABOUT PATERNITY ESTABLISHMENT

When discussing a *Paternity Affidavit*, form 588-0037, give the following information orally:

“Paternity establishment” means determining a child’s legal father.

There are many ways to establish paternity:

- ◆ If a man and a woman are married when the child is conceived or born, or any time in between, that man is the legal father. This is true even if the biological father is a different person.
- ◆ If the father and mother fill out, sign, and register a *Paternity Affidavit*, the man becomes the legal father unless another man is already the legal father of that child. (For example, another man was determined the legal father through a court order, or he was married to the mother at the time of conception or birth or during the pregnancy.)
- ◆ A court order or CSRU administrative order can declare that a man is the legal father.

There are good reasons to establish paternity:

- ◆ It helps develop the relationship between the father and child.
- ◆ It gives the child a sense of belonging from knowing who the father is.
- ◆ It can possibly help the child if there are medical problems. By knowing the parents and their medical histories, doctors may be able to treat the child’s medical problems more effectively.
- ◆ It ensures there is financial support (through Social Security) if the father dies.

Parents who fill out and sign a *Paternity Affidavit* have certain rights and responsibilities:

They have a right to:

- ◆ Get a *Paternity Affidavit* along with written and oral information about the paternity process.
- ◆ Ask for and get assistance in filling out the *Paternity Affidavit*.
- ◆ Contact an attorney to help them understand the paternity establishment process before filling out the *Paternity Affidavit*
- ◆ Cancel paternity up to 60 days after the last notarized signature on the *Paternity Affidavit* or before the entry of a court order regarding the child, whichever is earlier. This is called a rescission.
- ◆ Decide not to fill out a *Paternity Affidavit*. Parents who are **not sure** who the father is **should not** sign the form.

Parents are responsible for financially supporting their children.

Here’s what happens when both parents sign a *Paternity Affidavit*:

- ◆ The man named is **legally** the father of the child.
- ◆ The name of the man is placed on the birth certificate as the **legal** father.
- ◆ The legal father can file a petition with the court to get visitation or custody rights.
- ◆ The legal father has a responsibility to help financially support the child. This means the signed *Paternity Affidavit* can be used to get an order for child support and medical support.

Minor parents have the same right as everyone else to sign the *Paternity Affidavit*. However, a minor father can claim in court that the *Paternity Affidavit* is not valid up to 30 days after he turns 18. This right is in addition to the right to rescind paternity that was mentioned earlier.