

Paternity Handbook



**Child Support
Services**

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Paternity Handbook

Paternity Establishment and Benefits

Q: What is paternity?

A: Paternity means fatherhood. Establishing paternity is the legal process used to determine the biological father of a child. When a woman is married, her husband is legally presumed to be the father of the child. The husband does, however, have the opportunity to rebut or challenge that presumption of paternity. However, if the biological parents are not married to each other at the time of conception or birth of the child, paternity needs to be established. Paternity can be established if both parents sign an Acknowledgment of Paternity form. If the mother is married to a man who is not the biological father of the child, the husband must also sign a Husband's Denial of Paternity form (03PA210E) no later than two years after the birth of the child. A court order can also establish paternity.

Q: Why is establishing paternity important?

A: Establishing paternity benefits the child, mother and father.

How the child benefits:

If a father becomes involved from the beginning of the child's life, the father is more likely to continually care both financially and emotionally for the child. When paternity is established, a child obtains the same legal rights and privileges of a child born within a marriage.

The legal rights and privileges may include:

- support from both parents;
- legal documentation of biological parents;
- entitlement to the father's Social Security benefits, pensions and veterans benefits;
- medical and life insurance coverage from either parent;
- inheritance rights from both parents;
- access to family medical records; and,
- emotional benefits of knowing both parents.

How the father benefits:

Establishing paternity can help the father experience companionship and emotional rewards that result from spending time with his child. These benefits may include:

- legal establishment of parental rights and responsibilities;
- the opportunity to give the child his own last name;
- the ability to add the child to his health insurance plan;
- the assurance that Social Security or veterans benefits would be paid to his child in the event of death or disability; and,
- protection of his child's right to inherit from him.

How the mother benefits:

Establishing paternity can help ease the financial burden that many single parents experience by requiring both parents to support the child. Cooperative parenting can provide strong emotional support for the mother, father and child. These benefits may include:

- improving financial security for the family;
- information about the father's medical history;
- help in sharing parental responsibilities; and,
- access to medical insurance coverage for the child, if available.

Establishing Paternity

Q: What is the easiest way to establish paternity for a child?

A: The easiest way to establish paternity is for the mother and biological father to voluntarily complete and sign a form that acknowledges paternity. This form is officially called an Acknowledgment of Paternity form. It is also called a 03PA209E or AOP form. The Acknowledgment is the same as an order of paternity entered in a court proceeding. However, after both parents have signed the form, the Acknowledgment may be rescinded for a period of 60 days by completing the Rescission of Acknowledgment of Paternity form (03PA211E). After 60 days, paternity can only be disputed by the parents in a judicial proceeding.

The Acknowledgment of Paternity form is usually filled out in the hospital or birthing center when the child is born. However, the Acknowledgment of Paternity form can be completed and mailed to the Division of Vital Records anytime before the child turns 18. After the child turns 18, an Acknowledgment of Paternity form can be completed for the child as long as the child completes an Adult Child's Consent to Acknowledgment form (03PA212E).

Before signing the Acknowledgment of Paternity form, both parents will be informed of their legal rights and responsibilities either by reading the back of the Acknowledgment of Paternity form; calling 1-800-522-2922 and following the correct prompts; or by watching a video detailing the benefits of establishing paternity. Anyone not related to the mother or father can witness each parent signing the form; however, the mother and father cannot witness each other's signatures.

Q: Where can someone get an Acknowledgment of Paternity form?

A: Upon the birth of a child to an unmarried woman, hospitals are required to provide written materials and to orally inform the parents of their rights and responsibilities when establishing paternity. The Acknowledgment of Paternity form can also be obtained from the Division of Vital Records, County Health Departments, Oklahoma Department of Human Services offices, Oklahoma Child Support Services offices, most birthing centers, and online at www.okdhs.org/programsandservices/ocss/. Click on the "About Our Services" link.

The Acknowledgment of Paternity form has to be completely filled out and must be signed by both the mother and the father in front of a witness not related to the mother and father. Further, parents cannot witness each other's signatures. If the Acknowledgment is completed, signed, and witnessed at the hospital where the child is born, the Acknowledgment will be forwarded to the Division of Vital Records with the birth certificate.

If the Acknowledgment is completed after leaving the hospital, the parents are responsible for mailing it to the Division of Vital Records.

Q: How much does it cost to establish paternity with the Acknowledgment of Paternity form?

A: There is no cost to the parents for establishing paternity if they use the Acknowledgment of Paternity form. However, if paternity is established after leaving the hospital, there is a \$40 fee if the parents want a copy of the new birth certificate. To obtain a copy of the birth certificate after the Acknowledgment is completed, signed, and witnessed, make a check or money order payable to the Division of Vital Records and attach it to the Acknowledgment. Mail the original white page and yellow copy of the Acknowledgment of Paternity form with the check or money order to:

Division of Vital Records
P.O. Box 53551
Oklahoma City, Oklahoma 73152



Common Questions about Paternity

Q: Can the parents sign the Acknowledgment of Paternity form if they are under 18 years old?

A: Yes. However, both parents of the child must complete, sign, and have the Acknowledgment witnessed. Also, the minor parents have until sixty (60) days after his/her 18th birthday to rescind the Acknowledgment.

Q: What if the parents are not sure who the father is?

A: If either the mother or alleged father has any doubts about the identity of the biological father, neither party should sign the Acknowledgment of Paternity form. Either or both parties may wish to obtain genetic testing by opening a case with Oklahoma Child Support Services or by consulting an attorney.

An application for OCSS services can be obtained by calling 1-800-522-2922. An application may also be downloaded from the Internet by visiting the Web site www.okdhs.org/programsandservices/ocss/cssvcs/ and clicking on the “Application for Child Support Services” link.

Q: What if the alleged father denies that he is the father?

A: Genetic testing can be performed to prove paternity. A judge can order either the mother or the alleged father to participate in genetic testing. Genetic tests can be obtained by applying for services from Oklahoma Child Support Services.

Q: Who pays for genetic tests?

A: When services are provided through Oklahoma Child Support Services, the State will pay the initial cost of genetic testing. If the father or court requests genetic testing, the father may be ordered to pay for the costs of testing if he is proven to be the biological father. If the genetic test results prove the alleged father is not the biological father of the child, the State will pay for the genetic testing. The current cost of genetic testing, when services are provided by Oklahoma Child Support Services, is \$30 per person tested.

Q: How accurate are genetic tests?

A: Genetic tests are extremely reliable. In court, genetic test results are used as evidence when determining paternity. Genetic tests can

determine to a high degree of probability if a man is or is not the father.

Q: When can paternity be established?

A: From birth until the child's 18th birthday, the parents can establish paternity by completing the Acknowledgment of Paternity form.

After the child is 18, the child's consent to add the father's name to the birth certificate is required, and the Adult Child's Consent to Acknowledgment must be completed along with the Acknowledgment of Paternity form (03PA212E). Also, the child can petition the court for paternity establishment at anytime if the child does not have a presumed father and paternity has not been established by a court order or completion of an Acknowledgment of Paternity form.

Q: Will the father's name be on the birth certificate?

A: If the mother is married at the time of conception and birth of a child, the name of her husband will be entered on the birth certificate as the father of the child unless the husband signs the Husband's Denial of Paternity form (03PA210E). This form, signed by the husband, states that the husband is not the biological father, removes the husband's name from the birth certificate, and terminates any parental rights that the husband would have to the child. The Husband's Denial of Paternity form must be completed along with the Acknowledgment of Paternity form (03PA209E), which is signed by the biological father of the child.

If the mother is not married at the time of conception or birth, only the mother's name will be on the birth certificate unless an Acknowledgment of Paternity form is completed, signed, and witnessed and attached to the birth certificate before being mailed to the Division of Vital Records.

If paternity is determined by a court order, the name of the biological father can be entered onto the birth certificate.

Q: Should paternity be established if the mother is going to marry someone else and that man plans to adopt the child?

A: Yes. Sometimes plans for marriage and adoption take a long time or fall through. The child is entitled to child support regardless of the situation. Additionally, identifying the biological father will help

secure important family medical history for the child.

Q: Should paternity be established if the mother and the father get along and child support has been agreed upon?

A: Yes. It is important to establish paternity as soon as possible for both parents and the child. Relationships between two people can change over time. People can die, become disabled, move away, or change their minds. Additionally, benefits such as Social Security, Veterans, and insurance coverage are only available to the child if paternity has been established.

Q: Will establishing paternity guarantee the biological father visitation rights?

A. No. A father with paternity established has to request a visitation and/or custody order from the court. Until otherwise ordered by a court, written agreements, preferably agreements that are a result of mediation are encouraged to document the scope of the legal and physical custody of the child. OCSS does not handle visitation or custody issues. Parents should seek the advice of an attorney and/or mediator.

Q: What if the mother is on public assistance?

A: If a child is receiving public assistance in the form of Temporary Assistance to Needy Families, Medicaid, or day care assistance, a child support case is opened automatically to determine the biological father. If the mother does not cooperate with OCSS, her TANF benefits are reduced by 25%, her needs are removed from SoonerCare (Medicaid) benefits, and her child care benefits are closed.

In certain situations, the mother may be exempt from cooperating with OCSS by claiming good cause.

Child Support

Q: What does Oklahoma Child Support Services do?

A: Our mission is to enhance the well being of children. We establish, monitor and enforce a reliable source of support for the families we serve.

One responsibility of OCSS is to assist parents in establishing paternity. Once paternity is established, OCSS establishes a child

support order and takes necessary steps to enforce the order, in accordance with Oklahoma law.

Q: Can the alleged father of a child born out of wedlock apply for child support services?

A: Yes. A father desiring to prove or disprove paternity has the legal right to apply for child support services. If genetic testing proves that he is not the biological father of the child, OCSS closes the child support case. However, once paternity is established and a support order is entered, OCSS will use all available enforcement remedies to collect child support.

Q: Will the father have to pay child support if the Acknowledgment of Paternity form is completed, signed and witnessed?

A: The Acknowledgment of Paternity establishes the biological father as the legal father of the child, but it does not automatically set a child support order. Signing the Acknowledgment gives the court system the legal basis to establish child support based upon child support guidelines. A private attorney or OCSS can assist in setting the amount of support each parent must provide. The court may also require either parent to provide health insurance when a group plan is available. The parents may also be responsible for a percentage of health care costs not reimbursed by insurance as well as child care costs.

Notice:

The staff of the hospital, birthing center, midwife and Oklahoma Child Support Services can give you information, but they cannot give you legal advice. For legal advice, an attorney should be consulted.





The information in this booklet is based on Oklahoma law in effect at the time the publication was issued.

Oklahoma Child Support Services

P.O. Box 248822

Oklahoma City, Oklahoma 73124

Statewide:	1-800-522-2922
Oklahoma City Metro:	522-2273
Tulsa Metro:	295-3500
Relay Oklahoma TTY	711 or 1-800-722-0353

Visit www.okdhs.org and click on Child Support to the left.

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