

Mother

Father

mother  
father

# PARENTAGE



# Questions

# &

# Answers

birth certificate

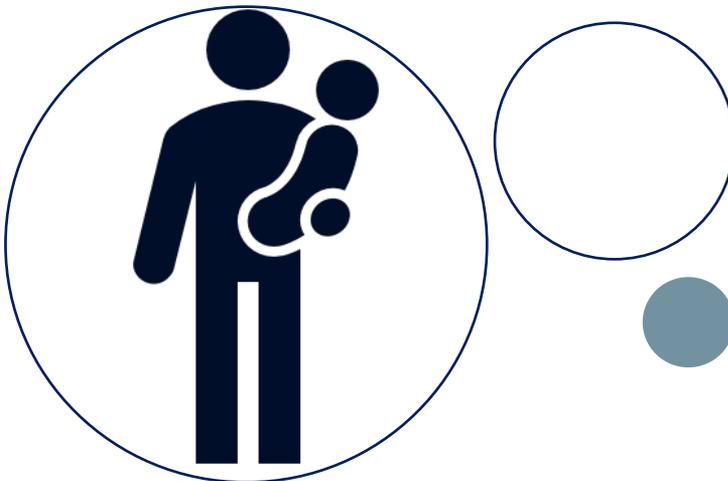
## **Please Note**

The staff at the hospital, Vital Records and the Office of Child Support Services, can give you general information, but they CANNOT give you legal advice. The attorneys with the Office of Child Support Services attorneys do not represent either party.

For legal advice, you should consult a private attorney.

## **Updated Information**

The information in this booklet is based on laws in effect in the State of Rhode Island as of October 1, 2019





# WHAT IS PARENTAGE?

PARENTAGE, OR PATERNITY IS A LEGAL PARENT CHILD RELATIONSHIP required when obtaining a court order for child support and / or medical support. Paternity usually refers to fatherhood.

In Rhode Island there are different ways parentage may be established:

## MARRIAGE:

If parents are married when a child is born, the law presumes that they are the child's legal parents.

An unmarried mother and father can agree to sign a "Voluntary Acknowledgement of Paternity" form to establish paternity immediately following the birth of a child at the birthing hospital. Hospital records staff are trained and explain the voluntary process, parents' rights and responsibilities, provide informational pamphlets, and provide answers to any question's parents may have. Signing the "Voluntary Acknowledgement of Paternity" declares both parents readily acknowledge that they are the child's parents. It will ensure the fathers name will be listed on the child's birth certificate

If there is no court challenge to the acknowledgement it will be finalized sixty (60) days after it is signed.

Currently the law in RI only allows a heterosexual couple to sign a Voluntary Acknowledgement of Paternity form.

## COURT ORDER

If paternity was not voluntarily established by signing the Voluntary Acknowledgement of Paternity form and at any time the State is providing benefits to your child through the Rhode Island Works Program (RIWORKS), Child Care Program or Rite Care, then the State will establish parentage by filing a Complaint for Paternity and Support. If the

father denies parentage, the state will schedule DNA testing. DNA testing can rule him out as the father OR show a high probability that he is the father. If the DNA tests show a high probability of paternity, then the Court will likely establish paternity in a court order. If RIWORKS is not being provided to the child, the parent can fill out an application to obtain the services of OCSS to legally establish parentage. If the case goes to Court, the Court can order DNA tests for the parents and the child to determine if he is the father. DNA testing is highly accurate. If the test finds that he is the father, he will, most likely, be ordered by the Court to pay child support and provide health insurance for the child, if available at a reasonable cost.



### What is so important about establishing parentage?

Establishing Parentage for the child is an extremely important action. The child has the right to all the benefits that come with establishing paternity:

The child and his or her parent have the right to a parent-child relationship. They both deserve the opportunity to develop, enjoy and grow in this relationship.

- Ⓒ The child may be entitled to benefits such as health insurance, social security, pensions, veterans' benefits and child support.
- Ⓒ The child will know about his/her medical background.
- Ⓒ The child will have the right to inheritance.
- Ⓒ The child will have a sense of identity and belonging.

### Voluntary Acknowledgement of Paternity:

Pursuant to current Rhode Island State law, only a heterosexual couple may complete a form called the

Voluntary Acknowledgement of Paternity. The mother and father must complete the Voluntary Acknowledgement of Paternity form that is usually prepared in the hospital or birthing center when a child is born. Completing the Voluntary Acknowledgement of Paternity form establishes your child's parentage. You may also establish parentage by contacting the Office of Child Support Services (OCSS) to complete the paperwork necessary. You also have the option of filing paperwork as a self-represented litigant at the Rhode Island Family Court or to contact the Rhode Island Department of Health, Division of Vital Records to schedule an appointment to complete the required paperwork.



### Where do I obtain a Voluntary Acknowledgement of Paternity form?

Voluntary Acknowledgement of Paternity forms are available at the hospital, at the Department of Health, Division of Vital Records or at the Office of Child Support Services. The mother and father must complete the forms with a representative from one of these offices.



### Who can answer questions about the form or about the "Parentage Process"?

The hospital staff can assist in completing the Voluntary Acknowledgement of Paternity forms and can answer your questions. Also, staff are available at the Office of Child Support Services and can assist if you have any questions about parentage, after you have left the hospital.



## What if the mother of the child was married at the time of the birth of the child?

Currently, per Rhode Island State law: if a woman is married at the time of the child's birth, the spouse is presumed to be the legal parent of the child.

**Note:** RI has a law acknowledging same sex marriage.

If the child was born during a same sex marriage the child is presumed to be the legal child of that same sex spouse. Therefore, the full name of the spouse must be added to the child's birth certificate. The Court may later determine that he/she is not the parent. At that point, the biological father may then voluntarily acknowledge the child as his and his name would be added to the birth certificate. But the biological father's name cannot be added to the child's birth certificate until after the legal presumption is addressed. You can help speed up the process by providing the name of the spouse at the time of the child's birth.





## What about my child's last name?

When a Voluntary Acknowledgement of Paternity is completed at the hospital, the mother and the father may agree on the child's first, middle and last name. Whether the mother is single or married at the time of birth of the child, she may name the child any last name she chooses. Remember, if the Voluntary Acknowledgement of Paternity forms are signed after the birth of your child at the Office of Vital Records, the child's last name cannot be changed. In order to change the child's last name, a Petition for a name change must be filed at the Rhode Island Family Court. The Office of Child Support Services cannot assist you with a name change if that is the only service requested.



## Will the other parents name go on the child's birth certificate?

Yes. If the child was born of a marriage, whether that marriage was a same sex marriage or not, the other parents name must be added to the child's birth certificate. The spouse in that case is presumed to be the legal parent of the child.

Under current law in RI, only a heterosexual couple may acknowledge parentage through the voluntary process. The father's name, date and place of birth will go on the child's birth certificate but only if both parents sign a Voluntary Acknowledgement of Paternity or the Court has declared him to be the father per court order. The information on the Voluntary Acknowledgement of Paternity will be used on the child's birth certificate.



## Can a parent who is not yet 18 years old acknowledge parentage?

If the father is a minor, the **Affidavit for Males Under 18 Who Are Acknowledging Paternity of a Child** (for persons not financially dependent on their parents (VS-42C) or the Parental Consent for Minor Son to Sign a Voluntary **Affidavit of Paternity** (VS-42D) must also be completed.

Prior to completing the VS-420 form, hospital staff should obtain a government-issued picture ID from the parent and determine whether the parents of the minor father are still married to one another. If they are married either parent of the minor may give consent. If the minor's parents are divorced the parents will need to provide a certified copy of the divorce decree. If the parents have JOINT custody, either parent may give consent. If one of the parents has SOLE custody, only the parent with sole custody may give consent for the minor father to sign the Voluntary Affidavit of Paternity form.



If the parents were never married to one another AND the father's name is listed on the birth certificate of the minor father, either parent may give consent. Otherwise, ONLY the mother can give consent.



## Why is the birth certificate so important?

The child's birth certificate is a legal document. It is important that the information provided is as correct and complete as possible. Remember, your child's birth certificate will be used throughout his or her life. It is the document most often used to prove the child's full given name, place of birth and date of birth. It also gives information about names and other personal items of identification needed to prove citizenship, to get a passport and to allow someone to inherit when a parent dies. It is also needed for admission to school, work permit, driver's license, employment, to enter the armed services, marriage license, public assistance benefits, retirement pensions and social security benefits.



## Can a Voluntary Acknowledgement of Paternity be signed after the hospital stay?

YES. The parents can sign a Voluntary Acknowledgement of Paternity, at any time, and a new birth certificate will be prepared for the child that which will include the father's information. An appointment to complete the Voluntary Acknowledgement of Paternity can be scheduled at the Department of Health, Office of Vital Records. Also, staff from OCSS can help in completing the acknowledgment to establish the paternity of your child.



## Establishing Parentage for an older child

If you have not yet established paternity for an older brother and sister of your new baby, you and the child's father can sign a Voluntary Acknowledgement of Paternity at any time for the other child(ren). Remember, it is just as important for older children to have their paternity established as it is for babies.

Hospital staff cannot file a Voluntary Acknowledgement of Paternity form for your older child the way they can for your new baby. You may establish paternity for the older child through the Rhode Island Family Court or contact the Office of Child Support Services to complete the paperwork necessary to bring your case to Court. If you are a RI Works or Medical Assistance (MA) recipient, this service will be provided to you free of charge. If you are not on RI Works Assistance, you must apply for paternity and child support services. You also have the option of filing the paperwork yourself at the RI Family Court or to contact the Department of Health, Division of Vital Records.

If one of your children was born in another state, the Office of Child Support Services can assist you in establishing paternity.



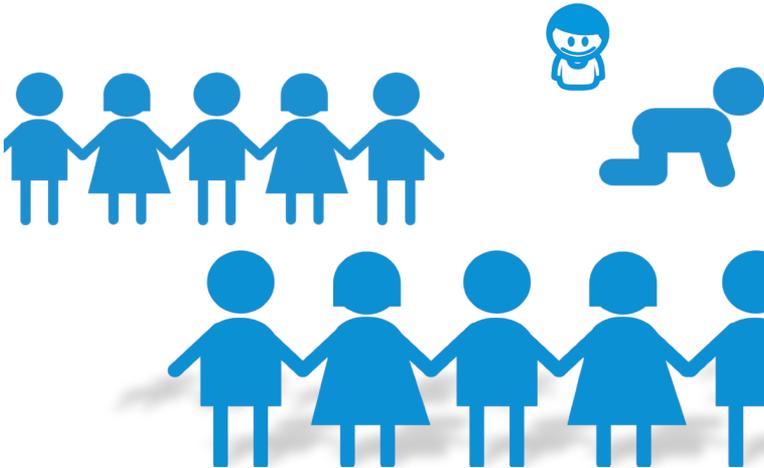


If the court orders DNA testing, who will be responsible for paying the testing fee?



The state pays for the test initially. If the father requests the DNA tests, the Court may order him to reimburse the State if he is determined to be the father.

**Okay,** I HAVE ESTABLISHED PARENTAGE FOR MY CHILD, NOW HOW DO I OBTAIN A CHILD SUPPORT COURT ORDER FROM THE OTHER PARENT??  
WHAT ABOUT RECEIVING MONEY???





## Is the other parent financially responsible for the child once parentage has been established?

YES. First, if the child was born during a same sex or heterosexual marriage, parentage is legally presumed, and the spouse is financially responsible for supporting the child and providing health insurance. Second, parentage can be established by Court Order and the parent would be financially responsible for supporting the child and for health care. Third, parentage can be established by signing the Voluntary Acknowledgement of Paternity. By signing, the father is saying he is the child's natural father and as the father, he is legally responsible for supporting the child and providing health insurance for him/her. Financial responsibility attaches only if the parents do not live together. The amount of child support he/she will have to pay is determined by the Family Court and is based on the gross income of both parents and a child support guideline chart monthly amount that is currently in effect. Other factors are taken into consideration to determine the child support amount are child care costs, medical expenses and other child support orders he/she is already paying. The Court may also determine that the other parent is unable to pay if he is disabled or collecting SSI.



## Will the other parent have to pay child support if he / she does not live in the same state as the child?

YES. All states have an agreement to collect child support payments from a parent who lives in a different state than his child. The hospital staff can assist in completing the Voluntary Acknowledgement of Paternity forms. They know how to complete the form and can answer your questions regarding establishing parentage. Also, staff at the OCSS can assist if you have any questions about parentage, after you have left the hospital.



## If the other parent is already paying child support, why is establishing parentage so important?

Even if the other parent agrees to help support the child now, he/she may change their mind or become disabled or even die. If he/she agrees to support the child, there are still other benefits such as social security, veterans and insurance benefits that are only available if parentage is established.







## What if the other parent is still in school fulltime and does not have a job?

As a parent, he/she has the responsibility to support the child. If the other parent is still in high school, the court may require the other parent to get a part-time job so that/she he can contribute to his child's support. It is important to the child to know that both parents contribute to the support him or her.



## What if there is an issue of Domestic Violence?

If an applicant will be applying to receive RIWORKS (cash) benefits from the State, Child Care Benefits, or Rite Care, they will be asked to name the other parent of the child. BUT, if they are afraid that he/she will cause harm to them or their child, they may be eligible for a good cause finding which may excuse them from pursuing the other parent. The eligibility technician must be advised of this when the application for cash benefits or medical benefits is submitted.



## Will the other parent have visitation and custody rights if parentage is established?

**Not automatically.** The other parent will not be guaranteed visitation and custody rights just because parentage has been established. Hopefully, parents will agree on their own about visitation and custody. However, if there is no agreement, but parentage has already been established, the other parent has the right to go to court and ask for visitation and custody. The Family Court decides the issues of visitation and custody and will choose what is in the best interest of the child.



## Why does a child need two legal parents? What is the big deal?

The raising of a child involves a lot of hard work. Having and raising a child is a great responsibility! Becoming a parent is a huge commitment! Children need lots of love and attention. Raising a child takes time and money but is also very rewarding. Even though the parents are not married, giving a child the emotional and financial support he/she needs from both parents is very significant to the successful future of a child.



# Mission

To enhance the well-being of children by assuring that assistance in obtaining support, including financial and medical, is available to children through locating parents, establishing paternity, establishing support obligations and monitoring and enforcing those obligations.

## Contact Us

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