

## **QUESTIONS AND ANSWERS ABOUT PATERNITY USUALLY ASKED BY DADS**

### **Q. WHAT IS PATERNITY?**

- A. Paternity means fatherhood. Establishing paternity means that an individual has been legally found to be the father of a child. When the parents are not married, the mother and father can agree to sign a Voluntary Acknowledgement of Paternity to establish paternity. Signing a Voluntary Acknowledgement of Paternity indicates that both parents have no doubt and want to admit that they are the child's parents.

### **Q. WHAT IS SO IMPORTANT ABOUT ESTABLISHING PATERNITY?**

- A. Establishing Paternity for your child is an extremely important event. Your child has the right to all the benefits that come with establishing paternity.
- ✓ You and your child have the right to a father-child relationship. You both deserve the opportunity to develop, enjoy and grow in this relationship.
  - ✓ Your child may be entitled to your benefits such as health insurance, social security, pensions, veterans' benefits and child support.
  - ✓ Your child will have the right to inheritance.
  - ✓ Your child will know about his/her medical background.
  - ✓ Your child will have a sense of identity and belonging.

### **Q. HOW DO I ESTABLISH PATERNITY FOR MY CHILD?**

IT IS EASY. All you and the mother have to do is complete a form called a **Voluntary Acknowledgement of Paternity**. A Voluntary Acknowledgement of Paternity will legally establish your child's paternity. A Voluntary Acknowledgement of Paternity is usually prepared in the hospital or birthing center when a child is born. You may also establish paternity by contacting the Office of Child Support Services (OCSS) to make an appointment. You also have the option of filing paperwork yourself at the Rhode Island Family Court or to contact the Department of Health, Division of Vital Records to make an appointment to complete the necessary paperwork.

### **Q. WHERE CAN I GET A VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY FORM?**

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

**Q. WHAT IF I HAVE QUESTIONS ABOUT THE FORM OR ABOUT THE PATERNITY PROCESS?**

- A. If you need assistance in completing the Voluntary Acknowledgement of Paternity form, hospital staff will be available to assist you. They know how to complete the form and can answer any questions you may have regarding paternity. Also, staff at the OCSS can assist you as well if you have any questions about paternity, after you have left the hospital. You can review the rights and responsibilities statement and view the CD called “The Power of Two” either at the hospital or at OCSS.

**Q. WILL MY NAME GO ON MY CHILD’S BIRTH CERTIFICATE?**

YES. Your name, your date and place of birth will go on the child’s birth certificate but only if both you and the mother sign a Voluntary Acknowledgement of Paternity. By signing a Voluntary Acknowledgement of Paternity form, you are legally saying that you are the father of the child. The only other way to get your name on the birth certificate is if the Court decides you are the child’s father. Note: You cannot complete a Voluntary Acknowledgment of Paternity Form if the mother was already married at the time of the child’s birth. In that case, the husband is legally presumed to be the father.

The child’s birth certificate is a legal document. It is important to both you and your child that the information you provide is as correct and complete as possible. The information on the Voluntary Acknowledgement of Paternity form will be used on the child’s birth certificate.

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 provides information about 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.

**Q. I AM THE BIOLOGICAL FATHER OF THE CHILD, BUT THE MOTHER OF MY CHILD WAS MARRIED AT THE TIME OF BIRTH OF MY CHILD, WHY CAN’T I COMPLETE THE VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY FORM?**

- A. Under RI Law, the husband is presumed to be the legal father of the child. The mother must provide her husband’s full name to be added to the birth certificate. If the Court excludes him as the father through DNA testing or through his affidavit of

denial, then you may acknowledge the child and your name will be substituted as the father on the child's birth certificate. The legal process must be followed.

**Q. WHAT ABOUT MY CHILD'S LAST NAME?**

A. When a Voluntary Acknowledgement of Paternity is completed *at the hospital*, the mother and the father agree on the child's first, middle and last name. If you do not complete the Voluntary Acknowledgement of Paternity at the hospital, the mother *must* give the child her last name if she is not married at the time of conception or birth. If the mother was married at the time of birth of the child, she may name the child any last name she chooses, including your last name. However, even if the mother decides to give your last name to the child, paternity has **not** been established. **Remember**, if you complete a Voluntary Acknowledgement of Paternity after the birth of the child at the hospital, the child's last name cannot be changed. In order to change your child's last name, you must file a Petition for a name change at the Rhode Island Family Court. The Office of Child Support Services cannot assist you with a name change.

**Q. CAN I SIGN A VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY LATER?**

A. YES. You can sign a Voluntary Acknowledgement of Paternity at any time except in the case where the mother is married to another individual. If you sign a Voluntary Acknowledgement of Paternity later, a new birth certificate will be prepared for your child that will include your information as the father of the child. If you decide to wait, you may make an appointment to complete the Voluntary Acknowledgement of Paternity at the Department of Health, Office of Vital Records or OCSS. The Family Court Clerk's Office also can help you in completing the necessary forms to establish the paternity of your child.

**Q. WILL I HAVE TO PAY CHILD SUPPORT IF I SIGN THE VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY FORM?**

A. YES. By signing the Voluntary Acknowledgement of Paternity, you are saying that you are the child's biological father. As the father, you are legally responsible for supporting the child and providing health insurance for him/her, if it is available at a reasonable cost. This is only if you and the mother of your child do not live together. The amount of child support you have to pay is based on your gross income. Other factors are taken into consideration to determine the child support amount, including the mother's income, day care and medical expenses. The Court will determine a reasonable amount of child support based upon child support guidelines presently in effect.

Q. **IF I DO NOT SIGN THE FORM, WILL I HAVE TO PAY CHILD SUPPORT?**

A. YES, if the Rhode Island Family Court determines that you are the father of the child and you are not living with the mother of your child. 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 RI Works, Child Care or Rite Care programs, then the State will attempt to establish paternity. If you deny paternity, the state will schedule you for DNA testing. If RI Works is not being provided to your child, the child's mother can go to Court on her own or can apply to obtain the services of OCSS to legally establish paternity. If your case goes to Court, the Court can order DNA tests for you, the mother, and the child, to find out if you are the father. DNA testing is highly accurate. If the test finds that you are the father, you will, most likely, be ordered by the Court to pay child support and provide health insurance for your child, if available at a reasonable cost.

Q. **WHO PAYS FOR THE DNA TEST?**

A. If you request DNA testing, the state will pay initially, but the Court may order you to pay back the State if you are found to be the father. If the Court finds that you are not the father, you will not have to pay the state for the costs of the test.

Q. **WHY SHOULD I BE RESPONSIBLE FOR CHILD SUPPORT IF THE MOTHER TOLD ME SHE WAS USING BIRTH CONTROL?**

A. Even if the pregnancy was an accident, you are legally responsible for supporting your child. It does not matter whether you agree with the pregnancy or not. Both, you and the mother have a legal responsibility to provide support for the child.

Q. **HOW CAN I BE SURE THE CHILD IS MINE?**

A. If you have any reason to believe the child is not yours (even if the mother says so), DNA tests can be taken to find out if you are the father. A Voluntary Acknowledgement of Paternity form **cannot and should not** be signed if you are not sure about the paternity of the child. If you deny paternity, the State can schedule, or the Court can order DNA tests for you, the mother, and the child. The DNA test can also prove that you are not the father. If you continue to deny paternity after the DNA test results have proven that you are indeed the father, you have the right to go to a trial to determine paternity.

Q. **IF I GO TO COURT FOR A TRIAL, WHAT RIGHTS DO I HAVE?**

- A. You have the right to have your case decided by the Court. You have the right to have an attorney represent you. If you choose to have an attorney represent you, you will be responsible for paying him/her. The Court cannot appoint an attorney to represent you. You also have the right to represent yourself in Court. You have the right to ask the Court to order DNA tests. You also have the right to challenge the DNA tests and claim that you are the child's father at the hearing. If the Court determines you are the father, you have the right to ask the Court for visitation or custody of the child.

Q. **I AM NOT 18 YEARS OLD YET, WHAT DO I HAVE TO DO? MAY I SIGN A VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY?**

- A. Even though you are not 18 years old, as the father of the child you can still sign the Voluntary Acknowledgement of Paternity. You must also provide either a written consent by your parent(s) or a complete statement that you are not financially dependent upon your parent(s).

Q. **I AM STILL IN SCHOOL FULL TIME AND I DO NOT HAVE A JOB. DO I STILL HAVE TO PAY CHILD SUPPORT?**

- A. As a parent, you have the responsibility to support your child. You are a student now. But someday you will have a job. The Court may require you to get a part-time job so that you can contribute to your child's support. A child support order is based upon your gross income as well as other factors. It is important to your child that both you and the child's mother support him or her.

Q. **THE MOTHER IS GOING TO MARRY SOMEONE ELSE AND HE IS GOING TO ADOPT MY CHILD,SO WHY ESTABLISH PATERNITY?**

- A. Sometimes plans to marry fall through. The adoption procedure can take a long time and require that you be notified. In the meantime, your child is entitled to child support and other benefits that come with establishing paternity.

Q. **DO I HAVE TO PAY CHILD SUPORT IF I DO NOT LIVE IN THE SAME STATE AS MY CHILD?**

- A. YES. All states have an agreement to collect child support payments from a father who lives in a different state than his child.

**Q. WHAT HAPPENS IF THERE IS A COURT ORDER FOR CHILD SUPPORT AND I DO NOT PAY?**

- A. The State uses many administrative actions to collect past due support. The State may:
1. Place a lien on real estate, insurance settlements and other assets that you might have.
  2. Report child support delinquencies to national credit bureaus. This information can negatively affect a person's ability to get a loan, and it may also be used for employment screening.
  3. Suspend your Driver's License and/or Professional License.
  4. Hold your lottery winnings.
  5. Prevent you from getting a passport or renewing your passport.
  6. Refer your case to the R.I. Attorney General or the U.S. Attorney for criminal prosecution.

**Q. WILL ESTABLISHING PATERNITY GIVE ME VISITATION AND CUSTODY RIGHTS?**

- A. NO. You will not be guaranteed visitation and custody rights just because you signed a Voluntary Acknowledgement of Paternity. Hopefully, you and the child's mother will agree on your own about visitation and custody. However, if you do not agree, but paternity has been already established, by signing a Voluntary Acknowledgement of Paternity, you have the right to go to Court and ask for visitation and custody. The Family Court decides issues of visitation and custody and will choose what is in the best interest of your child. Remember, you will have a much better chance of developing a relationship with your child if you sign the Voluntary Acknowledgement of Paternity Form.

**Q. WHY DOES A CHILD NEED TWO LEGAL PARENTS? WHAT IS THE BIG DEAL?**

- A. Raising a child involves a lot of hard work. Having and raising a child is a great responsibility! Becoming a father 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 you are not married to the mother of your child, giving your child the emotional and financial support he/she needs is very significant to the outcome of the child's life.