

ANSWERS TO QUESTIONS ABOUT PATERNITY FREQUENTLY ASKED BY MOMS

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 Form to establish paternity. Signing a Voluntary Acknowledgement of Paternity indicates that both parents 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:

- ✓ Your child and his or her father have the right to a father-child relationship. They both deserve the opportunity to develop, enjoy and grow in this relationship.
- ✓ Your child may be entitled to his 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?

A. IT IS EASY. All you and the father 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 through the Rhode Island Family Court or by contacting the Office of Child Support Services (OCSS) to complete the paperwork necessary to bring your case to Court. 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. 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. You and the father 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, hospital staff will be available to assist you. They know how to complete the form and can answer your questions 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.

Q. **WHAT IF HE DENIES HE IS THE FATHER?**

A. DNA tests can be taken to prove paternity. If the father denies paternity, a DNA test will be scheduled for you, the father, and the child. DNA tests can also prove that he is not the father. If the father still denies paternity after the DNA testing results have shown he is the father, the Court can then make a *finding* of Paternity.

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

A. If the father requests the DNA tests, the State will pay initially, but the Court may order him to reimburse the State.

Q. **HE DOES NOT THINK HE SHOULD BE RESPONSIBLE FOR CHILD SUPPORT. HE THINKS THE PREGNANCY IS MY FAULT. HE TOLD ME I SHOULD HAVE BEEN USING BIRTH CONTROL.**

A. Even if the pregnancy was not planned, both you and the father are legally responsible for supporting your child. It does not matter whether he agreed to the pregnancy or not.

Q. **DO I HAVE TO NAME THE FATHER IF I AM AFRAID HE WILL HURT ME OR MY CHILD?**

A. NO. If you will be applying to receive RIWORKS (cash) benefits from the State, Child Care Benefits, or Rite Care, you will be asked to name the father of your child. BUT, if you are afraid that he will cause harm to you or your child, you may be eligible for a *good cause* finding which may excuse you from pursuing the father. You must tell the eligibility technician, when you first apply for cash benefits or medical benefits, that you are afraid he will cause you or your child harm.

Q. **WILL HE HAVE TO PAY CHILD SUPPORT IF HE DOES NOT LIVE IN THE SAME STATE AS THE 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. I AM 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 the natural father is entitled to notification. In the meantime, your child is entitled to child support and the other benefits that come with establishing paternity.

Q. MY CHILD'S FATHER IS STILL IN SCHOOL FULL TIME AND DOES NOT HAVE A JOB. WHY SHOULD I ESTABLISH PATERNITY?

- A. As a parent, the father has the responsibility to support his child. He may be a student now, but someday he will have a job. The Court may require him to get a part-time job so that he can contribute to his child's support. It is important to your child that both you and the child's father support him or her.

Q. WHAT IF I AM MARRIED AT THE TIME OF BIRTH OF MY CHILD?

- A. Under RI law, your husband is presumed to be the father of the child, meaning he is the legal father. Therefore, you must provide the full name of your husband to be added to the child's birth certificate. The Court may later determine he is not the father. 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 in your husband is addressed. You can help speed up the process by providing the name of your husband at the time of birth.

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 the father is not at the hospital to complete the Voluntary Acknowledgement of Paternity, you *must* give the child your last name if you were not married at the time of conception or birth. If you are married at the time of birth of the child, you may name the child any last name you choose. However, just because you give your child the biological father's last name, does not mean paternity HAS been established. **Remember**, if you complete the Voluntary Acknowledgement of Paternity after the birth of your child at the hospital, your 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. I AM NOT 18 YEARS OLD YET, MAY I SIGN THE FORM?

- A. Even though you are not 18-years-old, as the mother of the child, you may still sign a Voluntary Acknowledgement of Paternity.

Q. WILL THE FATHER'S NAME GO ON MY CHILD'S BIRTH CERTIFICATE?

- A. Yes. The father's name, date and place of birth will go on the child's birth certificate but only if both you and the father sign a Voluntary Acknowledgement of Paternity or the Court has decided who the father is. 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 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 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.

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

- A. YES. You and the father can sign a Voluntary Acknowledgement of Paternity at any time. If you sign a Voluntary Acknowledgement of Paternity later, a new birth certificate will be prepared for your child that will include the father's information. 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. Also, staff from OCSS or the Family Court Clerk's Office can help you in completing the necessary forms to establish the paternity of your child.

Q. WILL THE FATHER HAVE VISITATION AND CUSTODY RIGHTS IF PATERNITY IS ESTABLISHED?

- A. Not automatically. He will not be guaranteed visitation and custody rights just because the two of you signed the Voluntary Acknowledgement of Paternity.

Hopefully, you and the child's father will agree on your own about visitation and custody. However, if you do not agree, but paternity has already been established by signing a Voluntary Acknowledgement of Paternity, the father 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 your child.

Q. IS THE FATHER FINANCIALLY RESPONSIBLE FOR THE CHILD IF WE SIGN THE VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY FORM?

- A. YES. By signing the Voluntary Acknowledgement of Paternity the father is saying he is the child's natural father. As the father, he is 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 father of your child do not live together. The amount of child support he will have to pay is based on how much he earns. Other factors are taken into consideration to determine the child support amount, including your income, day care and medical expenses. The Court will determine a reasonable amount of child support based upon child support guidelines presently in effect. The Court may also determine that the father is unable to pay if he is disabled.

Q. IF MY CHILD'S FATHER WILL NOT SIGN THE FORM, WILL HE STILL HAVE TO PAY CHILD SUPPORT?

A. YES, if the Rhode Island Family Court finds that he is the father of the 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 Rhode Island Works Program (RIWORKS), Child Care Program or Rite Care, then the State will attempt to establish paternity. If the father denies paternity, 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 establish paternity in a Court Order. If RIWORKS is not being provided to your child, you may go to Court on your own, hire the services of a private attorney 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 father, and the child to find out 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 your child, if available at a reasonable cost.

Q. DO I NEED TO ESTABLISH PATERNITY NOW IF THE FATHER AND I ARE GETTING ALONG AND HE IS HELPING ME SUPPORT OUR CHILD?

- A. YES. You should establish paternity now. Even if the father agrees to help support the child now, he may change his mind or become disabled or even die. If he agrees

to support your child, there are other benefits for your child as well , such as social security, veterans and insurance benefits that are only available if paternity is established.

Q. DO I HAVE TO TELL WHO THE CHILD'S FATHER IS AND ESTABLISH PATERNITY? WHAT IF I AM NOT SURE WHO THE FATHER IS? WHAT IF I DO NOT WANT ANYTHING TO DO WITH HIM?

- A. YES. You have to cooperate with OCSS by naming the child's father if you receive benefits from RI WORKS, Child Care Benefits, or Rite Care Benefits. If you are not sure who the father is, OCSS can help you. You will be asked questions about the man or men who may be the father, and it is required that you give as much correct information as possible. If you refuse to name the father, or refuse to help in the process of establishing paternity without *good cause* (meaning there is domestic violence), the amount of your cash benefits may be reduced due to lack of cooperation on your part.

Q. WHAT IF HE REFUSES TO PAY?

- A. The Office of Child Support Services uses many administrative actions to place liens on real estate, insurance settlements, and other assets that he might have. OCSS will also:
- 1) 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.
 - 2) Suspend Driver's and/or Professional Licenses.
 - 3) Place a hold on Lottery winnings.
 - 4) Prevent him from getting a passport or renewing his expired passport.
 - 5) Refer your case to the R.I. Attorney General or the U.S. Attorney for criminal prosecution.

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

- A. 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 you are not married to the father of your child, giving you child the emotional and financial support he/she needs from both parents is very significant to the outcome of the child's existence.

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