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# Establishing Paternity for Unmarried Parents

*What you need to know...*

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Having a child is a rewarding and life-changing experience. Before a child is born there are many exciting and important things to consider. This is especially true if the parents are not married.

Establishing paternity is the process of making the biological father the legal father of his child. If both parents are certain of the child's biological father, they can complete a Paternity Acknowledgment form at the hospital.

This booklet gives you important information about establishing paternity. There are answers to frequently asked questions, resources to partner organizations, and phone numbers if you'd like to call and speak with someone.

The South Carolina Parenting Opportunity Program (SCPOP) is here to help.

## *Having a Dad Makes a Big Difference in a Child's Life!*

Establishing a legal father benefits everyone involved.

### **It helps children...**

- ◆ Feel good about themselves because they know they are wanted
- ◆ Feel secure in knowing they are part of a family with two parents who care
- ◆ Know about both families' medical and family histories
- ◆ Get access to health insurance and benefits like Social Security and inheritance
- ◆ Grow up happier and healthier
- ◆ Stay away from high-risk behaviors

### **It helps moms...**

- ◆ Get help with responsibilities and decisions
- ◆ Share the joys of being a parent
- ◆ Divide the costs of bringing up the child

### **It helps dads...**

- ◆ Get legal rights to have a relationship with their child
- ◆ Show that they are committed to their child
- ◆ Create an emotional bond with their child and be a part of their child's life
- ◆ Share their side of the family with their child
- ◆ Ask the court to assist with visitation and custody matters



## What is Paternity?

Paternity is legal fatherhood. Establishing paternity is how a biological father becomes the legal father of his child if he is not married to the mother. Establishing a legal father is easy and it's free when you do it at the hospital. It's an important step for both the parents and child.

## How Paternity Is Determined

- 1. Marriage.** When the mother is married at the time a child is born, the law recognizes her husband as the child's *legal father*.
- 2. Recent Divorce.** When a child is born less than 280 days after a couple is divorced, the ex-husband is the child's "*presumed legal father*." Paternity cannot be established with another man until genetic testing and a court order exclude the ex-husband as the child's "presumed legal father."
- 3. Voluntary Paternity Acknowledgment.** When unmarried parents sign a form agreeing that they are the child's parents, the father's name will be placed on the birth certificate as the child's *legal father*. Sometimes parents have a genetic test to confirm that the man is the child's biological father before signing the Paternity Acknowledgment form.
- 4. Court Order.** Paternity may be determined by a court. If you have questions about this process, please call us toll free at (800) 768-5858.

## Acknowledging Paternity at the Hospital

If both parents are certain that the man is the child's biological father, they can complete the Paternity Acknowledgment form at the hospital after the child is born. This is free and is the easiest way to ensure the father's name will appear on the child's birth certificate so that he will be recognized as the child's legal father.

To complete the form, each parent must fill out their section and show a valid government-issued photo ID.

### Accepted forms of ID include:

- ◆ Driver's license
- ◆ State ID card (available at Department of Motor Vehicles offices for a small fee)
- ◆ Consular ID card or other government-issued, valid identification from country of origin (must be listed in the International ID Checking Guide to be accepted if it is from another country)

Contact DHEC Vital Records or the birthing hospital prior to the baby's birth if you have questions regarding acceptable forms of identification.

When the form is completed, it will be forwarded to DHEC Vital Records. Birth certificates must be ordered from DHEC Vital Records. For more information, contact Vital Records at (803) 898-3630.

If parents do not complete a Paternity Acknowledgment form at the hospital, only the mother's name will appear on the child's birth certificate.

## Acknowledging Paternity After Leaving the Hospital

A Paternity Acknowledgment form may be completed later at DHEC Vital Records or any DHEC county health department for a small fee. After processing, the birth certificate will be amended to include the father's name.



## Frequently Asked Questions

### 1. What if we are not sure who the biological father is?

If either parent is not 100% sure who the biological father is, they should not sign the Paternity Acknowledgment form at the hospital. After 60 days, the Paternity Acknowledgment becomes a legally binding document. In this situation, a genetic test should be taken before signing the form. You can go to a private genetic-testing lab or get a low-cost, court-admissible genetic test through DSS.

### 2. If we establish paternity, will the mother lose her government assistance?

The mother will NOT lose her government assistance by establishing paternity. In fact, if you are receiving TANF or certain categories of Medicaid, you will be required to give them information on the biological father so that DSS can pursue establishing paternity. SNAP (food stamps) and WIC are not affected by whether or not paternity is established.

### 3. If we establish paternity, does the father have to pay child support?

No. Part of the father's responsibility as the legal father is to support his child. Most couples work that out between themselves. If you cannot work it out, or either side is not satisfied with the arrangement, you can pursue court-ordered child support.

### 4. Do we need to establish paternity if we are getting along and/or are planning to get married?

Yes. You should establish paternity now. Even if the father agrees to help support the child now, he may become disabled, or pass away. There are benefits that are only available if paternity is legally established, including Social Security benefits, veterans' benefits, various insurance benefits, and, in some cases, inheritance rights.

### 5. If we don't complete a Paternity Acknowledgment form at the hospital, can we establish paternity later?

Yes. Both parents of the child can go to DHEC Vital Records or any DHEC county health department to complete the form. Both parents are also required to show a valid, government-issued photo ID and provide their Social Security number, if they have one. There will be a fee to complete the form after you leave the hospital. It's free if you do it at the hospital.

### 6. What rights does the father have if he does not acknowledge paternity?

None. If the father does not complete the Paternity Acknowledgment form, he is not the legal father of the child and will have NO RIGHTS. His name will not be on the child's birth certificate. He will not have visitation or custody rights. He will have no legal say in decisions such as education, medical treatment, or faith beliefs. He cannot claim his child on his income taxes and he will not be notified if his child is being adopted.

### 7. What if one parent wants to establish paternity but the other does not?

- ◆ If the mother wants to establish paternity but the father doesn't, she can file a Custodial Parent Application for Child Support Services and request genetic testing. She can also request to start a child support case by completing an application, but this is not required to determine paternity.
- ◆ If the father wants to establish paternity but the mother doesn't, he can complete a Non-Custodial Parent Application for Child Support Services. This will allow him to establish paternity if the mother does not want to sign the Paternity Acknowledgment.

### 8. If we complete the Paternity Acknowledgment form, will the father have visitation rights?

Yes. Most couples work out a visitation schedule on their own. However, you may contact the Visitation Involvement Parenting (VIP) Program at DSS if you need help. Unfortunately, VIP is not available in every county. For more information or to see if you qualify, call (800) 768-5858. You may also file a case in family court and ask the judge to set a visitation schedule.

### 9. What if one of us changes our mind after signing the form?

If either parent changes their mind for any reason, you have 60 days to rescind (cancel) the paternity acknowledgment. However, a court order will still be required to remove the man's name from the birth certificate. After the 60-day period, voluntary acknowledgment of paternity becomes conclusive evidence of paternity and may be challenged in court only on the basis of fraud, duress, or material mistake of fact.



**10. What if the mother is married or recently divorced from a man other than the biological father?**

If the mother is or was legally married to another man at any time during her pregnancy, or gives birth within 280 days of her final order of divorce, the husband is considered the child's presumed legal father. In this case, the biological father cannot complete a Paternity Acknowledgment form. If this is your situation, please contact SCPOP at (866) 914-8786 or (803) 898-8188 for information on how to get the biological father's name on the child's birth certificate.

**11. Do you have to be a certain age to complete a Paternity Acknowledgment?**

No. In South Carolina, there are no age restrictions when it comes to completing the Paternity Acknowledgment form. If you are under 18 years old and are parents, it is your decision whether or not to acknowledge paternity. Under-aged parents do not need their parents' consent to establish paternity.

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## Resources for Parents

**South Carolina Center for Fathers and Families**

[www.scfathersandfamilies.com](http://www.scfathersandfamilies.com)

**Text4baby**

[www.text4baby.org](http://www.text4baby.org)

**Babycenter**

<https://www.babycenter.com>

**National Fatherhood Initiative**

[www.fatherhood.gov](http://www.fatherhood.gov)

**Buckle Buddies SC**

[www.bucklebuddies.org](http://www.bucklebuddies.org)

**South Carolina Partners for Healthy Children**

[www.benefits.gov](http://www.benefits.gov)

**South Carolina Child Care Early Care and Education**

<http://scchildcare.org>

**Safe Kids South Carolina**

[www.safekids.org/coalition/safe-kids-south-carolina](http://www.safekids.org/coalition/safe-kids-south-carolina)

**Summer Food Service Program**

<https://dss.sc.gov/content/customers/food/sfsp/index.aspx>

## General Resources

State agencies that you may wish to contact if you have questions:

**South Carolina Department of Social Services Integrated Child Support Services Division (ICSSD)**

*P.O. Box 1469*

*Columbia, SC 29202-1496*

*Phone: (800) 768-5858*

*[www.state.sc.us/dss/csed](http://www.state.sc.us/dss/csed)*

**South Carolina Department of Health and Environmental Control (DHEC) Division of Vital Records**

*2600 Bull Street*

*Columbia, SC 29201*

*Phone: (803) 898-3630*

*[www.scdhec.gov/VitalRecords](http://www.scdhec.gov/VitalRecords)*

**South Carolina Parenting Opportunity Program**

*Phone: (866) 914-8786 or (803) 898-8188*

*[www.state.sc.us/dss/csed/patest.htm](http://www.state.sc.us/dss/csed/patest.htm)*

