

# FAQs About Establishing Paternity



## 1. What if I am not sure who the biological father of the child is?

If you are not sure who the biological father of the child is **YOU SHOULD NOT SIGN THE PATERNITY ACKNOWLEDGMENT!** You should pursue DNA testing. You can either go to a private DNA testing facility or *you can get a low cost DNA test through DSS.*

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

No. 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 they can pursue establishing paternity. Food stamps and WIC are not affected by whether or not paternity is established.

## 3. If we establish paternity will he have to pay court-ordered child support?

No. However, part of his responsibilities as a legal father is to provide financial support. Hopefully, you can work that out on your own, but if you are not satisfied you can pursue court ordered child support.

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

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. There are benefits that are only available if paternity is legally established, for example, Social Security, veterans' and insurance benefits for your child.

## 5. Can we complete a paternity acknowledgment to establish paternity at a later time

Yes. Both parents of the child(ren) can go to the local County Health Department or the State Office of Vital Records and complete a paternity acknowledgment. You both will need a valid picture ID and your social security number. There is a small fee to complete a paternity acknowledgment after your child's birth.

## 6. What rights does he have if he is not willing to acknowledge paternity?

If he is unwilling to complete the **Paternity Acknowledgment form** then he ***is not considered*** the legal father of your child and he will have **NO RIGHTS** to your child. If he is unwilling to establish paternity but you want to establish paternity you can complete a Custodial Parent Application for Child Support Services and request paternity establishment only or establishment and child support (it is your choice).

## 7. If we complete the paternity acknowledgment will the father have visitation rights?

No. Visitation rights and paternity establishment are separate issues. If you cannot come to an agreement on your own, the Visitation Involvement Parenting (VIP) Program, can help you establish a visitation schedule without having to go to court. ***Unfortunately, the VIP Program is not available in every county in South Carolina at this time.*** To find out more information, contact Linda Cook at (803) 898-9350 or (800) 768-5858.

## 8. What can a parent do if the other parent does not want to establish paternity?

Either parent can seek to establish paternity by requesting a DNA test application from DSS. DSS can get a court order requiring the other parent to cooperate if necessary. Another option is to hire an attorney.

## 9. What if one of us changes our mind later on about acknowledging paternity?

If either of you do change your mind for any reason, you have 60 days to rescind (cancel) the paternity acknowledgment. However, a court order will still be required in order to remove the man's name from the birth certificate. ***Upon the expiration of the 60 period to rescind, a verified 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.***