

ABOUT THIS MANUAL

This manual was designed by Policy Studies Inc. to assist you with the administration of the South Carolina Parenting Opportunity Program (SCPOP), which is sponsored by the Department of Social Services, Child Support Enforcement Division. SCPOP plays an important role in the Voluntary Paternity Acknowledgment process at your hospital. This manual will provide you with the background and goals of the SCPOP and the specific processes involved.

After completing this manual, you will be able to:

- Understand the background and purpose of the South Carolina Parenting Opportunity Program and its integration into the birth registration process;
- Identify and complete the paternity form used in this program;
- Answer basic questions about the form and the program;
- Know which questions are appropriate to answer; and
- Understand the steps the form follows once it leaves the hospital.

QUESTIONS

Questions about the South Carolina Parenting Opportunity Program or requests for more brochures, flyers, or information regarding DNA Testing may be directed to:

The Department of Social Services, Child Support Enforcement Division South Carolina Parenting Opportunity Program

3346 Rivers Avenue, Suite E
Charleston, SC 29405
Toll-Free Phone: 866.914.8786
Fax: 843.953.9155
Email: scpop@dss.sc.gov

Any questions about Birth Certificates, Paternity Acknowledgments, or to request blank Paternity Acknowledgment Affidavits or Rights and Responsibilities forms may be directed to:

Office of Vital Records

SC DHEC
2600 Bull St
Columbia, SC 29201
Phone: 803.898.3630
Fax: 803.898.3761

Office of Vital Records Field Consultants for Hospital Staff

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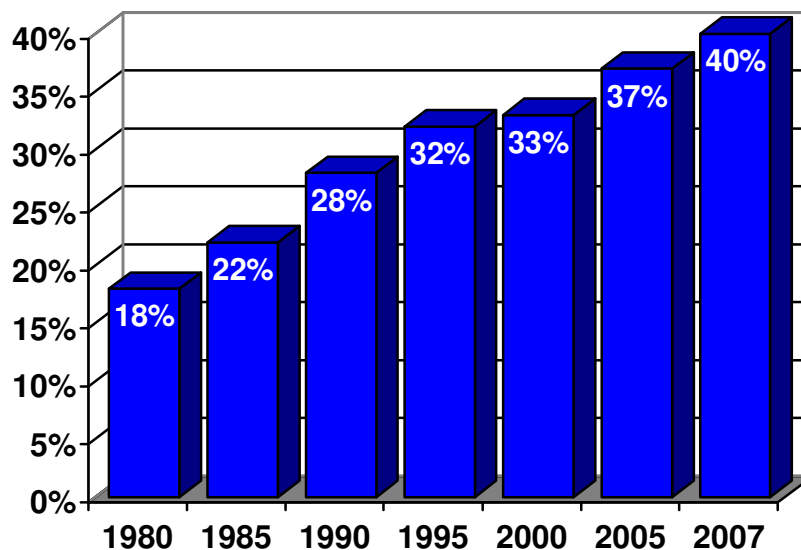
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SECTION 1 BACKGROUND

THE NEED FOR VOLUNTARY PATERNITY ACKNOWLEDGMENT

Over the past two decades, the number of American children born out of wedlock has increased dramatically. In 1980, 18% of births in the United States were to unmarried parents; by 2007, that number had increased to 40% of all births. South Carolina has experienced similar trends; **in 2009, the out-of-wedlock birth rate in South Carolina was 49%, somewhat higher than the national average.**

Percent of Births to Unmarried Women in the U.S.



Source: National Center for Health Statistics, 2006

The rising out-of-wedlock rate has caused great concern among policymakers, largely because high rates of births to unmarried parents are closely related to elevated rates of child poverty and increased welfare dependency. Children who do not have paternity established also are deprived of other benefits, including the economic security of child support, and the potential for social security and veteran's benefits; health insurance coverage; knowledge of medical history, and social identity.

WHAT IS PATERNITY ESTABLISHMENT?

Paternity establishment is needed when a child is born to an unmarried mother and a legal father has not been determined. Paternity means legal fatherhood. Establishing paternity provides the child with a legal father.

Acknowledgment of paternity is the voluntary process of both parents signing a Voluntary Paternity Acknowledgment Affidavit (PATAACK), legally declaring the paternity of a child. (See the APPENDICES for a copy of the PATAACK).

Establishment of paternity is the legal process of determining fatherhood by court order, acknowledgment, or any other method provided by state law.

WHY SHOULD YOU HELP WITH PATERNITY ESTABLISHMENT

Federal and State law requires hospitals to participate in the completion of Paternity Acknowledgments. This guide is to assist hospital staff in complying with this law.

FEDERAL LEGISLATION

Legislation on the national and state levels was passed to address the problems that result when children are born to unmarried parents. Since 1994, states have been required to offer voluntary paternity acknowledgment opportunities through hospital-based programs. South Carolina's voluntary paternity program has been operational since 1988. In August of 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was enacted. PRWORA required that states adopt additional laws supporting voluntary paternity acknowledgment. These additional provisions are designed to strengthen existing paternity programs.

Under PRWORA, all states are required to develop procedures for a simple civil process for voluntarily acknowledging paternity. The procedures must provide that before a mother and alleged father can sign a voluntary acknowledgment form, they must be given notice (orally and in writing) of:

- The alternatives to signing the form
- The legal consequences of signing the form
- The rights and responsibilities that arise from acknowledging paternity

The procedures must also specify that the name of the father can be included on the child's birth record only if the mother and father have both signed the voluntary acknowledgment form. The acknowledgment is considered to be a legal finding of paternity once it is recorded unless either parent rescinds the acknowledgment within 60 days of the last signature. A rescission will not cause or allow an amendment to the birth certificate. However, it will remove the man as the legal father of the child. In order to have the father's name removed or to change the child's surname, a certified copy of a court order directing vital records to amend the birth certificate is required.

STATE LEGISLATION

In South Carolina, the **Family Independence Act of 1995** was created in order to implement a Voluntary Paternity Acknowledgment process in birthing centers. SC State Law 44-7-77 reads "The Department of Health and Environmental Control and the State Department of Social Services, in conjunction with the South Carolina Hospital Association, shall develop and implement a program to promote obtaining voluntary acknowledgments of paternity as soon after birth as possible and where possible before the release of the newborn from the hospital." As part of the birth registration process, birthing hospitals are to collect the information about the father needed to establish paternity. If a Voluntary Paternity Acknowledgment is not completed by the unmarried parents, the hospital should try to collect information about the father on the Putative Father Information Form to assist in the establishment of paternity at a later date.

(See the APPENDICES for a list of Federal and State Laws on Paternity Acknowledgments and In-Hospital Paternity Acknowledgment Programs).

WHAT IS THE PATERNITY ESTABLISHMENT PERCENTAGE (PEP)?

- PEP is a child support performance factor for which Child Support Enforcement Division is held accountable to by the federal government.
- The Federal goal for Total PEP for all states is **90% of all unmarried births**. Meeting that standard allows South Carolina to earn incentive money for the Temporary Assistance for Needy Families (TANF) program and avoid federal penalties.
- One way of calculating the Total PEP is Statewide PEP. It is calculated by dividing the number of children born to unmarried parents who have paternity acknowledged or established in South Carolina (in a given Federal Fiscal Year) by the number of children born to unmarried parents (in the previous year).
- In the Federal Fiscal Year (FFY) 2009 initial numbers show that there were **26,938** children born to unmarried parents with paternity acknowledged or established in South Carolina. There were **28,999** births to unmarried parents in the previous year. Dividing 26,592 by 28,999 gives us a statewide PEP of **92.9%** for FFY 2009. ***FFY 2009 is the first year that South Carolina has met the Federal standard of 90%!***
- The in-hospital PEP, which is different than the statewide PEP, is measured by dividing the number of paternity acknowledgments completed in hospitals (in the Federal Fiscal Year) by the number of unmarried births in hospitals (in the Federal Fiscal Year). In FFY 2009, there were **28,516** children born to unmarried parents with **12,711** having acknowledged paternity in the hospital. This calculates to an **in-hospital paternity acknowledgment percentage of 45%** in FFY 2009. In FFY 2008 it was 43% and in FFY 2007 it was 35%.
- Paternity Acknowledgments can also be completed at the State Office of Vital Records or at a local Vital Records office. In FFY 2009, 3147 paternity acknowledgments were completed at Vital Records. Adding that total to the 12,711 paternity acknowledgments done in hospitals, gives us a total of 15,858 paternity acknowledgments completed in the state. If we divide that by the 28,516 births to unmarried parents in FFY 2009, we come up with a Total Paternity Acknowledgment Percentage (PAP) of 56% for FFY 2009. ***The initial goal of the South Carolina Parenting Opportunity Program is to see the Total PAP get to and stay above 60%.***

ARE THERE PENALTIES ASSOCIATED WITH PEP?

PEP must be maintained at 90% or better. If South Carolina does not meet the 90% standard in a given year, we are placed under a corrective action plan that requires us to increase our PEP by 2% the following year. If we meet the 2% increase, we are taken out of the corrective action plan. If we fail to meet the 2% increase, a penalty can be assessed against the state's Temporary Assistance to Needy Families (TANF) grant.

SECTION 2

THE SOUTH CAROLINA PARENTING OPPORTUNITY PROGRAM

THE IMPORTANCE OF PATERNITY ESTABLISHMENT

Paternity establishment provides a wide range of potential benefits for children and families, including the following:

- | | |
|------------------------|---|
| Relationship | It is important for a child to know his or her mother and father, and to benefit from a relationship with <i>both</i> parents. Once paternity is established, the father is more likely to maintain his relationship with the child. The father's extended family may also be more likely to participate in that child's life. |
| Identity | Children have a need to know both parents and their FAMILY HISTORY for a sense of IDENTITY AND FAMILY BELONGING . Only if unmarried parents acknowledge paternity will the father's information appear on the child's birth certificate. In the absence of a signed Paternity Acknowledgment (or a formal paternity proceeding), the father's section on the birth certificate remains blank. |
| Medical | When parents acknowledge paternity, the child will have access to information about medical histories on both sides of his or her family. This is especially important in situations in which the child inherits a medical problem. Additionally, after a father completes a Paternity Acknowledgment, he may be able to add the child to his medical insurance policy. |
| Custody and Visitation | If parents are unmarried at the time of a child's birth, the mother is presumed to have custody. However, by completing the paternity acknowledgment form, the father can ask the court for visitation rights and/or share in custody arrangements. |
| Adoption | If a father does not acknowledge paternity, his child can be adopted by another man without his consent or permission. |
| Financial Benefits | Acknowledging paternity potentially allows the child to qualify for important financial benefits from the father, possibilities include social security, life insurance, pensions, veteran's benefits and inheritance rights in the event that something happens to the father. |
| Financial Security | Both parents are expected to contribute to their child's FINANCIAL and EMOTIONAL SECURITY , because BOTH parents are legally and financially responsible for a child. This reduces the likelihood that either parent will have to apply for public, financial or medical |

assistance. Both parents have a responsibility to support their child—emotionally *and* financially. If the parents choose to separate and paternity has already been established, it will be easier for the custodial parent to obtain court ordered child support to aid in providing for the child, if necessary. The income from child support may keep a child from living in poverty.

Legal Rights Establishing paternity means that a child will have the same **LEGAL RIGHTS** as a child born to married parents.

Clearly, paternity acknowledgment is important for a number of reasons. The Voluntary Paternity Acknowledgment process, a process supported by the South Carolina Office of Vital Records (DHEC), the South Carolina Parenting Opportunity Program (DSS), and the South Carolina Hospital Association, provides an easy process that allows parents to establish paternity without going to court. This is a first step toward solidifying the father/child relationship. South Carolina's hospitals, local Vital Records Offices, DSS, and the State Office of Vital Records have formed a unique partnership for the benefit of the state's children and families.

GOALS OF THE SOUTH CAROLINA PARENTING OPPORTUNITY PROGRAM

The South Carolina Parenting Opportunity Program has the potential to increase the number of legal paternity acknowledgments completed for children born to unmarried parents. It is designed to achieve the following objectives:

- Enhance the voluntary paternity process that has operated in conjunction with the State's birth registration process;
- Encourage unmarried parents to acknowledge paternity voluntarily;
- Increase the number and quality of voluntary acknowledgments in South Carolina's birthing facilities;
- Educate the staff at South Carolina's birthing facilities and local Vital Records Offices about the significant role they play in educating parents who are unmarried about the importance of paternity acknowledgments for their children;
- Ensure that the increasing numbers of children born to unmarried parents obtain the benefits that paternity establishment offers;
- Improve the self-sufficiency of unwed mothers and reduce welfare costs; and
- Assist South Carolina in achieving federal performance measures to receive maximum incentive monies and to avoid penalties.

THE ROLE OF HOSPITALS IN PATERNITY ACKNOWLEDGMENT

South Carolina's birthing facilities play a critical role in the success of the paternity acknowledgment process. Under SC Code of Laws Section 44-7-77 (see APPENDICES), hospitals should provide unmarried mothers with the forms and information necessary to acknowledge paternity voluntarily. Fortunately, the hospitals already have effective processes for collecting birth information, processing birth records and completing Paternity Acknowledgments. Hospitals contribute to the paternity process by:

- Presenting unmarried parents the opportunity to acknowledge paternity voluntarily when their child is born;
- Providing parents with informational materials to help them understand what paternity acknowledgment can mean to them and their children;
- Orally explaining the rights and responsibilities to all unmarried parents as well as other options they have if the parents are not completely sure he is the father;
- Ensuring that paternity forms are processed correctly so that the father's information may be placed on the child's birth certificate;
- Notarizing the signing of the Paternity Acknowledgments; and
- Forwarding completed Paternity Acknowledgments to the State Office of Vital Records.

THE ROLE OF LOCAL VITAL RECORDS OFFICES IN PATERNITY ACKNOWLEDGMENT

South Carolina's local Vital Records Offices play an important role in the success of the Paternity Acknowledgment process. Local Vital Records Offices contribute by:

- Providing informational materials to parents to explain what paternity acknowledgment means for them and their child;
- Orally explaining the rights and responsibilities to all unmarried parents;
- Offering the opportunity to complete a Paternity Acknowledgment and assisting parents with the completion of the form; and
- Forwarding paternity documentation to the State Office of Vital Records.

THE ROLE OF THE STATE OFFICE OF VITAL RECORDS IN PATERNITY ACKNOWLEDGMENT

The State Office of Vital Records is responsible for overall coordination and administration of the state's birth registration process. Specific roles related to the paternity acknowledgment process include:

- Contributing to the development of standards and instructions for completing Paternity Acknowledgments;
- Maintaining the original Paternity Acknowledgments completed by hospitals and local Vital Records Offices;
- Auditing birth certificates and paternity documents to ensure that paternity for each child is properly recorded;
- Providing data regarding paternity status and hospital performance; and
- Adding the father's name to the birth certificate.

THE ROLE OF DSS CHILD SUPPORT ENFORCEMENT IN PATERNITY

ACKNOWLEDGMENT

The South Carolina Department of Social Services (DSS), Child Support Enforcement Division (CSED), provides assistance to parents who wish to establish paternity and collect child support from an absent parent. DSS, along with DHEC and the South Carolina Hospital Association, is also responsible the simple process for unmarried parents to acknowledge paternity *voluntarily*, without going to court. DSS created the South Carolina Parenting Opportunity Program (SCPOP) to help fulfill its role in the Voluntary Paternity Acknowledgment process. One of the main purposes of South Carolina Parenting Opportunity Program is to coordinate the development of brochures, videos, and other educational materials to make unmarried parents aware of their option to acknowledge paternity, their rights and responsibilities, and the importance of paternity acknowledgment for children.

South Carolina CSED has hired Policy Studies Inc. (PSI), a private contractor, to assist in the development of materials, training, and outreach efforts. PSI will serve as the Department of Social Services' (Child Support Enforcement Division) agent in working with the hospitals and vital records offices in matters relevant to the paternity acknowledgment program.

THE ROLE OF REGIONAL CHILD SUPPORT ENFORCEMENT OFFICES IN PATERNITY

ACKNOWLEDGMENT

Regional Child Support Enforcement (CSED) offices will review the information from the Paternity Acknowledgments that are completed in hospitals and local Vital Records Offices. When a case is opened or referred to CSED, the names of the parties will be compared with the records from the DHEC interface to determine if a Paternity Acknowledgment exists. This will enable the CSED worker to choose the best approach for proceeding with the case. In general, CSED will consider a signed Paternity Acknowledgment as a case of established paternity.

SECTION 3

OVERVIEW OF THE PATERNITY ACKNOWLEDGMENT PROCESS

THE PATERNITY ACKNOWLEDGMENT PROCESS AT THE HOSPITAL

Under South Carolina law, hospitals are responsible for giving unmarried parents the opportunity to legally establish paternity. Hospitals shall provide educational materials to the unmarried parents so they can make an informed decision about whether they should establish paternity. To establish paternity at the time of birth, parents must complete the Paternity Acknowledgment. (See the APPENDICES for a copy of the Paternity Acknowledgment). The hospital's role is to ensure that unmarried mothers and fathers have every opportunity to complete this form properly and to include the father's information on the child's birth certificate. To fulfill this role, hospitals must:

- Provide trained staff members to meet with unmarried parents;
- Inform unmarried parents of their option to establish paternity through a voluntary process, prior to discharge, and the opportunity to speak with staff who are trained to clarify information and answer questions about paternity establishment;
- Present the parents with information about paternity establishment, such as rights and responsibilities, legal consequences, and alternatives to signing a voluntary acknowledgment;
- Provide written materials and a video presentation outlining the paternity establishment process and their options;
- Have staff available to help parents complete the Paternity Acknowledgment and notarize the parents' signatures; and
- Enter the Paternity Acknowledgment information into the electronic birth system as well as sending the original signed and notarized Paternity Acknowledgment to the Office of Vital Records within five (5) days.

The Paternity Acknowledgment collects much of the same information as the birth certificate. Consequently, hospitals should process the Paternity Acknowledgments along with the birth certificates and compare the two documents to ensure their accuracy.

THE PATERNITY ACKNOWLEDGMENT PROCESS AT THE LOCAL VITAL RECORDS OFFICE

After the birth information has been transmitted electronically to the State Office of Vital Records via the EBC (Electronic Birth Certificate) system, parents who did not acknowledge paternity in the hospital must go the local Vital Records Office or State Office of Vital Records if they wish to acknowledge paternity using the Paternity Acknowledgment. Local Vital Records Offices are responsible for providing forms to parents, assisting parents in completing the forms, notarizing the signing of the forms, and sending the forms to the State Office of Vital Records.

The local Vital Records Office must check the child's birth certificate to ensure that no other man is listed as the father. If another man is listed, they should refer the parents to an attorney.

GENERAL GUIDELINES FOR HOSPITAL STAFF

The following guidelines to the paternity acknowledgment process provide you with some important things to remember.

PROVIDING GENERAL INFORMATION TO PARENTS ABOUT PATERNITY ACKNOWLEDGMENT

As unmarried parents arrive at the hospital for the birth of their child, they are excited, but they also may quickly feel overwhelmed by all the forms and information they receive. Their ability to read and understand the written materials you provide about the paternity acknowledgment process may be a challenge in itself in light of all that is happening. You are also limited by the short hospital stay to answer questions and gather information needed to complete the birth certificate and paternity acknowledgment form. To fulfill this requirement, and to maximize the chances of parents making informed decisions, consider the following:

- Many hospitals currently distribute information to mothers as part of an overall pre-registration process. If information relating to birth certificates and paternity acknowledgment is not part of this process, including it should be considered. ***Parents who receive paternity information in advance of their child's birth will have more time to consider their options, and will need less education once they arrive at the hospital.***
- Information relating to paternity acknowledgment should be distributed to the physicians, OBGYN offices, and other prenatal care providers that admit patients to your facility. A brochure about the Voluntary Paternity Acknowledgments has been produced for distribution, and the SCPOP staff will also be available for education and outreach efforts. ***The distribution of basic information through prenatal care providers will allow mothers and fathers to come to the hospital with a greater understanding of the paternity acknowledgment process and its requirements.***
- If information is introduced to the parents before or at the time of delivery, it is important to understand the sensitive nature of this process. It is also important that parents understand that this program is entirely voluntary; parents should never be pressured into completing the forms.

INSTRUCTING PARENTS AND ANSWERING QUESTIONS

Some fathers may not be present when the birth certificate is being prepared. ***Remind the parents that they must both sign the form, and that both signatures must be notarized.***

If the parents do **not** complete the Paternity Acknowledgment in the hospital, and they later want to place the father's information on the birth certificate, they will need to complete a Paternity Acknowledgment at a local Vital Records Office or at the State Office of Vital Records. Remind them that while there is no fee if the form is completed at the time of birth in the hospital, there is a \$27 fee to complete the PATACK at the local Vital Records Office (**a \$12 birth certificate search fee and a \$15 amendment fee**).

The parents may have questions about their rights and obligations under the law. If the written information does not answer all of their questions, advise them to contact the SCPOP hotline at 866.914.8786 or a private attorney. It is not lawful to give legal advice unless you are an attorney.

Some parents may wish to obtain genetic testing instead of completing a Paternity Acknowledgment. ***It should be explicitly clear to the parents that if they are uncertain about paternity and are considering a DNA test, they should not complete the Paternity Acknowledgment.*** If parents sign the Paternity Acknowledgment and then get a DNA test that shows the man who signed the Paternity Acknowledgment **IS NOT** the father of the child **AND** the sixty day period to rescind the Paternity Acknowledgment has passed, **they will not be able to remove his name from the Birth Certificate.** The reason for this is that in 1999 South Carolina Law made Paternity Acknowledgments conclusive evidence of paternity contested only on the basis of fraud, duress, or material mistake of fact.

FILLING OUT THE FORMS

The Paternity Acknowledgment is an integral part of the birth registration process and is a permanent legal record. Discrepancies or alterations on the form may substantially alter the form's legal integrity. For example, what appears today to be a minor cross-out could be used seventy-five years from now to eliminate inheritance rights of a grandchild of these parents because the court questions when such a change was made. These forms, as with birth certificates, must stand alone through time as substantial legal documents. Basic rules for completing the forms are listed below:

- The forms must be typed or printed in permanent black or blue, unfading ink.
- Cross-outs and/or the use of white-out are not acceptable; neither is the use of correction tape or correcting typewriters. As with other alterations to the form, it is impossible to determine if these corrections were made when the form was prepared or at a later date. Information typed over correction tape may be easily removed from the paper even by the friction of a sheet of paper on top of it.
- The information on the Paternity Acknowledgment must match the information on the birth certificate.
- All information requested on the form should be provided. In some very limited cases, complete information may be unavailable. If a parent was born in another country, enter the name of the country. Also, if a parent has no Social Security Number, it is acceptable to write "None." **No line items should be left blank.**
- Paternity forms will not be accepted if parents do not provide the necessary information. If parents refuse to provide certain information, the paternity form is considered incomplete and the father will not be added to the child's birth certificate.
- It is important to remember that this is a voluntary program and if parents wish to participate they must provide all necessary information. If you have questions about specific cases, you should contact the State Office of Vital Records at 803.898.3630.
- Federal law mandates collection of social security numbers for this program.

Parents should be advised that they are required to provide social security numbers if they have them.

SIGNATURES

- Both parents must sign the same form. Both signatures must be notarized.
- It is the ultimate responsibility of the notary that appropriate identification has been provided by the parents. A valid picture ID is appropriate identification (see discussion on proper identification on the bottom of page 15).
- Minor parents may sign the form. No guardian's signature is necessary.
- Both parents must complete the same form.

ISSUING COPIES OF THE FORMS

- The State Office of Vital Records does not issue copies of completed Paternity Acknowledgments since the document is not a public record unless so ordered by a court of competent jurisdiction or the record has been subpoenaed. Hospitals are also not allowed to issue a copy of a completed Paternity Acknowledgment.

PROCESSING COMPLETED FORMS

- After the Paternity Acknowledgment is completed at the hospital, including the notarized signatures of both parents, the information must be entered into DHEC's electronic birth certificate system and the original Paternity Acknowledgment must be sent to the State Office of Vital Records for processing.
- If there is an error on the Paternity Acknowledgment, the State Office of Vital Records will contact the hospital for correction. The hospital is then responsible for contacting the parents to get it corrected. If parents do not respond within 5 business days, the father should be removed from the birth record and the birth record should be filed with the State Office of Vital Records. Parents should be informed that a Paternity Acknowledgment can still be completed at their local Vital Records office or at the State Office of Vital Records for a fee of \$15.

SECTION 4

INSTRUCTIONS FOR COMPLETING THE PATERNITY ACKNOWLEDGMENT

The instructions below are for completing a Paternity Acknowledgment (DHEC Form 607). **This form is required in order to add the biological father's information to any birth record where the mother was not married at the time of birth, conception, or any time in between.**

In addition to adding the father's information to the birth certificate, this form constitutes a determination of paternity unless either parent requests a rescission at the local Vital Records Office or State Office of Vital Records within 60 days of completing the form. A rescission will not cause or allow an amendment to the birth certificate. However, it will remove the man as the legal father of the child. In order to have the father's name removed or to change the child's surname, a certified copy of a court order directing Vital Records to amend the birth certificate is required.

A Paternity Acknowledgment is used at the hospital when all of the following conditions are met:

- **A mother gives birth in South Carolina.** If the birth took place in another state, the parents should contact the state of the child's birth.
- **The mother was not married at the time of birth, conception, or any time in between.** If the mother was married at any time during the pregnancy, her husband (or ex-husband) is the legal father of the child. Even if she states that another man is the biological father of her child, they cannot complete a Paternity Acknowledgment. The name of her husband (or ex-husband) must be entered on the birth certificate as the father or the name of the father can be left blank on the birth certificate unless paternity has already been determined by a court order, in which case the name of the father as determined by the court will be entered. *(See the last page of the "Important Information for Unmarried Parents" flyer packet in the Back Jacket of this manual for information on how DSS can help these parents).*
- **The mother and biological father wish to acknowledge paternity at the time of birth.** To acknowledge paternity, both the mother and father must complete the Paternity Acknowledgment, show proper picture identification, and both their signatures must be notarized. (Note: Paternity can also be acknowledged later, after the birth is registered, if the mother and father complete a Paternity Acknowledgment at the local Vital Records Office or the State Office of Vital Records.)
- **The birth record has not already been sent to the State Office of Vital Records.** If the birth record has been transmitted to the State Office of Vital Records via the EBC system and the parents wish to acknowledge paternity, a Paternity Acknowledgment cannot be completed in the hospital. The Paternity Acknowledgment must be completed at a local Vital Records Office or the State Office of Vital Records. (The APPENDICES contains a list of the local Vital Records Offices in the state).

ESSENTIAL QUESTIONS REGARDING COMPLETION OF A PATERNITY ACKNOWLEDGMENT AFFIDAVIT

Question:	Yes/No	Follow these instructions:
Is the mother married to the biological father of the child?	YES	DO NOT complete a PATACK; It is not needed.
	NO	DO complete a PATACK
Is the mother married to someone other than the biological father?	YES	DO NOT complete a PATACK. The mother's husband is the legal father of a child born during their marriage, even if they are separated. The mother must obtain a court order stating the husband is not the father of the child before a PATACK can be completed (<i>See the last page of the "Important Information for Unmarried Parents" flyer packet in the Back Jacket of this manual for information on how DSS can help these parents</i>).
	NO	If the mother is unmarried, DO complete a PATACK.
Is the mother divorced?	YES	If the mother was divorced more than 280 days before the child's birth , then child is NOT considered a child of the marriage. DO complete a PATACK.
	NO	If the mother was divorced less than 280 days before the child's birth , DO NOT complete a PATACK. The mother's ex-husband is considered the child's father until a court order states otherwise.
Is the mother and alleged father 100% sure he is the biological father?	YES	DO complete the PATACK.
	NO	DO NOT complete the PATACK and suggest that they pursue genetic testing prior to signing the form.
Is the father of the baby married to someone else?	YES	DO complete the PATACK
	NO	DO complete the PATACK.

SPECIFIC INSTRUCTIONS FOR COMPLETING THE ITEMS ON THE PATERNITY

ACKNOWLEDGMENT

All items on the form are required and must be completed in the manner described below. It is important to remember that the information given on the Paternity Acknowledgment must match the information provided on the birth certificate. No items on the form should be left blank.

FRONT PAGE

NAMES OF PARTIES

- 1. Birth Certificate State File Number:** Enter the state file number listed on the birth certificate and the facility name. Do not enter the local file number.
- 2. Name of Father:** Enter the father's full name. Include first, middle, and last names, and suffix, if any.
- 3. Child's Sex:** Circle Male or Female to record the sex of the child.
- 4. Child's Date of Birth:** Date of birth must be the same as listed on the birth certificate. The name of the month must be listed as alphabetic. Do not use a numeric format for the month of birth.
- 5. Child's Place of Birth:** Enter the City and County in South Carolina where this birth occurred.
- 6. Current Name of Mother:** Enter the name of the mother with her current legal surname at the time of birth.
- 7. Maiden Name of Mother:** Enter the name of the mother prior to her first marriage.
- 8. Name of Child:** Enter the child's name as the parents have mutually agreed upon.

MOTHER'S INFORMATION

- 1. Mother's Date of Birth:** Enter the mother's birth date using the MM, DD, YYYY.
- 2. Mother's Place of Birth:** City, County, and State.
- 3. Mother's Social Security Number:** This item is required; it is not acceptable to leave the social security number blank. If the mother does not have a social security number, write "None" in this space.
- 4. Mother's Race**
- 5. Have mother read the bold section explaining the rights and responsibilities or read it for her.**
- 6. Signature of Mother:** The mother must sign the Paternity Acknowledgment **in the presence of a notary**. (Note: the notary should examine identification prior to the mother's signing the acknowledgment. *See notes on identification below.*)
- 7. Mailing Address of Mother:** The complete mailing address of the mother is required.

FATHER'S INFORMATION

- 1. Father's Date of Birth:** Enter the father's birth date using MM, DD, YYYY.
- 2. Father's Place of Birth:** City, County, and State.
- 3. Father's Social Security Number:** This item is required; it is not acceptable to leave the social security number blank. If the father does not have a social security number, write "None" in this space.
- 4. Father's Race**

5. **Name of Father's Employer:** Enter the name of the father's employer. If the father is unemployed, enter "None" in this space.
6. **Employer's Address:** Enter the address of the father's employer. If the father is unemployed, enter "None" in this space.
7. **Have father read the bold section explaining the rights and responsibilities or read it for him.**
9. **Signature of Father:** The father must sign the Paternity Acknowledgment **in the presence of a notary.** (Note: the notary should examine identification prior to the father's signing the acknowledgment).
10. **Mailing Address of Father:** The complete mailing address of the father is required.

CERTIFICATION THAT THE PATERNITY ACKNOWLEDGMENT WAS COMPLETED VOLUNTARILY

A witness is needed to acknowledge that neither of the people completing the Paternity Acknowledgment was forced to complete the Paternity Acknowledgment under duress or coercion. They must sign and date the form in the space provided. **The witness may be the same person who notarizes the form.**

NOTARIZING THE PATERNITY ACKNOWLEDGMENT

1. **Notary for the Mother's Signature:** The Notary section **must be completed for each parent** even in cases where the signatures are provided at the same time. The notary is attesting to the validity of the individual signatures. The notary must also enter the date on which he/she signs the form and their commission expiration date.
2. **Identification Presented by Mother:** The notary must enter the ID information.
3. **Notary for the Father's Signature:** The Notary section **must be completed for each parent** even in cases where the signatures are provided at the same time. The notary is attesting to the validity of the individual signatures. The notary must also enter the date on which he/she signs the form and their commission expiration date.
4. **Identification Presented by Father:** The notary must enter the ID information.

PROPER IDENTIFICATION FOR PATERNITY ACKNOWLEDGMENTS

In order for their signatures to be notarized, they need to present proper identification.

1. South Carolina Notary Law 26-3-40 subsection (2) states that the notary needs: **"...satisfactory evidence that the person acknowledging was the person described in and who executed the instrument."**
2. The State Office of Vital Records website states, "A valid/current government, school or employer issued photo identification document of applicant is required before a search of the records will be conducted."
3. **HOWEVER, the NOTARY is the deciding factor in all cases of which ID they feel comfortable affixing their name to. If the ID appears to be authentic in nature, does not appear to be tampered with, and provides satisfactory evidence of identification, it is acceptable.** If proper identification cannot be given, the father's information will not go on the birth certificate.
4. **SCPOP strongly encourages all hospitals to come up with a list of all valid identification cards that will be acceptable at their individual hospitals.**

THE BACK PAGE OF THE PATERNITY ACKNOWLEDGMENT

PATERNITY ACKNOWLEDGMENT PRIOR TO THE BIRTH OF THE CHILD

*This section will be used primarily for fathers who are in the military and will be stationed elsewhere and cannot be there for the birth of their child. **Please note that all the information on the front of this form concerning the father must also be completed at the time this section is completed.***

1. **Father's Name:** First, Middle, Surname.
2. **Mother's Name:** First, Middle, Maiden Name.
3. **Expected Date of Birth of the Child:** Enter the child's expected birth date using the MM, DD, YYYY.
4. **Child's Surname:** Enter the surname the parents choose for the child.
5. **Signature of the Father:** First, Middle, and Surname.
6. **Certification That The Paternity Acknowledgment Was Completed Voluntarily:**
A witness is needed to acknowledge that the father completing the Paternity Acknowledgment was not forced to complete the Paternity Acknowledgment under duress or coercion. They must sign and date the form in the space provided.
7. **Notary for the Father's Signature:** The Notary fills out their section and includes their commission expiration date.

RESCINDING THE PATERNITY ACKNOWLEDGMENT

Rescission of the Paternity Acknowledgment can be done by either parent within 60 days at the State Office of Vital Records in Columbia. A rescission will not cause or allow an amendment to the birth certificate. However, it will remove the man as the legal father of the child. In order to have the father's name removed or to change the child's surname, a certified copy of a court order directing Vital Records to amend the birth certificate is required.

GUIDELINES TO ASSIST WITH FEDERAL AND STATE LAW COMPLIANCE

- Give the "***Important Information for Unmarried Parents***" (SCPOP Brochure) to every unmarried mother. This brochure meets federal requirements to provide written notice regarding the legal consequences of signing the form, the rights and responsibilities that arise from acknowledging paternity, and the alternatives to signing the form.
- Show the SCPOP paternity video. This video meets federal requirements to provide oral notice regarding the legal consequences of signing the form, the rights and responsibilities that arise from acknowledging paternity, and the alternatives to signing the form.
- Assist both parents to ensure they understand the legal rights and responsibilities that appear on the PATAACK form.
- Make sure that all staff responsible for PATAACKs are also Notary Publics. Have trained staff who are notaries available on nights and weekends to help parents complete the PATAACK.

- Use the PATAACK form electronically whenever possible, and file the hard copy version of the PATAACK with the Office of Vital Records as quickly as possible, within the allowable 5 day period.
- Provide the SCPOP toll free telephone number **866.914.8786 for additional assistance or to find out about Paternity Testing offered by DSS.**
- Hospitals may find it helpful to use a script for talking with parents (see GUIDE TO ASSIST HOSPITALS WITH THEIR PATERNITY ACKNOWLEDGMENT PROGRAM in the Front Jacket of this manual).
- Informational flyers can also be given to parents in pre-admission packets, in pre-natal classes, in any information given by volunteer services, or by any means available to the hospital for distribution of information. They can also be posted in birthing areas or given to OBGYN offices to help with educating parents about the paternity establishment process prior to the birth of their child (see the "IMPORTANT INFORMATION FOR UNMARRIED PARENTS" FLYER PACKET in the Back Jacket of this manual).

IMPORTANT NOTES

- Make sure the PATAACK form is complete. DHEC will reject the PATAACK if the form has incorrect or missing information. This is one reason for lower paternity acknowledgment numbers.
- **It is federal and state law that all unmarried parents receive information on the voluntary paternity acknowledgment process at the time of the child's birth and that they have the opportunity to acknowledge paternity before leaving the hospital.**
- When both parents are available at the hospital, they are more likely to sign a PATAACK, so go the extra mile if they are both there.
- Parents can complete the PATAACK separately in the hospital within five days of birth, provided their signatures are notarized separately.

SECTION 5 SPECIAL SITUATIONS

TRANSLATIONS

A translation of the Paternity Acknowledgment and the Rights and Responsibilities are available in Spanish (contact the State Office of Vital Records for copies of them). Given the legal implications of signing a Paternity Acknowledgment, it is critical that parents understand the form. If a Spanish-speaking parent cannot read and complete the form in English, provide them with the Spanish version to complete.

LEGAL ADVICE

Do not provide legal advice. Legal advice means counseling and/or advising an individual about his or her obligations under the law. The Paternity Acknowledgment forms and the brochure contain information about establishing paternity and the rights and responsibilities of parents. If parents ask you legal questions, instruct them to read the forms or other information. If the written information does not answer the parents' questions, and their questions are legal in nature, do not attempt to answer them—direct the parents to seek legal counsel.

Examples of questions requesting legal advice include the following:

- Should I fill out this form if I am an undocumented immigrant?
- How will filling out this form affect the custody of my child?
- Will I be able to participate in public assistance programs if I do not name the father of my child?

GENETIC TESTING

If parents are unsure about paternity, or if they have questions about obtaining genetic testing, you can give them information about local companies who perform genetic testing and/or you can give them the SCPOP toll-free helpline number 866.914.8786. South Carolina CSED provides genetic testing at a significantly reduced rate for either parent.

DISESTABLISHING PATERNITY

The PATAACK is considered a “legal document” in the State of South Carolina from the time that it is notarized. Even if the Birth Clerk has not yet filed it with the State Office of Vital Records, it is considered a “legal document.” If a parent changes their mind within 60 days, they can go to the State Office of Vital Records and rescind their signature. A rescission will not cause or allow an amendment to the birth certificate. However, it will remove the man as the legal father of the child. In order to have the father's name removed or to change the child's surname, a certified copy of a court order directing Vital Records to amend the birth certificate is required. Upon the expiration of the sixty-day rescission period, ***“a verified voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger.”*** It is very difficult to disestablish paternity in South Carolina after the 60 day rescission period has passed.

ACCESS TO PATERNITY ACKNOWLEDGMENTS

The Paternity Acknowledgment is not a public record. Completed Paternity Acknowledgments are not available to the parents or the general public once received by the State Office of Vital Records.

SAFETY

If a woman fears for her safety, because of violence or potential violence from the father or another individual, or otherwise does not want to voluntarily acknowledge paternity, she does not have to name the father of the child. It is important to remember that this is a voluntary program and that mothers should never be pressured into establishing paternity.

ARTIFICIAL INSEMINATION AND OTHER FERTILITY ISSUES

Cases involving artificial insemination, surrogate parentage, donor sperm or egg, or other fertility issues present complex legal issues. Birth certificate personnel should contact the State Office of Vital Records for guidance when these situations arise.

**WHAT HAPPENS TO THE PATERNITY ACKNOWLEDGMENT AFTER IT IS COMPLETED
HOSPITAL'S ROLE**

The signed Paternity Acknowledgment must be mailed to the State Office of Vital Records. If it is a hand written form, the form printed from the electronic birth system must be stapled on top of the signed form.

LOCAL VITAL RECORDS OFFICE'S ROLE

After the Paternity Acknowledgment is completed at the local Vital Records Office, including the parents' notarized signatures, the original Paternity Acknowledgment must be sent to the State Office of Vital Records for processing. Copies can be maintained at the local Vital Records Office.

STATE OFFICE OF VITAL RECORDS' ROLE

The State Office of Vital Records is responsible for collection, processing and filing of all original Paternity Acknowledgments. All questions regarding processing Paternity Acknowledgments should be directed to the State Office of Vital Records at 803.898.3630.

SOUTH CAROLINA PARENTING OPPORTUNITY PROGRAM'S ROLE

The SCPOP office receives monthly statistics from the State Office of Vital Records for each hospital and for the state as a whole for the purpose of tracking the federal performance measures. When it deems necessary, SCPOP may contact a hospital if their percentage of Paternity Acknowledgments is consistently below the state average in order to help identify any obstacles the hospital is facing as well as potential solutions to those obstacles.

HOW THE PATERNITY ACKNOWLEDGMENT IS USED

The purpose of the paternity acknowledgment process is to establish paternity. If the parents are not married to each other, completing a Paternity Acknowledgment is the only way to establish paternity legally without pursuing a paternity order through the court.

The birth certificate with the father's information on it will be used as a form of identification for many purposes. Uses of the information on the birth certificate include:

- **Identification.** The birth record can be used for identification purposes at day care, school, summer camp, etc.
- **Visitation and/or custody.** Signing the *Paternity Acknowledgment* allows the father to ask the court for a visitation order or a change in custody arrangements.
- **Health insurance.** A father's employer may need a copy of the birth record to substantiate the child's eligibility for health insurance.
- **Other financial benefits.** The federal government may need the birth record to verify the child's eligibility for benefits. This might include military allotments, social security, veteran's benefits, and inheritance purposes.
- **Child support.** If one parent is seeking child support, a completed *Paternity Acknowledgment* will be presumed by law to have established paternity.
- **Adoption.** A father can use the birth certificate to prove a right to be involved in any adoption decisions involving the child.

SECTION 6 PARENT'S RIGHTS AND RESPONSIBILITIES

Note: Federal and State Law require that every patient is given their Rights and Responsibilities for acknowledging paternity at the hospital.

PURPOSE

This Paternity Acknowledgment Affidavit, when completed properly, establishes the father and child relationship when the father is not married to the child's mother. It creates certain legal rights and responsibilities for the mother, father and child. By signing this document, the parents are establishing the right of the child to certain benefits including:

- ◆ Two parents with whom the child can establish an emotional relationship.
- ◆ Two parents who share a legal duty to financially support the child.
- ◆ Two parents whose names will appear on the child's birth certificate.
- ◆ It will be easier for the child to access both parents' medical histories.
- ◆ It will be easier for the child to benefit from any health insurance, social security, or inheritance from the father.

RIGHTS AND RESPONSIBILITIES

1. I understand that I am not required to sign the Paternity Acknowledgment.
2. I understand that I should not sign the Paternity Acknowledgment unless I am confident that I am the biological father of the child.
3. I understand that I have the right to a genetic test to prove that I am the father of the child.
4. I understand that I have the right to a court hearing on the issue of paternity.
5. I understand that I have the right to an attorney to represent me at my own expense.
6. I understand that by signing the Paternity Acknowledgment, it will be presumed by law that I am the father of the child and the child's birth certificate will be issued/amended to reflect this fact. I understand that I may rescind my acknowledgment within sixty (60) days of the date of the signature on the paternity acknowledgment form. Furthermore, I understand that if I decide to rescind, that rescission will not cause or allow an amendment to the birth certificate. In order to have the father's name removed, a determination of paternity must be made by a court of competent jurisdiction or an administrative agency pursuant to SC Code Ann. Sections 20-7-952 and 20-7-9505 which directs DHEC to amend the birth record. A certified copy of the order determining paternity and directing DHEC to amend the birth certificate must be provided to DHEC in order for any amendments to be processed. Any rescission made after sixty (60) days must be made in accordance with SC Code Ann. Section 20-7-958 (B). I also by signing this document acknowledge that I have read or have had read to me and understand my rights and responsibilities as outlined on the document provided to me.
7. I understand that by signing the Paternity Acknowledgment, my name will be entered on the birth certificate as the father of the child.
8. I understand that by signing the Paternity Acknowledgment, I have the right to notice of an adoption proceeding.
9. I understand that by signing the Paternity Acknowledgment, I am accepting the responsibility to provide child support and medical insurance until the child is eighteen (18) years of age, or beyond in some circumstances.
10. I understand that by signing the Paternity Acknowledgment, I am attesting to the fact that I understand all of my rights and responsibilities, and that no pressure is or has been placed upon me to sign the Paternity Acknowledgment.

FILING INSTRUCTIONS

The Paternity Acknowledgment, once signed in the presence of a notary public at the hospital, will be forwarded to the South Carolina Department of Health and Environmental Control, Division of Vital Records, 2600 Bull Street, Columbia, South Carolina, 29201. If both parents do not sign a Paternity Acknowledgment before leaving the hospital or birthing facility, only the mother's and child's name will be entered on the certificate of birth. The Paternity Acknowledgment may be signed at a later date, at which time the certificate of birth will be amended to enter the name of the father. The Paternity Acknowledgment may be executed at the county health department in the county where the child was born or at the state Vital Records office of the South Carolina Department of Health and Environmental Control. Trained staff are available to explain your rights and responsibilities and to answer your questions.

SECTION 7

HOSPITAL STAFF BEST PRACTICES FOR PATERNITY ESTABLISHMENT

SCPOP strives to ensure the very best for all of South Carolina's children! The role you play in paternity establishment is vital to this effort! In order to accomplish this goal, we have created a list of "Best Practices" to aid you in establishing paternity. We understand that hospital size, location and other variables may impact the feasibility of these practices. We encourage you to modify them as needed.

1. Distribute SCPOP materials to other hospital components that work with expecting mothers. Examples of these are: prenatal classes, pre-admission packets, volunteer services, pre-natal and/or ante-partum services, etc.
2. Place SCPOP materials inside patient rooms, in lobbies, on the nurses' station counter, or on bulletin boards. Do whatever you can to make sure patients have the SCPOP brochure before you go to see them.
3. Consider changing or expanding availability of hospital staff to accommodate working fathers by providing an opportunity to fill out the Paternity Acknowledgment on nights and weekends. Train nurses and volunteers to complete the Paternity Acknowledgment during evening and weekend hours.
4. Increase the number of notaries available to complete paternity acknowledgments. Some potential hospital staff that may already be notaries are: chaplains, security officers, social workers, and department managers.
5. Make use of the SCPOP parent video. Get the SCPOP video on the hospital education channel (if you have one) or have it shown with the *Shaken Baby* video.
6. If you work in Medical Records, ask for access to a computer in the Women's Center for you to complete paternity acknowledgments on (or a laptop on a rolling cart that you can take into a patients room) rather than having to go back to your office to complete the PATAACK. This will save you a lot of time.
7. Put the link to the SCPOP website, <http://www.state.sc.us/dss/csed/patest.htm>, on your hospital's Women's Services webpage.
8. If you are not located in the Women's Center, call the patient to set up an appointment and encourage them to read or watch any materials about paternity establishment that they already have.
9. Develop a rapport with OB/GYN offices to request a list of moms with expected delivery dates. Use this list to call or mail materials on paternity establishment one month prior to delivery.
10. Create a "Just for Dads" class where you show them the SCPOP video, give them our materials, answer questions, and provide other important information for dads (like the *Shaken Baby* video).
11. Ask everyone besides the mother and father of the baby to leave the room when gathering the birth certificate information and explaining paternity establishment. This will help you get the information more quickly and it will provide increased privacy for your patients. Also, consider speaking with parents separately if you sense that the father feels pressured.
12. Remind parents that if they do not fill out the Paternity Acknowledgment Form at the hospital that they can complete it at their local Vital Records Office at any time (let them know that there is a \$27 fee). Provide SCPOP materials with the confirmation of birth for mothers electing NOT to sign the in-hospital paternity acknowledgment forms in case they change their minds.
13. Have copies of DSS Custodial Parent Application for mothers and Non-Custodial Parent Application for fathers available in case parents would like to pursue DNA testing.
14. Notify the SCPOP office concerning personnel changes in your office and the need for training new/additional staff.



South Carolina Parenting Opportunity Program

What a difference a Dad makes!

TRAINING MANUAL APPENDICES

Contact Information
Toll-Free: 866.914.8786
scpop@dss.sc.gov

OVERVIEW OF FEDERAL LAW REGARDING PATERNITY ACKNOWLEDGMENTS AND IN-HOSPITAL PATERNITY ACKNOWLEDGMENT PROGRAMS

[Code of Federal Regulations]
[Title 45, Volume 2]
[Revised as of January 1, 2008]
From the U.S. Government Printing Office via GPO Access
[CITE: 45CFR303]

SECTION 302.70. REQUIRED STATE LAWS

(iii) Procedures for a simple civil process for voluntarily acknowledging paternity under which the State must provide that, before a mother and putative father can sign a voluntary acknowledgment of paternity, the mother and the putative father must be given notice, orally or through video or audio equipment, and in writing, of the alternatives to, the legal consequences of, and the rights (including any rights, if a parent is a minor, due to minority status) and responsibilities of acknowledging paternity, and ensure that due process safeguards are afforded. Such procedures must include:

(A) A hospital-based program in accordance with Sec. 303.5(g) for the voluntary acknowledgment of paternity during the period immediately before or after the birth of a child to an unmarried mother, and a requirement that all public and private birthing hospitals participate in the hospital-based program defined in Sec. 303.5(g)(2); and

(B) A process for voluntary acknowledgment of paternity in hospitals, State birth record agencies, and in other entities designated by the State and participating in the State's voluntary paternity establishment program; and

(C) A requirement that the procedures governing hospital-based programs and State birth record agencies must also apply to other entities designated by the State and participating in the State's voluntary paternity establishment program, including the use of the same notice provisions, the same materials, the same evaluation methods, and the same training for the personnel of these other entities providing voluntary paternity establishment services.

(iv) Procedures under which the voluntary acknowledgment of paternity creates a rebuttable or, at the option of the State, conclusive presumption of paternity, and under which such voluntary acknowledgment is admissible as evidence of paternity; [In SC the acknowledgment creates conclusive evidence of paternity after the 60 day rescission period].

SECTION 303.5. ESTABLISHMENT OF PATERNITY.

(g) Voluntary paternity establishment programs.

(1) The State must establish, in cooperation with hospitals, State birth record agencies, and other entities designated by the State and participating in the State's voluntary paternity establishment program, a program for voluntary paternity establishment services.

(i) The hospital-based portion of the voluntary paternity establishment services program must be operational in all private and public birthing hospitals statewide and must provide voluntary paternity establishment services focusing on the period immediately before and after the birth of a child born out-of-wedlock.

(ii) The voluntary paternity establishment services program must also be available at the State birth record agencies, and at other entities designated by the State and participating in the State's voluntary paternity establishment program. These entities may include the following types of entities:

(A) Public health clinics (including Supplementary Feeding Program for Women, Infants, and Children (WIC) and Maternal and Child Health (MCH) clinics), and private health care providers (including obstetricians, gynecologists, pediatricians, and midwives);

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- (B) Agencies providing assistance or services under Title IV-A of the Act, agencies providing food stamp eligibility service, and agencies providing child support enforcement (IV-D) services;
- (C) Head Start and child care agencies (including child care information and referral providers), and individual child care providers;
- (D) Community Action Agencies and Community Action Programs;
- (E) Secondary education schools (particularly those that have parenthood education curricula);
- (F) Legal Aid agencies, and private attorneys; and
- (G) Any similar public or private health, welfare or social services organization.
- (2) The hospitals, State birth record agencies, and other entities designated by the State and participating in the State's voluntary paternity establishment program must, at a minimum:
- (i) Provide to both the mother and alleged father:
 - (A) Written materials about paternity establishment,
 - (B) The forms necessary to voluntarily acknowledge paternity,
 - (C) Notice, orally or through video or audio equipment, and in writing, of the alternatives to, the legal consequences of, and the rights (including any rights, if a parent is a minor, due to minority status) and responsibilities or acknowledging paternity, and
 - (D) The opportunity to speak with staff, either by telephone or in person, who are trained to clarify information and answer questions about paternity establishment;
 - (ii) Provide the mother and alleged father the opportunity to voluntarily acknowledge paternity;
 - (iii) Afford due process safeguards; and
 - (iv) File signed original of voluntary acknowledgments or adjudications of paternity with the State registry of birth records (or a copy if the signed original is filed with another designated entity) for comparison with information in the State case registry.
- (3) The hospitals, State birth record agencies, and other entities designated by the State and participating in the State's voluntary paternity establishment program need not provide services specified in paragraph (g)(2) of this section in cases where the mother or alleged father is a minor or a legal action is already pending, if the provision of such services is precluded by State law [this Section does not apply to SC as our law does not preclude voluntary paternity acknowledgment services to minors].
- (4) The State must require that a voluntary acknowledgment be signed by both parents, and that the parents' signatures be authenticated by a notary or witness(es).
- (5) The State must provide to all hospitals, State birth record agencies, and other entities designated by the State and participating in the State's voluntary paternity establishment program:
- (i) Written materials about paternity establishment,
 - (ii) Form necessary to voluntarily acknowledge paternity, and
 - (iii) Copies of a written description of the alternatives to, the legal consequences of, and the rights (including any rights, if a parent is a minor, due to minority status) and responsibilities of acknowledging paternity.
- (6) The State must provide training, guidance, and written instructions regarding voluntary acknowledgment of paternity, as necessary to operate the voluntary paternity establishment services in the hospitals, State birth record agencies, and other entities designated by the State and participating in the State's voluntary paternity establishment program.

(7) The State must assess each hospital, State birth record agency, local birth record agency designated by the State, and other entity participating in the State's voluntary paternity establishment program that are providing voluntary paternity establishment services on at least an annual basis.

(8) Hospitals, State birth record agencies, and other entities designated by the State and participating in the State's voluntary paternity establishment program must forward completed voluntary acknowledgments or copies to the entity designated by the State. If any entity other than the State registry of birth records is designated by the State, a copy must be filed with the State registry of birth records, in accordance with Sec. 303.5(g)(2)(iv). Under State procedures, the designated entity must be responsible for promptly recording identifying information about the acknowledgments with a statewide database, and the IV-D agency must have timely access to whatever identifying information and documentation it needs to determine in accordance with Sec. 303.5(h) if an acknowledgment has been recorded and to seek a support order on the basis of a recorded acknowledgment in accordance with Sec. 303.4(f).

(h) In IV-D cases needing paternity establishment, the IV-D agency must determine if identifying information about a voluntary acknowledgment has been recorded in the statewide database in accordance with Sec. 303.5(g)(8).

[40 FR 27164, June 26, 1975, as amended at 50 FR 19650, May 9, 1985; 54 FR 32310, Aug. 4, 1989; 56 FR 22354, May 15, 1991; 59 FR 66250, Dec. 23, 1994; 64 FR 6249, Feb. 9, 1999; 64 FR 11809, Mar. 10, 1999]

**OVERVIEW OF SOUTH CAROLINA LAW & REGULATIONS REGARDING PATERNITY
ACKNOWLEDGMENTS AND IN-HOSPITAL PATERNITY ACKNOWLEDGMENT PROGRAMS****SOUTH CAROLINA CODE OF LAWS, TITLE 44, CHAPTER 7**

SECTION 44-7-77. PROGRAM TO OBTAIN VOLUNTARY ACKNOWLEDGMENT OF PATERNITY OF NEWBORNS.

The Department of Health and Environmental Control and the State Department of Social Services, in conjunction with the South Carolina Hospital Association, shall develop and implement a program to promote obtaining voluntary acknowledgments of paternity as soon after birth as possible and where possible before the release of the newborn from the hospital. A voluntary acknowledgment including those obtained through an in-hospital program shall contain the requirements of Section 63-17-60(A)(4) and the social security number, or the alien identification number assigned to a resident alien who does not have a social security number, of both parents, and must be signed by both parents. The signatures must be notarized. As part of its in-hospital voluntary acknowledgment of paternity program, a birthing hospital as part of the birth registration process, shall collect, where ascertainable, information which is or may be necessary for the establishment of the paternity of the child and for the establishment of child support. The information to be collected on the father or on the putative father if paternity has not been established includes, but is not limited to, the name of the father, his date of birth, home address, social security number, or the alien identification number assigned to a resident alien who does not have a social security number, and employer's name, and additionally for the putative father, the names and addresses of the putative father's parents.

SOUTH CAROLINA CODE OF LAWS, TITLE 44, CHAPTER 63

SECTION 44-63-163. BIRTH CERTIFICATE TO BE PREPARED AFTER FATHER IS DETERMINED IN PATERNITY PROCEEDING.

A certificate must be prepared for a child born in this State to reflect the name of the father determined by the court or an administrative agency of competent jurisdiction upon receipt of a certified copy of a court or administrative determination of paternity pursuant to Section 63-17-10. If the surname of the child is not decreed by the court, the request for the certificate must specify the surname to be placed on the certificate. When an amended certificate is prepared, the original certificate and certified copy of the court order must be placed in a sealed file not to be subject to inspection except by order of the family court.

SECTION 44-63-165. BIRTH CERTIFICATE OF ILLEGITIMATE CHILD TO BE PREPARED WHEN FATHER ACKNOWLEDGES PATERNITY.

A certificate must be prepared for a child born out of wedlock in this State to include the name of the father upon receipt of a sworn acknowledgment of paternity signed by both parents to include the surname by which the child is to be known. However, if the reputed father or the mother is deceased, if another man is shown as the father of the child on the original birth certificate or if the original birth certificate states that the mother was married, a new certificate may be prepared only when paternity has been determined or acknowledged pursuant to Article 1, Chapter 17, Title 63. A paternity acknowledgment must be provided to the State Department of Social Services from the appropriate state agency upon request at no charge for the purpose of establishing a child support obligation and otherwise a paternity acknowledgment is not subject to inspection except upon order of the Family Court.

SOUTH CAROLINA CODE OF LAWS, TITLE 63, CHAPTER 17

SECTION 63-17-50. VERIFIED VOLUNTARY ACKNOWLEDGMENTS.

(A) A verified voluntary acknowledgment of paternity creates a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of:

- (1) sixty days; or
- (2) the date of an administrative or judicial proceeding relating to the child including a proceeding to establish a support order in which the signatory is a party.

(B) Upon the expiration of the sixty-day period provided for in subsection (A), a verified voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger.

(C) In the event of a challenge, legal responsibilities including child support obligations of any signatory arising from the acknowledgment may not be suspended during the challenge except for good cause shown.

(D) Judicial or administrative proceedings are not required or permitted to ratify an unchallenged acknowledgment of paternity.

SECTION 63-17-60. ADMISSIBILITY OF EVIDENCE.

(A) The following evidence is admissible at a hearing to determine paternity:

(4) A verified voluntary acknowledgment of paternity. This acknowledgment creates a rebuttable presumption of the putative father's paternity except that a verified voluntary acknowledgment of paternity executed after January 1, 1998, creates a conclusive presumption of the putative father's paternity subject to the provisions of Section 63-17-50. The person acknowledging paternity must be given the opportunity to seek legal advice prior to signing a verified voluntary acknowledgment. A verified voluntary acknowledgment must be made by a sworn document, signed by the person acknowledging paternity and witnessed by (1) that person's attorney, parent, or guardian or (2) a person eighteen years of age or older who is not related to the child and not employed or acting under the authority of the Department of Social Services. The witness must attach to the acknowledgment a written certification which specifies that prior to signing the acknowledgment, the provisions of the acknowledgment were discussed with the person acknowledging paternity and that, based upon this discussion, it is the witness' opinion that the acknowledgment is being given voluntarily and that it is not being obtained under duress or through coercion.

SECTION 63-17-330. TEMPORARY ORDER FOR SUPPORT PENDING PATERNITY.

The court shall issue, upon motion of either party, a temporary order requiring the payment of child support pending an administrative or judicial determination of parentage if:

(1) the defendant has signed a verified voluntary acknowledgment of paternity which complies with the requirements of Section 63-17-60(A)(4);

(2) the defendant has been determined pursuant to law to be the parent; or

(3) there is other clear and convincing evidence that the defendant is the child's parent.

SECTION 63-5-30. RIGHTS AND DUTIES OF PARENTS REGARDING MINOR CHILDREN.

The mother and father are the joint natural guardians of their minor children and are equally charged with the welfare and education of their minor children and the care and management of the estates of their minor children; and the mother and father have equal power, rights, and duties, and neither parent has any right paramount to the right of the other concerning the custody of the minor or the control of the services or the earnings of the minor or any other matter affecting the minor. Each parent, whether the custodial or noncustodial parent of the child, has equal access and the same right to obtain all educational records and medical records of their minor children and the right to participate in their children's school activities unless prohibited by order of the court. Neither parent shall forcibly take a child from the guardianship of the parent legally entitled to custody of the child.

SOUTH CAROLINA CODE OF REGULATIONS, CHAPTER 61, DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

SECTION 61-19-8 VITAL STATISTICS BIRTH REGISTRATION

(f) Parentage should be determined as follows:

(1) If the mother was married either at time of conception or birth, or anytime between conception and birth, the name of the husband shall be entered on the certificate as the father of the child, unless paternity has been determined otherwise by a court of competent jurisdiction.

(2) If the mother was not married either at the time of conception or birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and the person to be named as father.

(3) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father shall be entered on the certificate of birth in accordance with the finding and order of the court.

(4) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

(5) A child born to a married woman as a result of artificial insemination, with consent of her husband, shall be deemed to be the legitimate child of the husband and wife.

(g) (1) The child's surname shall be entered on the certificate as designated by the parents.

(2) In any case in which the mother was not married either at the time of birth or conception and there is no paternity acknowledgment as described in Section 8(f)(2), the surname of the child shall be entered as designated by the mother.

(h) The mother or other informant shall verify the accuracy of the personal data entered thereon in time to permit its filing within the five (5) days prescribed. If the mother or other informant does not verify the accuracy of the personal data entered thereon within the prescribed five (5) days, the birth certificate shall be filed without verification.

BECOMING A NOTARY PUBLIC

Research shows that the best time for parents to acknowledge paternity is at the hospital during their stay for the birth of their child and the presence of an on-site Notary Public is crucial to the successful implementation of the paternity acknowledgment process. If there is not an on-site notary, many parents who wish to acknowledge paternity at the hospital simply will not be able to create a legal father for their child. If a notary is not available to give instructions and offer the Paternity Acknowledgment form to complete, it is very likely the parents will not make the effort to do so later. Many times parents find themselves overwhelmed with caring for their newborn child; many times unforeseen problems occur, i.e., they may be confused when trying to fill out the form later, or they may not know the location of the local Vital Records Office or they may not have transportation to get there or the father may have changed his mind or simply disappeared. As a result, paternity will not be established for many children, even though the father has expressed an interest in establishing a legal relationship with his child at the hospital.

Since the availability of a Notary Public can mean the difference between success and failure in establishing paternity, **all hospital staff members who assist parents with the Paternity Acknowledgment form should apply to become notaries.** It is always advisable to have more than one Notary Public on staff to ensure there is adequate coverage on different shifts, and in case of vacation, sick leave, or staff turnover. You should ask your supervisor if the hospital will cover the cost of becoming a notary, if you aren't already one.

BECOMING A NOTARY PUBLIC IN SOUTH CAROLINA

The Office of the Secretary of State is responsible for the commissioning of Notaries Public for South Carolina. You can call (803) 734-2512 to receive an application to become a notary. Information on becoming a notary in South Carolina, including a downloadable application can also be found at <http://www.scsos.com/notariesbc.htm>.

NOTARY PUBLIC APPLICATION INSTRUCTIONS

1. Carefully **TYPE** or **PRINT LEGIBLY** all information requested on the top portion of your application and sign in the presence of a Notary Public. ***(Bottom portion is to be completed by your County Delegation, addresses are listed below.)***
2. Attach a check or money order to your application in the amount of \$25.00 payable to "Mark Hammond Secretary of State."
3. Mail your application and check to your County Delegation office listed below for the required signatures. Your delegation office will forward your check and application to the Secretary of State.
4. If your county is not listed below, forward your application to the address for the House of Representatives, the last address listed below.
5. Secretary of State will mail your commission within one week upon receipt of a properly executed application.
6. You **must be a registered voter** to become a Notary Public. If you do not know your Voter Registration number, call your County Voters Registration Office or County Registration and Election Commission for this information. The number will be listed under County Government in your local telephone book.

AIKEN COUNTY DELEGATION
828 RICHLAND AVENUE
AIKEN, SC 29801
PHONE (803) 642-1694

ANDERSON COUNTY DELEGATION
P. O. BOX 8002
ANDERSON, SC 29622
PHONE (864) 260-4025

BEAUFORT COUNTY DELEGATION
MS. ASHLEY W. SANDERS
P.O. BOX 1267
BEAUFORT, SC 29901
PHONE (843) 470-2565

CHARLESTON COUNTY DELEGATION
4 COURTHOUSE SQUARE
CHARLESTON, SC 29401
PHONE (843) 958-4250

COLLETON COUNTY DELEGATION
P.O. BOX 2103
WALTERBORO, SC 29488
PHONE (843) 549-7586

DARLINGTON COUNTY DELEGATION
GERALD MALLOY
P.O. BOX 1200
HARTSVILLE, SC 29550
PHONE: (803) 212-6148

FAIRFIELD COUNTY DELEGATION
C/O REP. CREIGHTON COLEMAN
P.O. BOX 1006
WINNSBORO, SC 29180
PHONE (803) 734-6696

FLORENCE COUNTY DELEGATION
180 N. IRBY STREET, MSC-G
FLORENCE, SC 29501
PHONE (843) 665-3044

GEORGETOWN COUNTY DELEGATION
P.O. DRAWER 421270
GEORGETOWN, SC 29442-1270
PH (843) 545-3029

GREENVILLE COUNTY DELEGATION
301 UNIVERSITY RIDGE, SUITE 2400
GREENVILLE, SC 29601
PHONE (864) 467-7105

HORRY COUNTY DELEGATION
P.O. BOX 1236
CONWAY, SC 29528
PHONE (843) 915-5130

LEXINGTON COUNTY DELEGATION
205 EAST MAIN STREET
LEXINGTON, SC 29072
PHONE (803) 785-8184

MARION COUNTY DELEGATION
137 AIRPORT COURT, SUITE J
MULLINS, SC 29574
PHONE (843) 423-8237

OCONEE COUNTY DELEGATION
415 SOUTH PINE STREET
WALHALLA, SC 29691
PHONE (864) 638-4237

ORANGEBURG COUNTY DELEGATION
P.O. BOX 9000 C/O SUSAN MATTHEWS
ORANGEBURG, SC 29116-9000
PHONE (803) 533-6102

PICKENS COUNTY DELEGATION
201 S. FIFTH STREET
WEST END HALL, ROOM 205
EASLEY, SC 29640

RICHLAND COUNTY DELEGATION
P. O. BOX 192
1701 MAIN STREET, SUITE 409
COLUMBIA, SC 29202
PHONE (803) 576-1908

SPARTANBURG COUNTY DELEGATION
366 N. CHURCH STREET, ROOM 1210
SPARTANBURG, SC 29303
PHONE (864) 596-2529

SUMTER COUNTY DELEGATION
C/O COURTHOUSE, ROOM 103
SUMTER, SC 29150
PHONE (803) 436-2304

YORK COUNTY DELEGATION
P. O. BOX 31
CLOVER, SC 29710
PHONE (803) 628-3036

ALL OTHER COUNTIES FORWARD TO:
S. C. HOUSE OF REPRESENTATIVES
P.O. BOX 11867
COLUMBIA, SC 29211
PHONE (803) 734-2010

LIST OF CHILD SUPPORT ENFORCEMENT DIVISION OFFICES**Child Support Enforcement Division, Central Inquiry Unit**

P.O. Box 1469, Columbia, SC 29202-1469
Phone: 1.800.768.5858

Child Support Enforcement, Columbia I Regional Office

240 Stoneridge Dr. - Suite 400, Columbia, SC 29210
Phone: (803)253-7566; Fax: (803)929-2553
For Aiken, Bamberg, Barnwell, Edgefield, Lexington, McCormick, Saluda, & York Counties

Child Support Enforcement, Columbia II Regional Office

P.O. Box 1270, Columbia, SC 29202
Phone: (803)898-9282; Fax: (803)898-9465
For Chester, Fairfield, Kershaw, Lancaster, Richland, & Union Counties

Child Support Enforcement, Charleston Regional Office

3346 Rivers Ave. - Suite E, North Charleston, SC 29405
Phone: (843)953-9700; Fax: (843)953-9155
For Allendale, Beaufort, Berkeley, Calhoun, Charleston, Colleton, Dorchester, Hampton, Jasper, & Orangeburg Counties

Child Support Enforcement, Florence Regional Office

2120 Jody St. - Suite 4, Florence, SC 29501
Phone: (843)413-6500; Fax: (843)431-6512 or 6513
For Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Lee, Marion, Marlboro, Sumter, & Williamsburg Counties

Child Support Enforcement, Greenville Regional Office

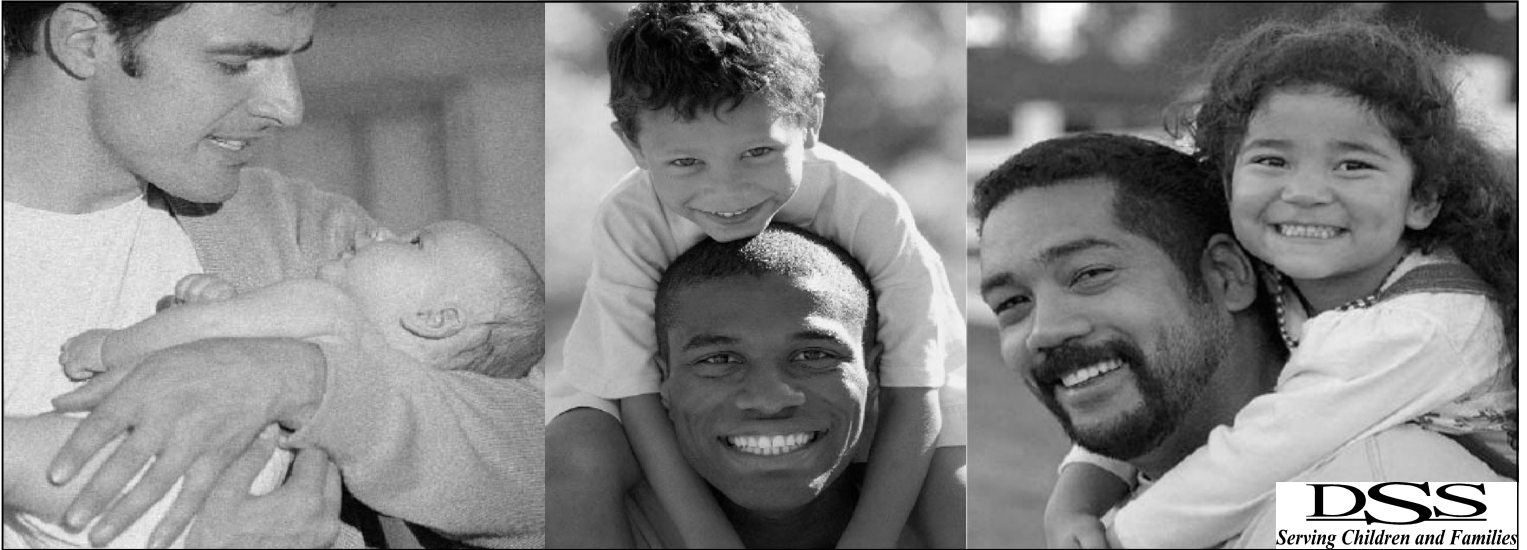
714 N. Pleasantburg Dr. - Suite 200, Greenville, SC 29607
Phone: (864)282-4650; Fax: (864)282-4634
For Abbeville, Anderson, Cherokee, Greenville, Greenwood, Laurens, Newberry, Oconee, Pickens, & Spartanburg Counties

LIST OF LOCAL VITAL RECORDS OFFICES

County	Address 1	Address 2	City	Zip	Phone 1
Abbeville	905 W Greenwood St		Abbeville	29620	864-366-2131
Aiken	828 Richland Ave, West		Aiken	29801	803-642-1687
Allendale	415 Memorial Ave North	PO Box 386	Allendale	29810	803-584-3818
Anderson	220 McGee Road		Anderson	29625	864-260-5667
Bamberg	Log Branch Road	PO Box 360	Bamberg	29003	803-245-5176
Barnwell	164 Calhoun St	PO Box 427	Barnwell	29812	803-541-1061
Beaufort	601 Wilmington St		Beaufort	29902	843-525-7615
Berkeley	109 W Main St		Moncks Corner	29461	843-723-3800
Calhoun	410 Herlong Ave	PO Box 345	St Matthews	29155	803-874-2037
Charleston	4050 Bridgeview Dr	Suite 475	Charleston	29405	843-746-3801
Cherokee	400 S Logan St	PO Box 338	Gaffney	26342	864-487-2705
Chester	129 Wylie St	PO Box 724	Chester	29706	803-385-6152
Chesterfield	203 N Page St	PO Box 112	Chesterfield	29709	843-623-2117
Clarendon	110 East Boyce St	PO Box 729	Manning	29102	803-435-8168
Colleton	219 South Lemacks	PO Box 229	Walterboro	29488	843-549-1516
Darlington	305 Russell St		Darlington	29532	843-398-4403
Dillon	203 W Hampton St	PO Box 1064	Dillon	29536	843-774-5611
Dorchester	500 N Main St	Suite 9	Summerville	29483	843-832-0041
Edgefield	21 Star Road	PO Box 526	Edgefield	29824	803-637-4035
Fairfield	1136 Kincade Bridge Rd	PO Box 270	Winnsboro	29180	803-635-6481
Florence	145 E Cheves St		Florence	29506	843-661-4835
Georgetown	531 Lafayette Circle		Georgetown	29440	843-546-0174
Greenville	200 University Ridge	PO Box 2507	Greenville	29602	864-282-4100
Greenwood	1736 South Main St		Greenwood	29646	864-942-3600
Hampton	531 West Carolina Ave	PO Box 37	Hampton	29924	803-943-3878
Horry	1511-A 9th Ave		Conway	29526	843-248-3958
Jasper	359 E Wilson St	PO Box 220	Ridgeland	29936	843-726-7788
Kershaw	1116 Church St	PO Box 340	Camden	29020	803-425-6012
Lancaster	1833 Pageland Highway	PO Box 817	Lancaster	29721	803-286-9948
Laurens	93 Human Services Rd		Clinton	29325	864-933-0000
Lee	810 Brown St	PO Box 307	Bishopville	29010	803-484-6612
Lexington	112 W Hospital Drive		W Columbia	29169	803-791-3580
Marion	206 Airport Rd Suite B		Mullins	29574	843-423-8295
Marlboro	711 Parsonage St Ext.		Bennettsville	29512	843-479-6801
McCormick	204 Highway 28	PO Box 27	McCormick	29835	843-852-2511
Newberry	2111 Wilson Rd		Newberry	29108	803-321-2170
Oconee	609 Townville St	PO Box 488	Seneca	29679	864-882-2245
Orangeburg	1550 Carolina Ave		Orangeburg	29116	803-536-9060
Pickens	200 McDaniel Ave		Pickens	29671	864-889-5965

County	Address 1	Address 2	City	Zip	Phone 1
Richland	2000 Hampton St		Columbia	29204	803-576-2980
Saluda	613 Newberry Highway		Saluda	29138	864-445-2141
Spartanburg	151 E Wood St	PO Box 4217	Spartanburg	29305	864-596-3337
Sumter	105 N Magnolia	PO Box 1628	Sumter	29150	803-773-5511
Union	115 Thomas St	PO Box 966	Union	29379	864-427-1690
Williamsburg	520 Thurgood Marshall Hwy		Kingstree	29556	843-355-9378
York	116 N Congress St	PO Box 149	York	29745	803-684-7004

South Carolina Parenting Opportunity Program



Guide To Assist Hospitals With Their Paternity Acknowledgment Program

Version 3.0 Revised January 2010



What a Difference a DAD Makes!

How to use this “**Guide To Assist Hospitals With Their Paternity Acknowledgment Program**” to maximize your efforts and provide the best paternity acknowledgment program for your patients.

1. Choose two or three of the **Hospital Staff Best Practices For Paternity Establishment** to implement over the next six months. Inform SCPOP which of the Best Practices you are working on.
2. Give each unmarried patient the “**Important Information for Unmarried Parents**” brochure and flyer packet **as soon as possible after the birth of the child** (perhaps when the Birth Certificate Worksheet is given).
3. Have everyone responsible for completing the Birth Certificate information use the **Sample Conversation for Explaining and Completing a Paternity Acknowledgment**. This will create a uniform program and ensure that no details are being missed when visiting a patient. Make sure that all unmarried patients watch the **SCPOP Parent Video**.
4. Give each person speaking to unmarried parents a copy of the **Frequently Asked Questions** and the “**Important Information for Unmarried Parents**” **brochure and flyer packet** to keep with them whenever they are talking with unmarried parents.
5. Have the Birth Clerk(s) complete the **Paternity Acknowledgment Monthly Hospital Report** each month. It can be turned in to their supervisor for monthly statistical analysis.
6. Have each patient fill out the **For Unmarried Parents** sheet and put it in their file. Patients occasionally come back to the hospital at a later date claiming that:
 - a. The hospital never gave them a chance to complete a Paternity Acknowledgment,
 - b. The hospital made an error on their child’s birth certificate, or
 - c. The hospital did not inform them about the 60 day rescission period.

They then claim that since the hospital was at fault, you should pay for the Paternity Acknowledgment or a Birth Certificate amendment fee that Vital Records charges. If you use the **For Unmarried Parents** sheet, you will have a record that covers your hospital against their claim.

7. Make sure to inform SCPOP of any staff changes and any need for staff training.
8. SCPOP encourages all hospitals to come up with a policy regarding which ID cards are acceptable at the hospital for the purpose of notarizing the Paternity Acknowledgment Affidavit. This provides a uniform program and gives protection to your notaries.



Hospital Staff Best Practices for **Paternity Establishment**

DSS
Serving Children and Families

South Carolina's Parenting Opportunity Program strives to ensure the very best for all of South Carolina's children and the role you play in Paternity Establishment is vital! In order to accomplish this goal, we have created a list of "Best Practices" to help you offer the best possible paternity program to your patients. We understand that hospital size, location and other variables may impact the feasibility of these practices. Therefore, we encourage you to modify them to accommodate your hospital's policies and resources.

1. Distribute SCPOP materials to other hospital components that work with expecting mothers. Examples of these are: prenatal classes, pre-admission packets, volunteer services, pre-natal and/or ante-partum services, etc.
2. Place SCPOP materials inside patient rooms, in lobbies, on the nurses station counter, or on bulletin boards. Do whatever you can to make sure patients have the SCPOP brochure before you go to see them.
3. Consider changing or expanding availability of hospital staff to accommodate working fathers by providing an opportunity to fill out the Paternity Acknowledgment on nights and weekends. Train nurses and volunteers to complete the Paternity Acknowledgment during evening and weekend hours.
4. Increase the number of notaries available to complete paternity acknowledgments. Some potential hospital staff that may already be notaries are: chaplains, security officers, social workers, and department managers.
5. Make use of the SCPOP parent video. Get the SCPOP video on the hospital education channel (if you have one) or have it shown with the *Shaken Baby* video.
6. If you work in Medical Records, ask for access to a computer in the Women's Center for you to complete paternity acknowledgments on (or a laptop on a rolling cart that you can take into a patients room) rather than having to go back to your office to complete the PATACK. This will save you a lot of time.
7. Put the link to the SCPOP website, <http://www.state.sc.us/dss/csed/patest.htm>, on your hospital's Women's Services webpage.
8. If you are not located in the Women's Center, call the patient to set up an appointment and encourage them to read or watch any materials about paternity establishment that they already have.
9. Develop a rapport with OB/GYN offices to request a list of moms with expected delivery dates. Use this list to call or mail materials on paternity establishment one month prior to delivery.
10. Create a "Just for Dads" class where you show them the SCPOP video, give them our materials, answer questions, and provide other important information for dads (like the *Shaken Baby* video).
11. Ask everyone besides the mother and father of the baby to leave the room when gathering the birth certificate information and explaining paternity establishment. This will help you get the information more quickly and it will provide increased privacy for your patients. Also, consider speaking with parents separately if you sense that the father feels pressured.
12. Remind parents that if they do not fill out the Paternity Acknowledgment Form at the hospital that they can complete it at their local Vital Records Office at any time (let them know that there is a \$27 fee). Provide SCPOP materials with the confirmation of birth for mothers electing NOT to sign the in-hospital paternity acknowledgment forms in case they change their minds.
13. Have copies of DSS Custodial Parent Application for mothers and Non-Custodial Parent Application for fathers available in case parents would like to pursue DNA testing.
14. Notify the SCPOP office concerning personnel changes in your office and the need for training new/additional staff.

For more information please contact the SC Parenting Opportunity Program toll free at 1.866.914.8786

Sample Conversation for Explaining and Completing a Paternity Acknowledgment



1. Visit the patient as soon as possible after the birth of their child. Check the patient's chart to find out if the mother is married prior to visiting the patient. Introduce yourself to the mother. **"Hello, my name is _____, I am a Birth Certificate Clerk and I will be coming back to see you before you are discharged in order to get the correct information for the birth certificate."**
If she is not married, make sure she has a copy of the **Important Information for Unmarried Parents** brochure and handouts.
2. If she is not married, make the child's parents aware of the SCPOP video on paternity acknowledgment and offer to show it to them. Make an appointment to return to complete the Birth Certificate worksheet and discuss the paternity acknowledgment if applicable.
3. When you return for your appointment and say **"I need to ask you some questions and verify the information for your baby's birth certificate. In order to maintain confidentiality you may wish to have your visitors step out of the room so I can get all the information I need . It is up to you."**
4. Interview the mother and ask pertinent questions to complete the Birth Certificate Worksheet. If she is married, thank them for their time and invite any guests who stepped out of the room back inside.
5. If she is not married, ask, **"Have you discussed whether you want to establish the biological father as the legal father and include his name on your child's birth certificate?"** If they are interested in acknowledging paternity confirm that the mother was not married at the time of conception, time of delivery, or any time in between.
If she was married during the pregnancy, **go to step 12.**
Make sure that they are both 100% sure that he is the father. If not, **go to step 14.**
6. Say **"In order to add the father's name to the birth certificate, both parents need to complete a Paternity Acknowledgment. It is not a DNA test, but a form that you both sign stating that he is the father."** Ask them if they have watched the DVD and read the materials you gave them.
If they are not interested in acknowledging paternity **go to Step 13.**
7. Review the Rights and Responsibilities sheet with them (included in the handouts).
8. Give them an opportunity to ask any other questions about paternity acknowledgment.
9. Ask the parents if they are ready to complete the Paternity Acknowledgment Affidavit. If the father of the child is not present, **go to Step 11.**

If YES complete the Paternity Acknowledgment Affidavit. If you use the handwritten paternity acknowledgment affidavit, it is best if YOU (not the patient) record the information on the affidavit and then have them check the information and sign it. If you use the EBC printout of the Paternity Acknowledgment, try to schedule an appointment for you to return to get their signatures.

10. Make sure they have their social security number and proper identification. Notarize and witness the affidavit. **Go to Step 15.**
11. If the father is unavailable to sign the affidavit, advise the mother of the following: **“Let’s schedule an appointment for me to come back and complete the Birth Certificate information. How about tomorrow at _____? If the baby’s father can not make it then, you can call me at _____ to reschedule the appointment. At the appointment you will both need to bring picture identification and social security number (if you have one) to complete the form.” Go to Step 15.**
12. If the mother was married at any time during the pregnancy, she cannot fill out the Paternity Acknowledgment. Explain that federal law presumes that her husband is the legal father even if they are no longer together. She can put his name on the birth certificate or choose to leave the father’s name blank at this time.

Explain that if they want the biological father’s name added to the Birth Certificate they have two options. Show them the **“How Do I Establish Paternity If I Was Married During My Pregnancy But the Biological Father is Another Man?”** flyer. If you have copies of the Custodial Parent Application, you can offer to give her two copies of it. Another option is to hire an attorney. **Go to Step 15.**
13. If they do not want to complete the Paternity Acknowledgment, then let them know they can go to the County Health Department if they change their mind (for a \$27 fee). Go to Step 15.
14. If they are not sure who the father is and/or are interested in a DNA Test, give them the **“What If I Am Not Sure Who The Biological Father Is?”** flyer and review the process with them. If you have copies of the Non-Custodial Parent Application, offer one to the man.
15. Thank them for their time and invite any guests who stepped out of the room back inside.

If you or the parents have any questions about the paternity acknowledgment, DNA Testing, or Child Support call SCPOP toll-free at **866.914.8786.**



Frequently Asked Questions Regarding Paternity Acknowledgments



Q. How hard should staff try to convince parents to sign the *Paternity Acknowledgment* form?

A. Staff should **NOT** try to convince anyone to sign the *Paternity Acknowledgment* form. The process is a voluntary. If either parent has any doubts, the parent should not sign.

Q. Can they fill out the *Paternity Acknowledgment* if the mother and/or the alleged father are not 100% sure that he is the father?

A. *No. They should only fill out the *Paternity Acknowledgment* if they are sure that he is the father. Otherwise they should pursue DNA testing. They can call SCPOP toll free at 866.914.8786 to find out about a low cost DNA test option through DSS.*

Q. What if the parents seem unsure about signing the *Paternity Acknowledgment* form?

A. If one or both of the parents seem hesitant, attempt to talk with the parents separately. The parent might want to ask about DNA testing or there may be issues of abuse. The *Paternity Acknowledgment* is designed for people who are sure who the father is, and who are sure that they want to use this out-of-court process. If the issue is genetic testing, refer the parent to their local child support agency for genetic testing at a reduced cost. If testing is the issue, parents should wait until the tests results are known before completing the *Paternity Acknowledgment* form.

Q. What if the mother is married, but her husband is not the father of the child?

A. *If the mother is married at anytime from the time of conception until the time of delivery, they cannot complete a *Paternity Acknowledgment* as her husband is presumed to be the father by state and federal law. However, she can choose to leave the information regarding the father of the child blank on the Birth Certificate. Give them a copy of "What If Mom Is Married To Someone Else?" flyer.*

Q. If a couple says they are planning to get married, should they use the *Paternity Acknowledgment* form?

A. It is their choice of course, but if the parents *are* interested in identifying the child's father they should sign the *Paternity Acknowledgment* form. Unfortunately, it is possible that a break-up, or even death of one of the parents, could occur before their planned marriage. After they're married, they can file a *Legitimation* form that will give the father a marital presumption.

Q. What should we do if the couple says that they were married in another country, or that they had a "cultural" marriage?

A. For purposes of filling out the birth worksheet at the hospital--if the mother said she was legally married in another country, the hospital should take her word and include the father's name on the original birth certificate. The hospital would usually accept the mother's word regarding marital status in any case.

Q. What if the parents claim to be common-law married?

A. *State law is vague regarding requirements for common-law marriage. Technically, they do not need to fill out a *Paternity Acknowledgment* as they would be considered as married. However, they may choose to fill one out to avoid potential future legal complications.*

Q. What if the parents change their mind after they have completed and signed the *Paternity Acknowledgment* and it has been notarized?

A. *Once it has been notarized it is a legal document. Both parents have the right to rescind the *Paternity Acknowledgment* within 60 days at the State Division of Vital Records.*

Q. Can minors complete the Paternity Acknowledgment?

A. *Yes. There is no age limit for the Paternity Acknowledgement in South Carolina.*

Q. What can a father do if he wants to complete the Paternity Acknowledgment but the mother refuses to complete it?

A. If a man believes he is the child's father, it is his right and responsibility to establish paternity. That is true even if the mother or her family does not want him around. He can establish paternity by requesting a Non-Custodial Parent Application from DSS. They can get a court order requiring her to bring the child for DNA testing if necessary. You can call the South Carolina Parenting Opportunity Program toll-free at 1-866-914-8786 to find out more information and to get an application. Another option is for him to hire an attorney.

Q. Can they complete a paternity acknowledgment to establish paternity at a later time and/or for my other children?

A. Yes. Both parents of the child can go to the local County Health Department or the State Office of Vital Records and complete a paternity acknowledgment. They both will need a valid picture ID and their social security number. There is a small fee.

Q. Can the Paternity Acknowledgment process be used for an infant that has died?

A. Yes. This may be an appropriate process. If the infant has died, and the infant's birth was registered with the State Vital Records office, the Paternity Acknowledgment process may be used. A Paternity Acknowledgment may also be used in an instance of Fetal Death.

Q. Does signing this form give the father the right to custody or placement of the baby?

A: In South Carolina, the mother has sole legal custody and placement when the mother was not married at any time during the pregnancy or after the child's birth until the court orders otherwise. Fathers may ask the court to review the custody arrangements at any time after paternity is established. Courts usually do not change the custody unless there is proof it is in the best interest of the child.

Q. Is the Paternity Acknowledgment available in languages other than English?

A. *There is a Spanish version of the Paternity Acknowledgment.*

Q. What if the parents do not have proper identification?

A. *For the Paternity Acknowledgment to be completed, both parents must bring a valid ID. (typically a state issued picture ID). Ultimately, it is the notary's job to determine if the ID is valid and acceptable.*

Q. What if the parents do not want to provide all the information requested on the Paternity Acknowledgment?

A. *Parents who wish to establish paternity must provide all the information on the form in order for it to be legal. The only exception is for someone who does not have a SSN (i.e. an illegal alien).*

Q. Parents sometimes ask complex legal questions about paternity. What should staff tell them?

A. Staff should acknowledge that the person has asked a good question but add that you don't know the answer and cannot give legal advice. For legal advice, the parents should consult an attorney.

Q. Who do I contact if I need more Paternity Acknowledgment materials?

A. If you need more copies of the Paternity Acknowledgment Affidavit or copies of the Rights and Responsibilities, you can contact the State Office of Vital Records at (803) 898-3630. If you need more of the "Important Information for Unmarried Parents" brochures, any flyers on paternity acknowledgment, or a copy of the paternity acknowledgment DVD you can contact the South Carolina Parenting Opportunity Program at (866) 914-8786.



RIGHTS AND RESPONSIBILITIES FOR COMPLETING A PATERNITY ACKNOWLEDGMENT

PURPOSE

The Paternity Acknowledgment Affidavit, when completed properly, establishes the father and child relationship when the father is not married to the child's mother. It creates certain legal rights and responsibilities for the mother, father, and child. By signing this document, the parents are establishing the right of the child to certain benefits including:

- **Two parents who can establish an emotional relationship with the child.**
- **Two parents who share a legal duty to financially support the child.**
- **Two parents whose names will appear on the child's birth certificate.**
- **It will be easier for the child to access both parents' medical histories.**
- **It will be easier for the child to benefit from any health insurance, social security, or inheritance from the father.**

RIGHTS AND RESPONSIBILITIES

1. I understand that I am not required to sign the Paternity Acknowledgment.
2. I understand that I should not sign the Paternity Acknowledgment Affidavit **unless I am confident that I am the biological father of the child.**
3. I understand that I have the right to a genetic test to prove that I am the father of the child.
4. I understand that I have a right to a court hearing on the issue of paternity.
5. I understand that I have the right to an attorney to represent me at my own expense.
6. I understand that by signing the Paternity Acknowledgment Affidavit, it will be presumed by law that I am the father of the child and the child's birth certificate will be issued/amended to reflect this fact. I understand that I may rescind my acknowledgment within sixty (60) days of the date of the signature on the Paternity Acknowledgment form. Furthermore, I understand that if I decide to rescind, that **rescission will not cause or allow an amendment to the birth certificate. In order to have the father's name removed, a determination of paternity must be made by a court of competent jurisdiction** or an administrative agency pursuant to SC Code Ann. Sections 20-7-952 and 20-7-9505 which directs DHEC to amend the birth record. A certified copy of the order determining paternity and directing DHEC to amend the birth certificate must be provided to DHEC in order for any amendments to be processed. Any rescission made after sixty (60) days must be made in accordance with SC Code Ann. Section 20-7-958 (B). I also by signing this document acknowledge that I have read or have had read to me and understand my rights and responsibilities as outlined in this document provided to me.
7. I understand that by signing the Paternity Acknowledgment Affidavit, my name will be entered on the birth certificate as the father of the child.
8. I understand that by signing the Paternity Acknowledgment Affidavit, I have the right to notice of an adoption proceeding.
9. I understand that by signing the Paternity Acknowledgment Affidavit, I am accepting responsibility to provide child support and medical insurance until the child is eighteen (18) years of age, or beyond in some circumstances.
10. I understand that by signing the Paternity Acknowledgment, I am attesting to the fact that I understand all of my rights and responsibilities, and that no pressure is or has been placed upon me to sign the Paternity Acknowledgment.

FILING INSTRUCTIONS

The paternity Acknowledgment, once signed in the presence of a notary public at the hospital, will be forwarded to the South Carolina Department of Health and Environmental Control, Division of Vital Records, 2600 Bull Street, Columbia, South Carolina, 29201. If both parents do not sign a Paternity Acknowledgment before leaving the hospital or birthing facility, only the mother's and child's name will be entered on the certificate of birth. The Paternity Acknowledgment may be signed at a later date, at which time the certificate of birth will be amended to enter the name of the father. The Paternity Acknowledgment may be executed at the county health department in the county where the child was born or at the state Vital Records office of the South Carolina Department of Health and Environmental Control. Trained staff are available to explain your rights and responsibilities and to answer your questions.

Clarification Notes* for the Rights and Responsibilities for Completing a Paternity Acknowledgment

DHEC Rights and Responsibilities for Completing a Paternity Acknowledgment are listed on preceding page of this booklet.

- 3. THIS MEANS THAT YOU HAVE THE RIGHT TO A DNA TEST *INSTEAD OF COMPLETING A PATERNITY ACKNOWLEDGMENT*. IF YOU ARE NOT SURE YOU ARE THE FATHER, YOU SHOULD NOT COMPLETE THE PATERNITY ACKNOWLEDGMENT. *IF YOU COMPLETE A PATERNITY ACKNOWLEDGMENT YOU ARE FORFEITING YOUR RIGHT TO A DNA TEST TO PROVE THAT YOU ARE THE BIOLOGICAL FATHER.***

- 9. THIS MEANS THAT YOU ARE ACCEPTING FINANCIAL RESPONSIBILITY FOR YOUR CHILD. THIS DOES NOT MEAN YOU WILL BE FORCED TO PAY COURT ORDERED CHILD SUPPORT. DSS WILL NOT PURSUE COURT ORDERED CHILD SUPPORT AGAINST YOU UNLESS THE MOTHER OF THE CHILD OPENS A CASE REQUESTING COURT ORDERED CHILD SUPPORT SERVICES AGAINST YOU.** (THERE IS ONE OTHER SITUATION WHERE YOU COULD BE REQUIRED TO PAY COURT ORDERED CHILD SUPPORT. IF SHE REQUESTS TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDING, THEY WILL REQUIRE HER TO GIVE YOUR NAME AND THEY WILL PURSUE COURT ORDERED CHILD SUPPORT AGAINST YOU).

* These notes are not from DHEC, but from the South Carolina Parenting Opportunity Program which is part of the Child Support Enforcement Division of the Department of Social Services.

Important Information about Your Child's Social Security Card

If you chose the Enumeration at Birth option for issuance of your child's social security number, you should receive your child's card in around 3 weeks. However, delays in issuing the card can be caused by a number of reasons.

1. Mail carriers are instructed to not deliver cards if the name on the address is different than the child's name. This would happen in a lot of cases where the child was given a last name that is different than the last name of the parent(s) the child lives with. **In order to avoid the potential of the mail carrier not delivering your child's social security card, it is strongly advised that you to add your child's name to your address as soon as possible.**
2. If you completed a paternity acknowledgment and there is any delay in processing the paternity acknowledgment (a typo, incorrect information, delays at Vital Records, etc) there will be a delay in forwarding the information to the SSA, and thus a delay in receiving your child's social security card.
3. The Social Security Administration is very cautious about issuing cards (due to identity fraud issues) so if they have any concerns about the accuracy of the information, they may choose to not process the request.

If you do not get the card within three weeks, DO NOT CALL THE HOSPITAL. Once we send the birth certificate information off to Vital Records we have no access to social security card information. You will need to call or go to Social Security. A list of Social Security offices in South Carolina is given below for your convenience.

What If I Am Not Sure Who The Father Is?

If you are not sure who the biological father is, you should not sign the Paternity Acknowledgment Affidavit at the hospital!

The Child Support Enforcement Division (CSED) of the Department of Social Services, offers DNA testing for either the mother or the potential father at a very low cost.

You need to complete the following steps in order to have a DNA test through CSED:

1. The mother of the child would complete a Custodial Parent Application. The potential father would complete a Non-Custodial Parent Application. You can call SCPOP at 1.866.914.8786 to have a copy mailed to you or you can download either form at <http://www.state.sc.us/dss/csed/forms>.

2. Send the application, with a non-refundable processing fee of \$25 (money order), to:

**South Carolina Department of Social Services
Child Support Enforcement Division
PO Box 1469
Columbia, South Carolina 29202-1469**

3. DSS will process your application and your regional CSED office will contact you to schedule a DNA test within 6-8 weeks.

4. When the results come back, if the man is shown to be the father of the child, there will be a \$30 per person, per child fee for the DNA test. ***If the test excludes him as the father, there is no further cost.***

IMPORTANT: DNA Testing is **NOT CONNECTED TO CHILD SUPPORT**. The mother of the child would have to complete a Custodial Parent application and request child support (she has the option of asking for a DNA test to establish paternity only or she can request child support).

If the test shows that the man is the biological father, he will be established as the legal father, but if you want to include the father on the Birth Certificate you will still need to go to a Vital Records office.

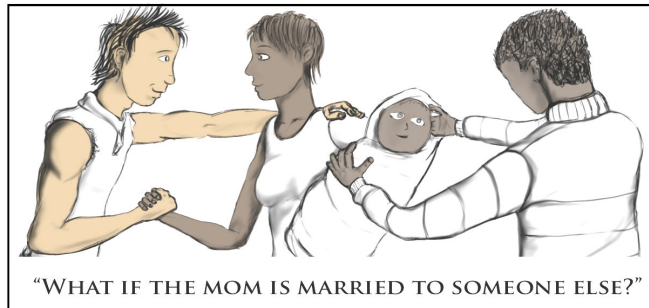
**THIS TEST IS ONLY FOR PEOPLE WHO HAVE NOT YET ESTABLISHED PATERNITY
(ADDED THE FATHER TO THE BIRTH CERTIFICATE).
MEN LOOKING TO DIS-ESTABLISH PATERNITY ARE NOT ELIGIBLE FOR THIS DNA TEST.**



If you have any questions, please contact the
South Carolina Parenting Opportunity Program
Toll Free at 1.866.914.8786

DSS
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How Do I Establish Paternity If I Was Married During My Pregnancy But the Biological Father is Another Man?

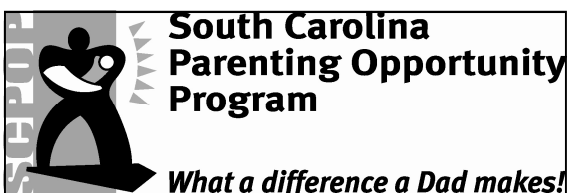


Federal and state law says that if the mother was married at the time of conception, the time of birth, or any time in between then her husband is presumed to be the father of the child and a paternity acknowledgment cannot be completed.

The Child Support Enforcement Division (CSED) of DSS can help. (If you already have a divorce decree that establishes the paternity of the child(ren), then CSED will not be able to help you)

1. CSED will send the mother 2 copies of the Custodial Parent Application for Child Support Services.
2. She would fill both of them out—one for her husband (or ex-husband if now divorced) and one for the biological father.
3. She would then return them to CSED with a \$25 certified check or money order **for each application**. CSED will contact her in 6-8 weeks to get the process started. She can choose to request paternity establishment only OR request child support as well. IT IS HER CHOICE. (The only exception is if she is receiving TANF funds, in which case she will be required to pursue child support).
4. CSED will take the case to Family Court to ask the judge to establish paternity and a DNA test will likely be ordered. The man who comes back as the biological father will pay for the testing, currently \$30 per person for the man, the child, and the mother (if tested).

To request an application or if you have additional questions, please call the
South Carolina Parenting Opportunity Program,
Monday - Friday from 8:30am until 5:00pm, toll-free at 1.866.914.8786.



Paternity Acknowledgment Monthly Hospital Totals

Hospital:

Month:

	UnMarried Births	PA's Completed	PA % (PA/UnM * 100)
Monthly Totals			

For Unmarried Parents Only

If you have not completed the Paternity Acknowledgment Affidavit:

The process of establishing paternity, including the rights and responsibilities, has been explained to me, I have received written information about it, and I have been given the opportunity to complete a paternity acknowledgment at the hospital after giving birth to my child. However, I either do not meet federal and/or state requirements at this time OR have chosen, for personal reasons, to not complete a Paternity Acknowledgment Affidavit. I understand that we (mother and father) still have the right to go to our local county health department or to the State Office of Vital Records to sign a Paternity Acknowledgment at any time.

Only one signature is needed:

Mother: _____ Date: _____
Signature

Print Name

Father: _____ Date: _____
Signature

Print Name

If you have completed the Paternity Acknowledgment:

DO NOT SIGN BELOW UNTIL AFTER YOU SPEAK WITH THE BIRTH CLERK

I have reviewed the Paternity Acknowledgment Affidavit for errors and acknowledge that the form that I have signed is complete and without any errors.

_____ _____
Mother Father

I, the mother/father, have been informed that we have sixty (60) days to change our mind about the paternity acknowledgment and that either one of us can rescind it at the State Office of Vital Records. We also understand that rescinding the paternity acknowledgment will release the father of all legal obligations AND all rights to this child, but it will not remove his name from the birth certificate (it takes a court order to remove his name). We also understand that if we do not rescind the paternity acknowledgement, that it is conclusive evidence of paternity that can be challenged in court only on the basis of fraud, duress, or material mistake of fact.

_____ _____
Mother Father

Mother: _____ Date: _____

Father: _____ Date: _____

Important Information For Unmarried Parents



South Carolina Parenting Opportunity Program

If you're unmarried and having a baby...

You need to complete a *Paternity Acknowledgment* in order for the biological father to be established as the legal father (and have his name added to the birth certificate).

It's easy.

It's free at the hospital.

It is important for your baby.

What A Difference A Dad Makes!

The South Carolina Parenting Opportunity Program

1.866.914.8786 * scpop@dss.sc.gov

<http://www.state.sc.us/dss/csed/patest.htm>

Facebook: Search "South Carolina Parenting Opportunity Program"



NOT MARRIED AND HAVING A BABY?



Having a child is a rewarding and life-changing experience. If you are not married and want the father's name on your child's birth certificate you need to establish paternity. **Establishing paternity is the process where an unmarried *biological* father becomes the *legal* father of his child.** Your child needs both of you! Studies show that men who establish paternity are more likely to have a relationship with their child than those who don't establish paternity. **If you are both sure that he is the biological father of the child AND you do not want a DNA test, you can complete a paternity acknowledgment at the hospital.** The paternity acknowledgment is voluntary and can be completed by both of you at the hospital after the birth of your child. **It is the easiest way to establish paternity - and it's free at the hospital!**

How Will Your Baby Benefit If You Establish Paternity?

- Your baby's birth certificate will show the names of both parents.
- Your baby will know who both his/her mother and father are.
- The father is more likely to establish an emotional bond with your child.
- Both parents share the responsibility and rewards of parenthood.
- Your baby's doctors will have knowledge of both parents' family medical histories for such things as cancer, diabetes, and sickle cell.
- Your baby may benefit from his health insurance, Social Security, and/or inheritance.

The process is easy and available to parents if:

- The mother is not married during her pregnancy,
- The baby is born in South Carolina, and
- The man is the child's biological father

When completing the paternity acknowledgment both parents must provide a valid picture identification card and a social security number.

If you have additional questions, please contact the
South Carolina Parenting Opportunity Program
Monday - Friday 8:30am - 5:00pm
Toll Free: 1.866.914.8786

If you are not sure who is the father, you can get a low cost DNA test from the Department of Social Services.

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 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 and/or for my other children?

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 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.***



MEMO TO DADS

Not married to your baby's mother?



Did you know that you have *NO RIGHTS* to your child if you do not establish paternity?

- ◆ Your name will not be on your child's birth certificate.
- ◆ No visitation or custody rights.
- ◆ No legal say in decisions such as education, medical treatment, religion, etc.
- ◆ You cannot claim your child on your taxes.
- ◆ You will not be notified if your child is being adopted by another man.

YOUR CHILD NEEDS YOU. High risk behavior in children drops dramatically when children have a father in their life. *YOU CAN MAKE A BIG DIFFERENCE!*

HOW CAN YOU ESTABLISH PATERNITY?

If you are still at the hospital after your child has been born, you can complete a Voluntary Paternity Acknowledgment at the hospital & your name will be included on your child's Birth Certificate.

If you do not complete the Voluntary Paternity Acknowledgment your name will not go on the Birth Certificate!!!!

If your child is already born, and you did not complete the Voluntary Paternity Acknowledgment, you can complete one at your county health department (there is a small fee).

If you are not sure that you are the father, you can get a low cost DNA test from DSS that will help you establish legal fatherhood. Call SCPOP at 1.866.914.8786 for more info.

If you have more questions, you can also contact one of these fatherhood programs.

<p><u>Midlands Fatherhood Coalition</u> 1821 Hampton Street Columbia, SC 29201 Phone: 803.933.0052</p>	<p><u>Upstate Fatherhood Coalition</u> 1409 E. Washington St Greenville, SC 29607 Phone: 864.241.4464</p>	<p><u>A Father's Place</u> 809 Wright Boulevard Conway, SC 29528 Phone: 843. 488.2923</p>
<p>106 Fabrister Lane, Suite J Lexington, SC 29072 Phone: 803.996.2114</p>	<p>300 Union St, Suite B Spartanburg, SC 29302 Phone: 864. 598.5249</p>	<p>900 Dunbar Street Myrtle Beach, SC 29577 Phone: 843.918.4904</p>
<p>106 North Congress Street Winnsboro, SC 29180 Phone: 803.815.0447</p>	<p><u>Father to Father Project, Inc.</u> 4731 Mixson Ave N Charleston, SC 29405 Phone: 843.744.2126</p>	<p><u>Lancaster Father Project</u> 117 South Wylie Street, Lancaster, SC 29720 Phone: 803.283.3444</p>
<p><u>Man 2 Man</u> 110 S. Parsonage St Bennettsville, SC 29512 Phone: 843.479.6905</p>	<p>204 S. Fraser Street, Georgetown, SC 29440 Phone: 843.545.9449</p>	<p>605 Dearborn Street Great Falls, SC 29055 Phone: 803.482.2774</p>

What If I Am Not Sure Who The Father Is?

If you are not sure who the biological father is, you should not sign the Paternity Acknowledgment Affidavit at the hospital!

The Child Support Enforcement Division (CSED) of the Department of Social Services, offers DNA testing for either the mother or the potential father at a very low cost.

You need to complete the following steps in order to have a DNA test through CSED:

1. The mother of the child would complete a Custodial Parent Application. The potential father would complete a Non-Custodial Parent Application. You can call SCPOP at 1.866.914.8786 to have a copy mailed to you or you can download either form at <http://www.state.sc.us/dss/csed/forms>.

2. Send the application, with a non-refundable processing fee of \$25 (money order), to:

**South Carolina Department of Social Services
Child Support Enforcement Division
PO Box 1469
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3. DSS will process your application and your regional CSED office will contact you to schedule a DNA test within 6-8 weeks.

4. When the results come back, if the man is shown to be the father of the child, there will be a \$30 per person, per child fee for the DNA test. ***If the test excludes him as the father, there is no further cost.***

IMPORTANT: DNA Testing is **NOT CONNECTED TO CHILD SUPPORT**. The mother of the child would have to complete a Custodial Parent application and request child support (she has the option of asking for a DNA test to establish paternity only or she can request child support).

If the test shows that the man is the biological father, he will be established as the legal father, but if you want to include the father on the Birth Certificate you will still need to go to a Vital Records office.

**THIS TEST IS ONLY FOR PEOPLE WHO HAVE NOT YET ESTABLISHED PATERNITY
(ADDED THE FATHER TO THE BIRTH CERTIFICATE).
MEN LOOKING TO DIS-ESTABLISH PATERNITY ARE NOT ELIGIBLE FOR THIS DNA TEST.**



If you have any questions, please contact the
South Carolina Parenting Opportunity Program
Toll Free at 1.866.914.8786

DSS
Serving Children and Families

RIGHTS AND RESPONSIBILITIES FOR COMPLETING A PATERNITY ACKNOWLEDGMENT

PURPOSE

The Paternity Acknowledgment Affidavit, when completed properly, establishes the father and child relationship when the father is not married to the child's mother. It creates certain legal rights and responsibilities for the mother, father, and child. By signing this document, the parents are establishing the right of the child to certain benefits including:

- **Two parents who can establish an emotional relationship with the child.**
- **Two parents who share a legal duty to financially support the child.**
- **Two parents whose names will appear on the child's birth certificate.**
- **It will be easier for the child to access both parents' medical histories.**
- **It will be easier for the child to benefit from any health insurance, social security, or inheritance from the father.**

RIGHTS AND RESPONSIBILITIES

1. I understand that I am not required to sign the Paternity Acknowledgment.
2. I understand that I should not sign the Paternity Acknowledgment Affidavit **unless I am confident that I am the biological father of the child.**
3. I understand that I have the right to a genetic test to prove that I am the father of the child.
4. I understand that I have a right to a court hearing on the issue of paternity.
5. I understand that I have the right to an attorney to represent me at my own expense.
6. I understand that by signing the Paternity Acknowledgment Affidavit, it will be presumed by law that I am the father of the child and the child's birth certificate will be issued/amended to reflect this fact. I understand that I may rescind my acknowledgment within sixty (60) days of the date of the signature on the Paternity Acknowledgment form. Furthermore, I understand that if I decide to rescind, that **rescission will not cause or allow an amendment to the birth certificate. In order to have the father's name removed, a determination of paternity must be made by a court of competent jurisdiction** or an administrative agency pursuant to SC Code Ann. Sections 20-7-952 and 20-7-9505 which directs DHEC to amend the birth record. A certified copy of the order determining paternity and directing DHEC to amend the birth certificate must be provided to DHEC in order for any amendments to be processed. Any rescission made after sixty (60) days must be made in accordance with SC Code Ann. Section 20-7-958 (B). I also by signing this document acknowledge that I have read or have had read to me and understand my rights and responsibilities as outlined in this document provided to me.
7. I understand that by signing the Paternity Acknowledgment Affidavit, my name will be entered on the birth certificate as the father of the child.
8. I understand that by signing the Paternity Acknowledgment Affidavit, I have the right to notice of an adoption proceeding.
9. I understand that by signing the Paternity Acknowledgment Affidavit, I am accepting responsibility to provide child support and medical insurance until the child is eighteen (18) years of age, or beyond in some circumstances.
10. I understand that by signing the Paternity Acknowledgment, I am attesting to the fact that I understand all of my rights and responsibilities, and that no pressure is or has been placed upon me to sign the Paternity Acknowledgment.

FILING INSTRUCTIONS

The paternity Acknowledgment, once signed in the presence of a notary public at the hospital, will be forwarded to the South Carolina Department of Health and Environmental Control, Division of Vital Records, 2600 Bull Street, Columbia, South Carolina, 29201. If both parents do not sign a Paternity Acknowledgment before leaving the hospital or birthing facility, only the mother's and child's name will be entered on the certificate of birth. The Paternity Acknowledgment may be signed at a later date, at which time the certificate of birth will be amended to enter the name of the father. The Paternity Acknowledgment may be executed at the county health department in the county where the child was born or at the state Vital Records office of the South Carolina Department of Health and Environmental Control. Trained staff are available to explain your rights and responsibilities and to answer your questions.

Clarification Notes* for the Rights and Responsibilities for Completing a Paternity Acknowledgment

DHEC Rights and Responsibilities for Completing a Paternity Acknowledgment are listed on preceding page of this booklet.

- 3. THIS MEANS THAT YOU HAVE THE RIGHT TO A DNA TEST *INSTEAD OF COMPLETING A PATERNITY ACKNOWLEDGMENT*. IF YOU ARE NOT SURE YOU ARE THE FATHER, YOU SHOULD NOT COMPLETE THE PATERNITY ACKNOWLEDGMENT. *IF YOU COMPLETE A PATERNITY ACKNOWLEDGMENT YOU ARE FORFEITING YOUR RIGHT TO A DNA TEST TO PROVE THAT YOU ARE THE BIOLOGICAL FATHER.***

- 9. THIS MEANS THAT YOU ARE ACCEPTING FINANCIAL RESPONSIBILITY FOR YOUR CHILD. THIS DOES NOT MEAN YOU WILL BE FORCED TO PAY COURT ORDERED CHILD SUPPORT. DSS WILL NOT PURSUE COURT ORDERED CHILD SUPPORT AGAINST YOU UNLESS THE MOTHER OF THE CHILD OPENS A CASE REQUESTING COURT ORDERED CHILD SUPPORT SERVICES AGAINST YOU.** (THERE IS ONE OTHER SITUATION WHERE YOU COULD BE REQUIRED TO PAY COURT ORDERED CHILD SUPPORT. IF SHE REQUESTS TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDING, THEY WILL REQUIRE HER TO GIVE YOUR NAME AND THEY WILL PURSUE COURT ORDERED CHILD SUPPORT AGAINST YOU).

* These notes are not from DHEC, but from the South Carolina Parenting Opportunity Program which is part of the Child Support Enforcement Division of the Department of Social Services.

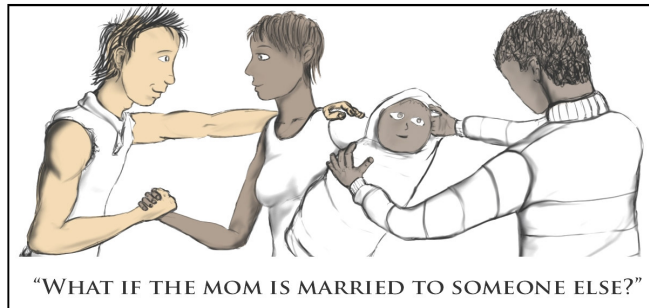
Important Information about Your Child's Social Security Card

If you chose the Enumeration at Birth option for issuance of your child's social security number, you should receive your child's card in around 3 weeks. However, delays in issuing the card can be caused by a number of reasons.

1. Mail carriers are instructed to not deliver cards if the name on the address is different than the child's name. This would happen in a lot of cases where the child was given a last name that is different than the last name of the parent(s) the child lives with. **In order to avoid the potential of the mail carrier not delivering your child's social security card, it is strongly advised that you to add your child's name to your address as soon as possible.**
2. If you completed a paternity acknowledgment and there is any delay in processing the paternity acknowledgment (a typo, incorrect information, delays at Vital Records, etc) there will be a delay in forwarding the information to the SSA, and thus a delay in receiving your child's social security card.
3. The Social Security Administration is very cautious about issuing cards (due to identity fraud issues) so if they have any concerns about the accuracy of the information, they may choose to not process the request.

If you do not get the card within three weeks, DO NOT CALL THE HOSPITAL. Once we send the birth certificate information off to Vital Records we have no access to social security card information. You will need to call or go to Social Security. A list of Social Security offices in South Carolina is given below for your convenience.

How Do I Establish Paternity If I Was Married During My Pregnancy But the Biological Father is Another Man?



Federal and state law says that if the mother was married at the time of conception, the time of birth, or any time in between then her husband is presumed to be the father of the child and a paternity acknowledgment cannot be completed.

The Child Support Enforcement Division (CSED) of DSS can help. (If you already have a divorce decree that establishes the paternity of the child(ren), then CSED will not be able to help you)

1. CSED will send the mother 2 copies of the Custodial Parent Application for Child Support Services.
2. She would fill both of them out—one for her husband (or ex-husband if now divorced) and one for the biological father.
3. She would then return them to CSED with a \$25 certified check or money order **for each application**. CSED will contact her in 6-8 weeks to get the process started. She can choose to request paternity establishment only OR request child support as well. IT IS HER CHOICE. (The only exception is if she is receiving TANF funds, in which case she will be required to pursue child support).
4. CSED will take the case to Family Court to ask the judge to establish paternity and a DNA test will likely be ordered. The man who comes back as the biological father will pay for the testing, currently \$30 per person for the man, the child, and the mother (if tested).

To request an application or if you have additional questions, please call the
South Carolina Parenting Opportunity Program,
Monday - Friday from 8:30am until 5:00pm, toll-free at 1.866.914.8786.

