

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

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.

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 OR 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 810
Columbia, South Carolina 29202-0810**
3. DSS will process your application and your regional CSED office will contact you to schedule a DNA test for approximately 6-8 weeks after they receive the application.
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.

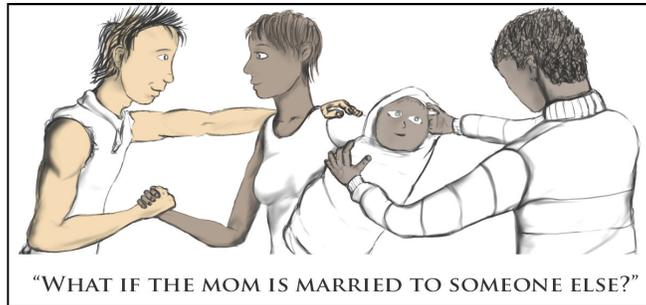
THIS TEST IS ONLY FOR PEOPLE WHO HAVE NOT ESTABLISHED PATERNITY (ADDED THE FATHER TO THE BIRTH CERTIFICATE) OR WHO ARE NOT ALREADY PAYING COURT ORDERED CHILD SUPPORT. MEN LOOKING TO DIS-ESTABLISH PATERNITY ARE NOT ELIGIBLE FOR THIS DNA TEST.



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

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

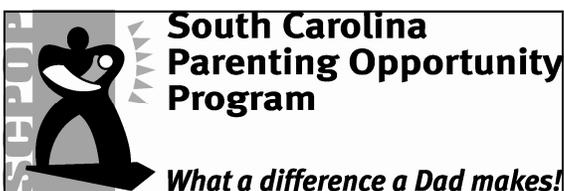


Federal and state law says that if the mother was married at the time of conception, the time of birth, or any time in between then her husband is presumed to be the father of the child and a paternity acknowledgment cannot be completed.

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			

