

South Carolina Parenting Opportunity Program



*Making a world of difference for children
What a difference a Dad makes!*

Training Manual

TABLE OF CONTENTS

ABOUT THIS MANUAL.....	
SECTION 1: BACKGROUND	1
THE NEED FOR VOLUNTARY PATERNITY ACKNOWLEDGMENT	
WHAT IS PATERNITY ESTABLISHMENT?	
WHY SHOULD YOU HELP WITH PATERNITY ESTABLISHMENT?	
WHAT IS THE PATERNITY ESTABLISHMENT PERCENTAGE?	
ARE THERE PENALTIES ASSOCIATED WITH PEP?	
WHAT'S THE CURRENT SOUTH CAROLINA PEP STATUS?.....	
SECTION 2: THE SOUTH CAROLINA PARENTING OPPORTUNITY PROGRAM	4
THE IMPORTANCE OF ESTABLISHING PATERNITY	
GOALS OF THE SOUTH CAROLINA PARENTING OPPORTUNITY PROGRAM	
THE ROLE OF HOSPITALS IN PATERNITY ACKNOWLEDGMENT	
THE ROLE OF LOCAL VITAL RECORDS OFFICES IN PATERNITY	
ACKNOWLEDGMENT	
THE ROLE OF THE VITAL RECORDS CENTRAL OFFICE IN	
PATERNITYACKNOWLEDGMENT	
THE ROLE OF THE DSS CHILD SUPPORT SERVICES IN PATERNITY	
ACKNOWLEDGMENT	
THE ROLE OF REGIONAL CHILD SUPPORT SERVICES OFFICES IN	
PATERNITY ACKNOWLEDGMENT	
SECTION 3: OVERVIEW OF THE PATERNITY ACKNOWLEDGMENT PROCESS.....	8
THE PATERNITY ACKNOWLEDGMENT PROCESS AT THE HOSPITAL.....	
THE PATERNITY ACKNOWLEDGMENT PROCESS AT THE REGIONAL VITAL	
RECORDS OFFICE.....	
GENERAL GUIDELINES FOR HOSPITAL STAFF.....	
SECTION 4: INSTRUCTIONS FOR COMPLETING THE PATERNITY	
ACKNOWLEDGMENT	12
GENERAL INSTRUCTIONS	

ESSENTIAL QUESTIONS REGARDING COMPLETION OF A PATERNITY ACKNOWLEDGMENT AFFIDAVIT	
SPECIFIC INSTRUCTIONS FOR COMPLETING THE ITEMS ON THE PATERNITY ACKNOWLEDGMENT.....	
GUIDELINES TO ASSIST WITH FEDERAL & STATE LAW COMPLIANCE	
IMPORTANT NOTES	
SECTION 5: SPECIAL SITUATIONS	18
LEGAL ADVICE, GENETIC TESTING, DISESTABLISHING PATERNITY AND OTHER ISSUES	
WHAT HAPPENS TO THE PATERNITY ACKNOWLEDGEMENT FORM AFTER IT IS COMPLETED.....	
HOW THE PATERNITY ACKNOWLEDGEMENT IS USED	
SECTION 6: PARENT'S RIGHTS AND RESPONSIBILITIES.....	21
SECTION 7: HOSPITAL STAFF BEST PRACTICES FOR PATERNITY ACKNOWLEDGMENT.....	22
SECTION 8: APPENDICES	
PATERNITY ACKNOWLEDGMENT AFFIDAVIT	
OVERVIEW OF FEDERAL LAW REGARDING PATERNITY ACKNOWLEDGMENTS AND IN-HOSPITAL PATERNITY ACKNOWLEDGMENT PROGRAMS	
OVERVIEW OF STATE LAW REGARDING PATERNITY ACKNOWLEDGMENTS AND IN-HOSPITAL PATERNITY ACKNOWLEDGMENT PROGRAMS	
BECOMING A NOTARY PUBLIC	
CHILD SUPPORT ENFORCEMENT DIVISION OFFICES	
REGIONAL VITAL RECORDS OFFICES	
SCPOP MATERIALS	
• Form 27155 SCPOP Brochure—English Version	
• Form 27156 SCPOP Brochure—Spanish Version	

- Form 27162 SCPOP POSTER—English Version
- Form 27161 SCPOP POSTER—Spanish Version
- Form 27163 SCPOP PATERNITY TESTING FACT SHEET
- Form 27164 SCPOP MARRIED MOMS PATERNITY FACT SHEET
- Form 27158 DR CARD—English Version

ABOUT THIS MANUAL

This manual was designed by Veritas-HHS to assist with the administration of the South Carolina Parenting Opportunity Program (SCPOP), which is sponsored by the Department of Social Services, Child Support Services Division. SCPOP plays an important role in the voluntary paternity acknowledgment process at your hospital.

This manual will provide you with the SCPOP's background and goals and describes the specific processes involved.

Using this manual, you will be able to:

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

Direct questions about the South Carolina Parenting Opportunity Program or requests for more brochures, flyers, or information regarding DNA to:

The Department of Social Services, Child Support Services Division
South Carolina Parenting Opportunity Program
3150 Harden Street
Columbia, SC 29202
Toll-Free Phone: 866.914.8786
Fax: 803-898-8188
Email: scpop@dss.sc.gov

<https://dss.sc.gov/child-support/parents-families/parents-links-and-resources/>

Please direct any questions about birth certificates or completed *Paternity Acknowledgment Affidavits*, or to request blank *Paternity Acknowledgment Affidavits* or *Rights and Responsibilities* forms, to:

Office of Vital Records

SC DHEC

CO: Registrations

2600 Bull St

Columbia, SC 29201

Phone: 803.898.3620

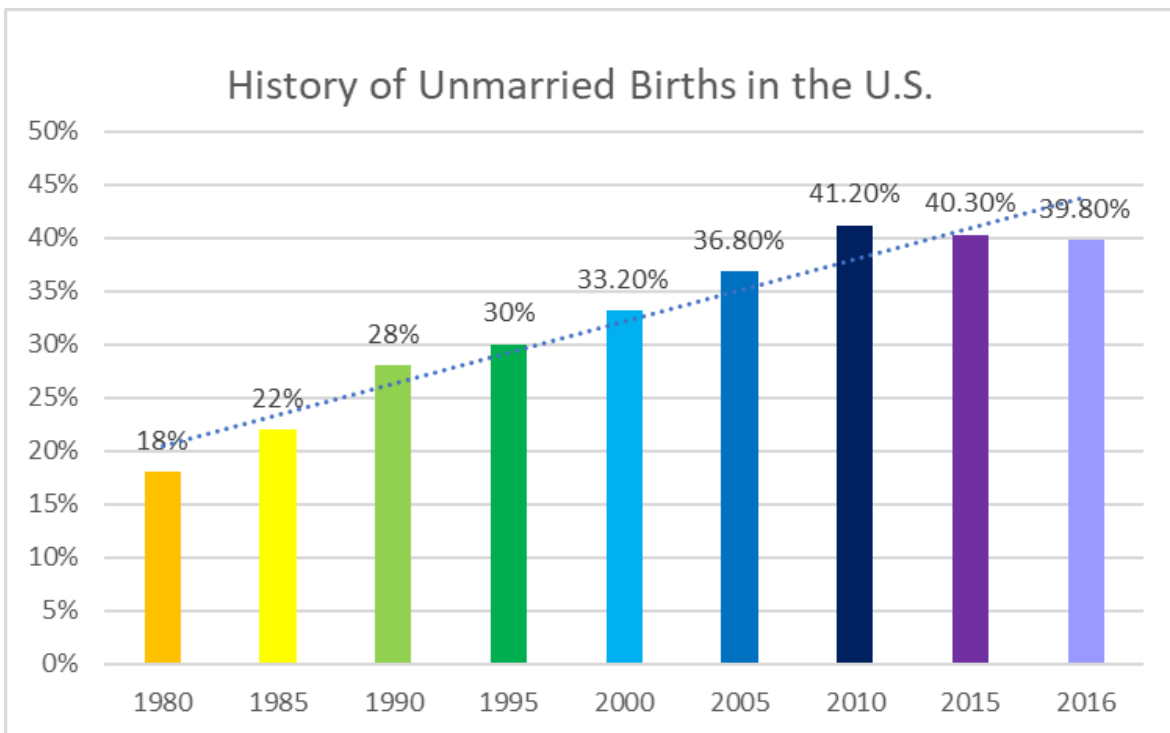
Fax: 803.898.0612

SECTION 1

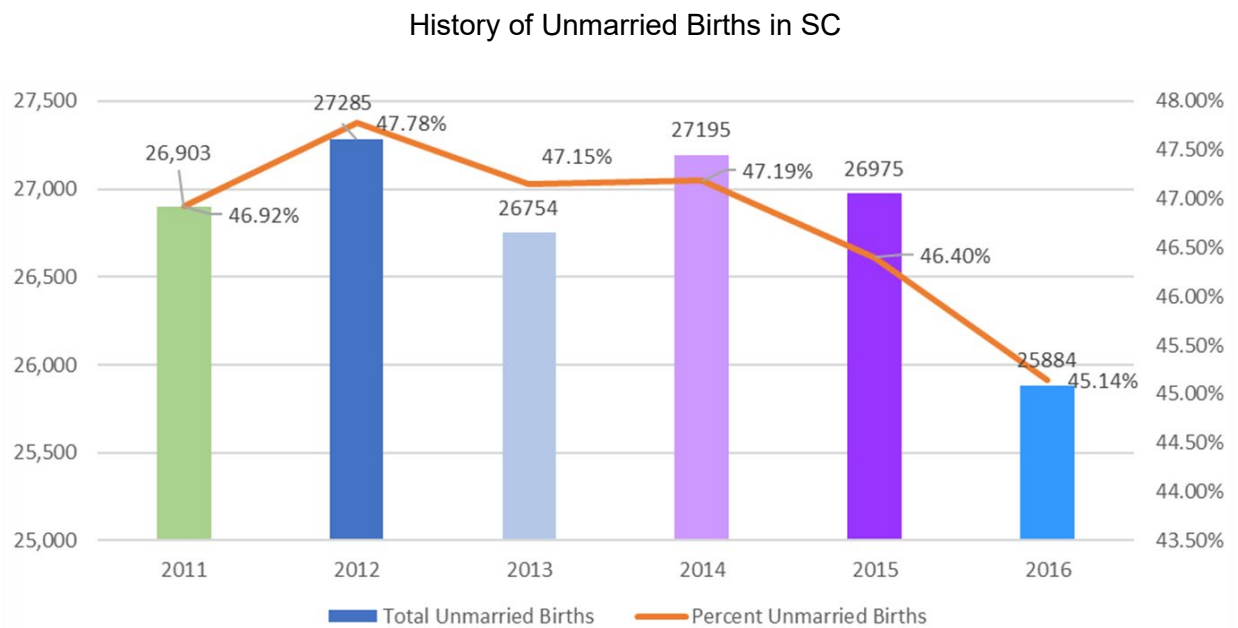
BACKGROUND

THE NEED FOR VOLUNTARY PATERNITY ACKNOWLEDGMENT

Over the past three decades, the number of American children born to unmarried parents has increased dramatically. In 1980, 18 percent of births in the United States were to unmarried parents; by 2015, that number had increased to over 40 percent of all births. South Carolina has experienced a similar increase; however, in 2016, the unmarried birth rate was 45.1%, over 5 percent higher than the national average.



Source: National Center for Health Statistics, 2016



Source: DHEC 2016

The rising non-marital birth 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 connection to both parents.

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

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?

Legislation on the national and state levels was passed to address the problems that

result when children are born to unmarried parents. Federal and State laws require hospitals to participate in the completion of paternity acknowledgments. This guide assists hospital staff in complying with these laws.

FEDERAL LEGISLATION

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 were designed to strengthen then existing paternity programs.

Under PRWORA, all states were 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 paternity acknowledgment form. The acknowledgment is considered to be a legal finding of paternity once it is recorded with the State Office of Vital Records unless either parent rescinds the acknowledgment within 60 days of the last signature date. A rescission will not cause or allow an amendment to the birth certificate. Therefore, the father's name WILL NOT be removed from the birth certificate. 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 enacted to implement a voluntary paternity acknowledgment process in birthing hospitals. 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 the unmarried parents do not complete a *Voluntary Paternity Acknowledgment*, 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 measure for which the Child Support Services Division is evaluated and held accountable to by the federal government.

The federal PEP goal for all states is 90 percent of all unmarried births having paternity resolved. Meeting that standard allows South Carolina to earn incentive money for the Child Support Services Division and avoid federal penalties to the Temporary Assistance for Needy Families (TANF) program.



REMEMBER:

Meeting the 90 percent federal standard allows South Carolina to earn incentive money for the Child Support Services Division and avoid federal penalties to the TANF Program.

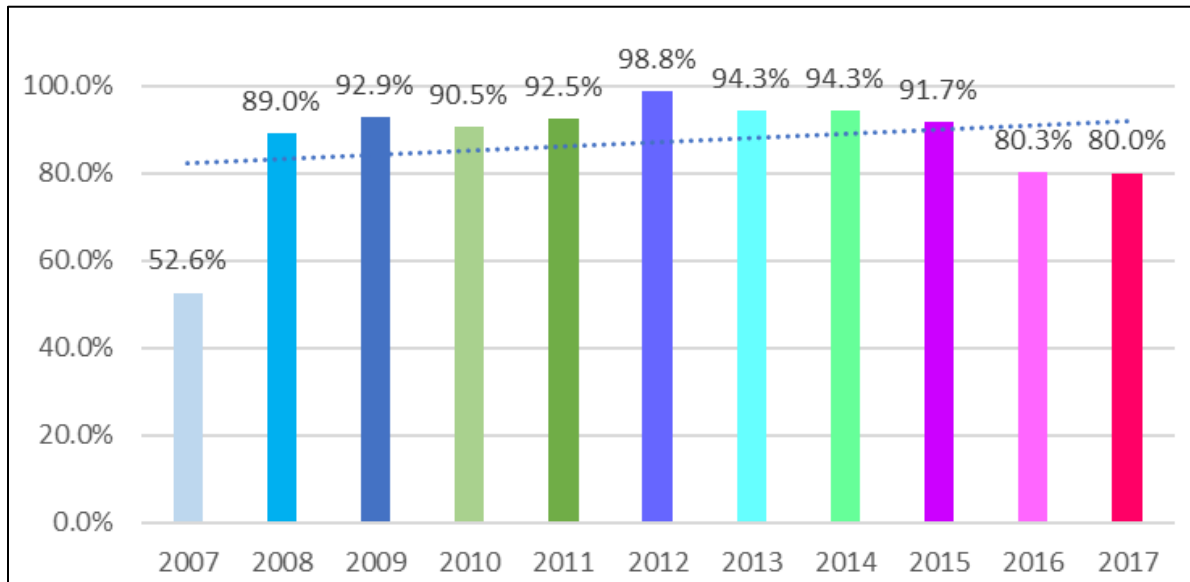
One way of calculating the PEP is using what is called a statewide standard, which is calculated by dividing the number of children born to unmarried parents who have paternity acknowledged or established in a given federal fiscal year (FFY) by the number of children born to unmarried parents in the previous year.

In FFY2016, 21,044 children born to unmarried parents in South Carolina had paternity acknowledged or established. There were 26,218 unmarried births in the previous year. Dividing 21,044 by 26,218 calculates to a statewide PEP of 80.2 percent for FFY 2016, which placed South Carolina under corrective action for not maintaining the 90 percent standard.

While under corrective action, a state is required to increase its PEP by a minimum of 2 percent in the next FFY or face a penalty on the state's TANF block grant. The initial numbers show that there were 19,896 children in South Carolina born to unmarried parents with paternity acknowledged or established during FFY2017. There were 24,873 births to unmarried parents in the previous year. Dividing 19,896 by 24,873 calculates to a statewide PEP of 79.99 **percent**, which indicates the program did not

achieve the 2 percent increase and will incur a penalty.

South Carolina's history with PEP is shown below:



The in-hospital paternity acknowledgment rate contributes substantially to the statewide PEP and is calculated by dividing the number of paternity acknowledgments completed in hospitals by the number of unmarried births in hospitals. For example, in FFY 2017, there were 24,818 children born to unmarried parents with 14,680 having acknowledged paternity in a hospital. This calculates to an in-hospital paternity acknowledgment percentage of 59.2 percent in FFY 2017.

The goal of the South Carolina Parenting Opportunity Program is to help hospitals achieve and maintain a minimum of a 65 percent voluntary paternity acknowledgment rate.

ARE THERE PENALTIES ASSOCIATED WITH PEP?

As discussed above, South Carolina must maintain a PEP of 90 percent or better. If South Carolina does not meet the 90 percent standard in a given year, the Federal Government will place the State under a corrective action plan that requires a 2 percent increase. If the State meets the 2 percent increase, corrective action stops. If the State fails to meet the 2 percent increase, a penalty can be assessed against the state's Temporary Assistance to Needy Families (TANF) grant.



REMEMBER:

The goal of the South Carolina Parenting Opportunity Program is to help hospitals achieve and maintain a minimum of a 65 percent voluntary paternity acknowledgment rate.

SECTION 2

THE SOUTH CAROLINA PARENTING OPPORTUNITY PROGRAM

THE IMPORTANCE OF ESTABLISHING PATERNITY

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

Relationship

It is important for a child to know his or her mother and father and to benefit from a relationship with both 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.



REMEMBER:

Establishing paternity provides the child with a wide range of potential benefits!

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 Affidavit*, 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 *Affidavit*, the father can petition the court for visitation rights and/or share in custody arrangements.

Adoption

If a father does not acknowledge paternity or add his name to the *Responsible Father Registry*, 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. Possible benefits include social security, life insurance, pensions, veteran's benefits, and inheritance rights if something happens to the father.

Financial Security

Both parents have a responsibility and are expected to contribute to their child's FINANCIAL and EMOTIONAL SECURITY, because BOTH parents are legally and financially responsible for their child. This reduces the likelihood that either parent will have to apply for financial or medical assistance. If the parents separate and paternity has already been established, it will be easier for the custodial parent to obtain court-ordered child support. Income from child support often keeps 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 is supported by the South Carolina Office of Vital Records (DHEC), the South Carolina Parenting Opportunity Program (DSS), and the South Carolina Hospital Association. It 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, regional Vital Records Offices, DSS, and the Vital Records Central office have formed a unique partnership for the benefit of the state's children and families.



REMEMBER:

Voluntary paternity acknowledgment is an easy process that allows parents to establish paternity without going to court and is a first step toward solidifying the father/child relationship.

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 acknowledgment 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 paternity acknowledgments completed in South Carolina's birthing hospitals;
- Educate the staff at South Carolina's birthing hospitals and Regional Vital Records Offices about the significant role they play in educating unmarried parents about the importance of acknowledging paternity;
- 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 hospitals' birth registration staff 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 Acknowledgment Affidavits*. 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 child;
- 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 the father's information is placed on the child's birth certificate;
- Witnessing and Notarizing the signing of *Paternity Acknowledgment*



REMEMBER:

South Carolina's hospitals' birth registration staff play a critical role in the success of the paternity acknowledgment process.

Affidavits; and

- Forwarding completed *Paternity Acknowledgment Affidavits* to the Vital Records Central Office.

THE ROLE OF REGIONAL VITAL RECORDS OFFICES IN PATERNITY ACKNOWLEDGMENT

South Carolina's Regional Vital Records Offices play an important role in the success of the paternity acknowledgment process. Regional Vital Records Offices contribute by:

- Providing informational materials to unmarried parents to explain what acknowledging paternity means for them and their child;
- Orally explaining the rights and responsibilities to all unmarried parents;
- Offering the opportunity to complete a *Paternity Acknowledgment Affidavit* and assisting parents with completing the form; and
- Forwarding paternity documentation to the Vital Records Central Office

THE ROLE OF THE VITAL RECORDS CENTRAL OFFICE IN PATERNITY ACKNOWLEDGMENT

The Vital Records Central Office 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 Acknowledgment Affidavits*;
- Maintaining the original *Affidavits* hospitals and Regional Vital Records Offices submit;
- 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 SERVICES DIVISION IN PATERNITY ACKNOWLEDGMENT

The South Carolina Department of Social Services (DSS), Child Support Services Division (CSSD) assists parents who wish to establish paternity and collect child

support from a noncustodial parent. DSS, in collaboration with DHEC, was responsible for developing a simple process for unmarried parents to acknowledge paternity voluntarily without going to court. DSS established the South Carolina Parenting Opportunity Program (SCPOP) to help fulfill its role in the voluntary paternity acknowledgment process. One of SCPOP's main purposes is to assist birthing hospitals with educating unmarried parents. SCPOP trains birth registration staff and provides materials, including brochures, videos, and other educational materials to make unmarried parents aware of their option to acknowledge paternity voluntarily, their rights and responsibilities, and the importance of acknowledging paternity for their children.

South Carolina CSSD hired Veritas HHS, a private service provider, to help with the development of materials, training, and outreach efforts. Veritas HHS serves as DSS/CSSD's liaison and works with hospital and vital records staffs in matters relevant to SCPOP and ensuring the program's success.

THE ROLE OF REGIONAL CHILD SUPPORT SERVICE DIVISION OFFICES IN PATERNITY ACKNOWLEDGMENT

When a child support cases are opened and if paternity is in question, regional CSSD staff will review the information from the *Paternity Acknowledgment Affidavits* that are completed in hospitals or at Regional Vital Records Offices. CSSD staff will compare the names of the parties with the records from the DHEC interface to determine if paternity has been established. The CSSD worker can then choose the best approach for proceeding with the case either establish paternity and an order for support or if paternity is established proceed with an order for child support.

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 Affidavit*. (See the *APPENDICES* for a copy of this form). The hospital's role is to ensure 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 provide an opportunity to speak with staff who are trained to explain the process and answer any questions the parents have;
- Provide the parents with written information about paternity establishment, such as rights and responsibilities, legal consequences, and alternatives to signing a voluntary acknowledgment;
- Show a video presentation discussing the paternity establishment process and their options;
- Have staff available to help parents complete the *Paternity Acknowledgment Affidavit* and to notarize the parents' signatures; and
- Enter information from *Paternity Acknowledgment Affidavits* into the electronic birth system, as well as sending the original signed and notarized *Affidavits* to the Vital Records Central Office within five (5) calendar days.

The *Paternity Acknowledgment Affidavit* collects much of the same information as the birth certificate. Consequently, hospital staff should process the *Paternity Acknowledgment Affidavit* along with the birth certificate and compare the two documents to ensure their accuracy.

THE PATERNITY ACKNOWLEDGMENT PROCESS AT VITAL RECORDS OFFICES

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

The Regional 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 or DSS for assistance.

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

When 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 considering all that is happening. The short hospital stay also limits your time to answer questions and gather information needed to complete the *Paternity Acknowledgment Affidavit* and birth certificate. To fulfill this requirement, and to maximize the chances of parents making informed decisions, consider the following:

- **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.** Many hospitals already 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 the process at your hospital, consider including it or have your delivering doctors distribute information.
- **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.** Information relating to paternity acknowledgment should be distributed to the physicians, OBGYN offices, and other prenatal care providers that admit patients to your hospital. A brochure about the voluntary paternity acknowledgment is available for distribution to these entities, and the SCPOP staff are also be available for education and outreach efforts.
- When 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 completing and signing the *Affidavit* is entirely voluntary; never pressure parents into completing the form.

**REMEMBER:**

It is important that parents understand that completing and signing the *Affidavit* is entirely voluntary; never pressure parents to acknowledge paternity.

INSTRUCTING PARENTS AND ANSWERING QUESTIONS

Some fathers may not be present when you are preparing the birth certificate. Remind the parents they must both be present to discuss the *Paternity Acknowledgment Affidavit*, sign the form, and have their signatures witnessed and notarized.

If the parents do not complete the *Affidavit* in the hospital, and they later want to place the father's information on the birth certificate, they will need to complete an *Affidavit* at a Regional Vital Records Office or at the Vital Records Central Office. 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 form at the Regional or Vital Records Central 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 their questions, advise them to contact the SCPOP helpline at 866.914.8786 or a private attorney. It is illegal to give legal advice unless you are an attorney.

Some parents may wish to obtain genetic testing instead of completing an *Affidavit*. ***It should be explicitly clear to the parents that if they are uncertain about paternity and are considering a genetic test, they should not complete the Affidavit.*** If parents sign the *Affidavit* and then get a genetic test that shows the man who signed the form **IS NOT** the father of the child **AND** the 60-day period to rescind the *Affidavit* 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.

**REMEMBER:**

It is illegal to give legal advice unless you are an attorney.

FILLING OUT THE FORM

**REMEMBER:**

The information on the Paternity Acknowledgment Affidavit must match the information on the birth certificate.

The *Paternity Acknowledgment Affidavit* 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 75 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 *Affidavit* follow:

- The form 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 — for example, even by the friction of a sheet of paper on top of it.
- The information on the *Paternity Acknowledgment Affidavit* must match the information on the birth certificate.

- Parents should provide all information requested on the form. 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 does not have a Social Security number, it is acceptable to leave blank.
- DHEC will not accept paternity forms if parents do not provide the required information. If parents refuse to provide required 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 required information. If you have questions about specific cases, contact the Vital Records Central Office at 803.898.3620.
- Federal law mandates collection of social security numbers for this program.
- Parents should be advised that they are required to provide a social security number if they have one.

SIGNATURES

- Both parents must complete and sign the same form. Both signatures must be witnessed and notarized.
- The notary is responsible for ensuring the parents provide appropriate identification (a valid picture ID) prior to signing the *Affidavit*. (See discussion on proper identification on the bottom of page 28).
- Minor parents may sign the form. A guardian's signature is not necessary.



ISSUING COPIES OF THE FORMS

The Vital Records Central Office **does not** issue copies of completed *Paternity Acknowledgment Affidavits* since the document is not a public record unless 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 *Affidavit*.

PROCESSING COMPLETED FORMS

- After the *Paternity Acknowledgment Affidavit* is completed at the hospital, including the witnessed and notarized signatures of both parents, hospital staff must enter information into DHEC's electronic birth certificate system and send the original *Affidavit* to the Vital Records Central Office for processing.
- If there is an error on the *Affidavit*, Vital Records Central Office staff will contact the hospital for correction. Hospital staff are then responsible for contacting the parents to get it corrected. If parents do not respond within five business days, hospital staff must remove the father's information from the record in WebBirth and release the record back to DHEC. Hospital staff must inform the parents they can still complete a *Paternity Acknowledgment Affidavit* at their nearest Regional Vital Records Office or at the Vital Records Central Office for a fee of \$27, which includes a \$12 birth certificate search fee and \$15 amendment fee.

SECTION 4

INSTRUCTIONS FOR COMPLETING THE PATERNITY ACKNOWLEDGMENT AFFIDAVIT

The instructions below are for completing a *Paternity Acknowledgment Affidavit* (DHEC Form 607). **This form is required to add the biological father's information to any birth record where the mother was not married at the time of birth or 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 Regional Vital Records Office or Vital Records Central Office within 60 days of completing the form. A rescission will not cause or allow an amendment to the birth certificate. Therefore, it will NOT remove the man as the legal father of the child. 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 Affidavit* can be completed 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 or conception, or any time in between.** If the mother was married at any time during the pregnancy, her husband (or ex-husband), by law, is considered the child's legal father. Please note:
 - Even if the mother states another man is her child's biological father, the *Paternity Acknowledgment* cannot be completed.
 - The name of her husband (or ex-husband) must be entered on the birth certificate as the father. If she refuses to provide the information the father section can be left blank on the birth certificate.
 - If paternity has already been determined by a court order, the name of the father as determined by the court order will be entered.
- **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 *Affidavit*, show proper picture identification, and both their

signatures must be witnessed and notarized. (**Note:** Paternity can also be acknowledged later, after the birth is registered, if the mother and father complete an *Affidavit* at a Regional Vital Records Office or the Vital Records Central Office.)

- **The birth record has not already been sent to the Vital Records Central Office.** If the birth record has been transmitted to the Vital Records Central Office via the EBC system and the parents wish to acknowledge paternity, they cannot complete a *Paternity Acknowledgment Affidavit* at the hospital. They must complete the *Affidavit* at a Regional Vital Records Office or the Vital Records Central Office.

The *APPENDICES* contain a list of the Regional Vital Records Offices in the state.

QUESTIONS TO CONSIDER WHEN COMPLETING A PATERNITY ACKNOWLEDGMENT AFFIDAVIT

Question	Yes/No	Follow These Instructions
Is the mother married to the child's biological father?	YES	DO NOT complete an <i>Affidavit</i> ; It is not needed.
	NO	DO complete an <i>Affidavit</i> .
Is the mother married to someone other than the biological father?	YES	DO NOT complete an <i>Affidavit</i> . 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 child's father before an <i>Affidavit</i> can be completed. (See form 27164, <i>How Do I Establish Paternity If I Was Married During My Pregnancy, but the Biological Father is Another Man</i> , for information on how DSS can help these parents.)
	NO	If the mother is unmarried, DO complete an <i>Affidavit</i> .

Question	Yes/No	Follow These Instructions
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 an <i>Affidavit</i> .
	NO	If the mother was divorced less than 280 days before the child's birth , DO NOT complete an <i>Affidavit</i> . The mother's ex-husband is considered the child's father until a court order states otherwise.
Are the mother and alleged father 100 percent sure he is the biological father?	YES	DO complete the <i>Affidavit</i> .
	NO	DO NOT complete the <i>Affidavit</i> and suggest that they pursue genetic testing prior to signing the form. (Provide the <i>Paternity Testing</i> fact sheet 27163.)
Is the baby's father married to someone else?	YES	DO complete the <i>Affidavit</i> .
	NO	DO complete the <i>Affidavit</i> .
Same Sex Relationship: Is the mom married to female partner?	YES	DO NOT complete the <i>Affidavit</i> .
	NO	DO complete the <i>Affidavit</i> .

SPECIFIC INSTRUCTIONS FOR COMPLETING THE ITEMS ON THE PATERNITY ACKNOWLEDGMENT AFFIDAVIT

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 Affidavit* must match the information provided on the birth certificate. Any area that is non-applicable such as a parent without an SS# or an unemployed father should be left blank on the *Affidavit*.

NAMES OF PARTIES FRONT PAGE

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. Including first, middle, and last name(s), 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 Legal 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; If the mother does not have a social security number, leave blank.
4. **Mother's Race:** If other is selected, you must specify actual Race.
5. **The mother should be provided with a copy of the Rights and Responsibilities. The clerk should read the form or ensure that the mother has read and understands her rights and responsibilities as they relate to signing form.**
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 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; If the father does not have a social security number, leave space blank.
4. **Name of Father's Employer:** Enter the name of the father's employer. If the father is unemployed, leave space blank.
5. **Employer's Address:** Enter the address of the father's employer. If the father is unemployed, leave space blank
6. **The father should be provided with a copy of the Rights and Responsibilities.** The clerk should read the form or ensure that the father has read and understands the rights and responsibilities as they related to signing form.
7. **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).
8. **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, however if the notary and witness are different individuals, the witness date and notary date must be the same.**

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. DHEC's (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 provided, the father's information will not go on the birth certificate.
4. **SCPOP and DHEC Vital Records strongly encourage all hospitals to use the ID Checking Guide books available in US/Canada and International editions. The books are available for purchase online at <http://www.idcheckingguide.com>**

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, and 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.
 - Note: The witness and notary can be one and the same persons. However, if they are different individuals, the witness and notary date must be the same.

RESCINDING THE PATERNITY ACKNOWLEDGMENT

Rescission of the Paternity Acknowledgment can be done by either parent within 60 days at the Vital Records Central office in Columbia. A rescission will not cause or allow an amendment to the birth certificate. Therefore, the father's name WILL NOT be removed from the birth certificate. 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 brochure **"Make a Positive Choice for your Child"** (SCPOP Form 27155) 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 which can be easily accessed by QR code on the brochure. 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 and provide them with a copy of the form.
8. Make sure that all staff responsible for PATAKs are also Notary Publics. Have trained staff who are notaries available on nights and weekends to assist parents with completing the PATAK prior to discharge from hospital.
- Use the PATAK form electronically and transmit the original, signed PATAK to the Vital Records Central Office 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.
 - Informational flyers can also be given to parents in pre-admission packets (Form 27158), in prenatal classes, in any information given by volunteer services, or by any means available to the hospital for distribution of information. Posters 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.

IMPORTANT NOTES

- Ensure the *Affidavit* is complete. DHEC will reject the *Affidavit* if the form has incorrect or missing information. This is one reason for lower paternity acknowledgment numbers.
- It is a 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 have the opportunity to acknowledge paternity before leaving the hospital.
- When both parents are available at the hospital, they are more likely to

sign the *Affidavit*, please ensure parents are educated and have opportunity to complete the process prior to discharge.

- Parents can complete the *Affidavit* separately in the hospital within five days of birth, provided their signatures are notarized separately.

SECTION 5

SPECIAL SITUATIONS

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 form 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 or DSS for assistance.

Examples of questions requesting legal advice include:

- 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. Please provide parents with the fact sheet detailing the process (Form 27163). South Carolina CSSD provides genetic testing at no cost to either parent.



REMEMBER:

It is very difficult to disestablish paternity in South Carolina after the 60-day rescission period has passed.

DISESTABLISHING PATERNITY

In South Carolina, the *Paternity Acknowledgment Affidavit* is considered a "legal document" once it is notarized. Even if the birth clerk has not yet filed it with the Vital Records Central Office, it is considered a "legal document." **Either parent has 60 days after signing the Affidavit to change his or her mind.** If a parent (or parents) wishes to rescind the affidavit, the parent must go to the Vital Records Central Office to complete the paperwork. However, a rescission will not cause or allow an amendment to the birth certificate. It **WILL NOT** remove the man's name as the child's legal father on the birth certificate. 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 60-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 Affidavit* is not a public record, parent verify accuracy prior to signing. Completed *Affidavits* are not available to the parents or the general public once received by the Vital Records Central Office.

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 child's father. 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. In accordance with Regulation 61-19, Section 500G, the woman who gives birth to the child shall be recorded as the birth mother and the information required by the report of live birth shall be that of the birth mother. Thereafter, a court of competent jurisdiction may determine that a woman other than the live birth mother is the biological or genetic mother and order that the original live birth record be so amended. The original live birth record shall then be placed under seal. Birth certificate personnel should contact the Vital Records Central Office for guidance if uncertain when completing the birth certificate.

WHAT HAPPENS TO THE PATERNITY ACKNOWLEDGMENT AFFIDAVIT AFTER IT IS COMPLETED

HOSPITAL'S ROLE

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

REGIONAL VITAL RECORDS OFFICES' ROLE

After a *Paternity Acknowledgment Affidavit* is properly completed at the Regional Vital Records Office, office staff must send the original *Affidavit* Vital Records Central Office for processing.

VITAL RECORDS CENTRAL OFFICE'S ROLE

The Vital Records Central Office is responsible for processing and filing of all original *Paternity Acknowledgment Affidavits*. All questions regarding the processing of *Affidavits* should be directed to the Vital Records Central Office at 803.898.3620.

SOUTH CAROLINA PARENTING OPPORTUNITY PROGRAM'S ROLE

The SCPOP office receives monthly statistics for each hospital, and for the state as a whole, from the Vital Records Central Office and uses the statistics to track the federal performance measure. When deemed necessary, SCPOP staff will contact hospital staff to draft a performance improvement plan when the hospital's percentage of *Paternity Acknowledgment Affidavits* is below the state average. SCPOP staff are there to assist you in identifying and resolving the reasons for the decline in your hospital's paternity percentage and offer solutions to increase the percentage.

HOW PATERNITY ACKNOWLEDGMENT IS USED

The purpose of the voluntary paternity acknowledgment process is to establish paternity. If the parents are not married to each other, completing a *Paternity Acknowledgment Affidavit* 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, which 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 Affidavit* 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.



REMEMBER:

When there is a decline in your hospital's paternity acknowledgment percentage, SCPOP staff are there to help get the percentage back on track.

- **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 Affidavit* 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

PARENTS' RIGHTS AND RESPONSIBILITIES

Note: Federal and State laws require that every unmarried couple giving birth be provided their Rights and Responsibilities for acknowledging paternity at the hospital.

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 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 signatures 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 63-17-10 and 63-17-40 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 63-17-50. 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 any Region Vital Records office 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.

DHEC 607 (12/2017)

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 helping unmarried parents establish paternity is vital to this effort. Below we have listed "Best Practices" to help 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 departments that work with expecting mothers. Examples of these are: prenatal classes, pre-admission packets, Lamaze, 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 unmarried patients have the SCPOP brochure before you visit with them.
3. Consider changing or expanding availability of hospital staff to accommodate working fathers by providing an opportunity to fill out the *Paternity Acknowledgment Affidavit* on nights and weekends. Train nurses and volunteers to complete the *Paternity Acknowledgment* during evening and weekend hours when birth registration staff are off duty.
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 that is easily accessible by QR code on all materials. Parents can watch the video on their smart phones at their convenience. If you'd like a DVD copy to have added to the hospital education channel (if you have one), contact SCPOP at 1-866-914-8786.
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 (a laptop on a rolling cart that you can take into a patient's room) rather than having to go back to your office to complete the form. This will save you a lot of time.
7. Put the link to the SCPOP website, <https://dss.sc.gov/child-support/parents-families/establishing-paternity/> 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 parents to read or watch video from materials about paternity establishment that they have been provided.
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. Consider implementing a Must for Dads class where you show them the SCPOP video, provide our materials, answer questions and provide other important information for dads.
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 Regional Vital Records Office or Vital Records Central Office at any time (let them know that there is a \$27 fee). Provide SCPOP materials with the confirmation of birth form other selecting 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 genetic testing.
14. Notify the SCPOP office concerning personnel changes in your office and the need for training new or additional staff.

South Carolina Parenting Opportunity Program



*Making a world of difference for children
What a difference a Dad makes!*

TRAINING MANUAL APPENDICES

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 63-17-10 and 63-17-40 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 63-17-50. 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 any Region Vital Records office 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.

DHEC 607 (12/2017)

	Voluntary Paternity Acknowledgment	Certificate No. _____
Pursuant to Section 44-63-165 of the Code of Laws of South Carolina, 1976, as amended, I hereby affirm that _____ (first) (middle) (last) (suffix) is the father of the child born on _____ (month) (day) (year) in _____, South Carolina, to _____ (city, county) (mother's full name prior to first marriage) It is desired to have the father's name entered on the birth certificate and that the child be named _____ (first) (middle) (last) (suffix)		
Mother's Date of Birth: _____ (month) (day) (year) Father's Date of Birth: _____ (month) (day) (year) Mother's Place of Birth: _____ (state or foreign country) Father's Place of Birth: _____ (state or foreign country) Father's Social Security #: _____ Father's Race: _____ Father's Employer: _____ Employer's Address: _____		
<i>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 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 63-17-10 and 63-17-40 which directs DHEC to amend the birth certificate. 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 63-17-50. I also understand that by signing this document that I have read or have had read to me and I understand my rights and responsibilities as outlined on the document provided to me.</i>		
_____ (Signature of Mother) _____ (Signature of Father) _____ (Address of Mother) _____ (Address of Father)		
I certify that prior to signing this Paternity Acknowledgment, the provisions of the Acknowledgment were discussed with the person acknowledging paternity and that based upon this discussion, it is my opinion that this Acknowledgment is being given voluntarily and was not obtained under duress or through coercion.		
Witness _____ Date _____ SWORN to and subscribed to before me this _____ day of _____, _____ _____ (SEAL) _____ (SEAL) (Signature of Notary Public) (Signature of Notary Public) For State of _____ For State of _____ My Commission expires: _____ My Commission expires: _____ Identification presented by mother: _____ Identification presented by father: _____ (Source) (Number) (Source) (Number)		
Require photo identification of both parents when obtaining signatures and enter source and document number. Both parents must consent to adding the name of the father and agree upon the full name of the child.		
DO NOT WRITE BELOW THIS LINE		
ABSTRACT OF SUPPORTING EVIDENCE (For Vital Records Use Only)		
Other Items To Be Corrected		
Item Omitted or in Error	Birth Certificate Shows	Should Be
1.		
2.		
3.		
Name of Document Supporting Correction of Item in the Corresponding Number Above	Place Where Document is Filed	Date Document was Filed
1.		
2.		
3.		
Information Stated in Document of Corresponding Number Above		
1.		
2.		
3.		
I certify that I have examined the documents referred to above, and they show no changes or erasures and appear to be authentic.	Evidence Reviewed by: _____	Date _____

DHEC 607 (12/2017)

TO BE COMPLETED WHEN FATHER ACKNOWLEDGES PATERNITY PRIOR TO THE BIRTH OF THE CHILD (All information concerning the father on the front of this form including his notarized signature must also be completed at the time the affidavit below is executed.)

I, _____, having acknowledged paternity prior to
(first, middle, surname of father)
 the birth of the child to be born to _____ on
(first, middle, maiden name of mother)
 or about _____, do consent for the child's surname
(expected date of birth)
 to be _____, further that the designation of the child's given name at the
 time of birth be considered as mutually agreed upon by me and the mother.

(Signature of Father)

I certify that prior to signing this Paternity Acknowledgment, the provisions of the Acknowledgment were discussed with the person acknowledging paternity and that based upon this discussion, it is my opinion that this Acknowledgment is being given voluntarily and was not obtained under duress or through coercion.

Witness _____ Date _____

SWORN to and subscribed to before me this _____ day of _____,

(Notary Public) (SEAL)

For State of _____ My Commission expires: _____

TO BE COMPLETED IF SIGNATORY **RESCINDS** PATERNITY WITHIN SIXTY (60) DAYS OF A SIGNED PATERNITY ACKNOWLEDGMENT AFFIDAVIT:

I, _____, (Father/Mother) having previously acknowledged
(Name of person rescinding) (circle one)
 paternity of _____ born on
(Name of child)

_____ to _____
(Child's date of birth) (Full maiden name of mother)

do now hereby rescind my voluntary acknowledgment which was signed and notarized on _____
(Date of paternity acknowledgement)

(Signature of rescinder)

(Signature of rescinder)

(Date rescission signed)

(Date rescission signed)

(*Identification presented by rescinder)

(*Identification presented by rescinder)

SWORN to and subscribed to me this _____ day of _____.

(SEAL)

(Signature of Notary Public)

State of South Carolina
 My Commission Expires: _____

*Photo identification is required when obtaining signature(s). The source and identifying number must be recorded to validate revocation. Consent from second (2nd) signatory is NOT REQUIRED.

DHEC 607 (12/2017)

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 via GPO Access

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

(ii) and must provide voluntary paternity establishment services focusing on the period immediately before and after the birth of a child born out-of-wedlock.

(iii) 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);

(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 (witnesses).
- (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 state-wide 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(9)(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

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 as certain able, 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 year 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, Section 500 VITAL STATISTICS LIVE BIRTH REGISTRATION

(H) 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.
- (2) If the mother was not married either at the time of either conception or live birth or between conception and live birth, the name of the father shall

not be entered on the report without an acknowledgment of paternity as prescribed by State law and signed by the mother and the person to be named as the father. The acknowledgment shall be filed with the State Registrar.

(3) If the father is not named on the report of live birth, non-identifiable information about the father may not be entered on the report.

(4) Thereafter, paternity of a child may be determined by a court of competent jurisdiction pursuant to South Carolina law. The name of the father and surname of the child shall be entered on the report of live birth in accordance with the finding of the court when a valid court order is submitted to the Bureau of Vital Statistics. The original live birth record shall then be placed under seal.

The birth mother of the child shall verify the accuracy of the personal data to be entered on the report to permit the submission of the report within the five calendar days as prescribed in Section 501A.

(1) If the mother is incapacitated or deceased, the legal father or other informant as determined appropriate by the State Registrar shall provide and verify the accuracy of the information.

(2) If the mother or other informant does not verify the accuracy of the personal data entered within the prescribed five days, the report of live birth 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 an on-site notary is not available, many parents who wish to acknowledge paternity at the hospital simply will not be able to establish a legal father for their child. If a notary is not available to give instructions and offer the *Paternity Acknowledgment Affidavit* form for the parents 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 (for example, they may be confused when trying to fill out the form later, or they may not know the location of the nearest Vital Records Office, or they may not have transportation to get the Vital Records Office, 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. If you aren't already a notary, you should ask your supervisor if the hospital will cover the cost of your becoming 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. (*The bottom portion is to be completed by your county legislative delegation; addresses are listed at the end of the application.*)

- 2) Attach a check or money order to your original application in the amount of \$25.00 payable to "SC Secretary of State's Office."
- 3) Mail both pages of your original application and check to your county delegation office listed at the end of the application for the required signatures. Your delegation office will forward your check and application to the Secretary of State's office.
- 4) If your county delegation is not listed, forward your application to: South Carolina House of Representatives, PO Box 11867, Columbia SC 29211. The phone number is (803) 734-2010.
- 5) The Secretary of State's Office 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 Voter Registration and Election Commission for this information. The number will be listed under County Government in your local telephone book. You can also check your voter registration number at www.scvotes.org.
- 7) If you are renewing your commission and if your commission has not yet expired, you may file your application as a renewal. If your previous commission has expired, your application will be processed as a new application.

CHILD SUPPORT ENFORCEMENT DIVISION OFFICES

Child Support Services Division, Central Inquiry Unit
3150 Harden Street Columbia, SC 29202
Mailing address: P.O. Box 1469, Columbia, SC 29202-1469
Phone: 1.800.768.5858

Child Support Services Division, Columbia Region
Regional Director: Brenda Cummings (803) 898-8589
3150 Harden Street Columbia, SC 29202
Mailing address: P. O. Box 1270, Columbia, SC 29202-1270
Phone: (803) 898-9282
Fax: (803) 898-9465 or (803) 898-7901

Aiken, Bamberg, Barnwell, Calhoun, Chester, Edgefield, Fairfield, Kershaw, Lancaster, Lexington, McCormick, Newberry, Orangeburg, Richland, Saluda, Union, and York

Child Support Services Division, Charleston Region
Regional Director: Andrenna Wadley (843) 953-9741
3346 Rivers Ave., Suite E, North Charleston, SC 29405
Mailing address: P. O. Box 150012 Charleston, SC 29415-5012
Phone: (843) 953-9700; Fax: (843) 953-9155

Allendale, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, and Jasper

Child Support Services Division, Florence Regional Office
Regional Director: Roger Cales (803) 413-6509
2120 West Jody Rd. - Suite D, Florence, SC 29503
Mailing address: P. O. Box 1071 Florence, SC 29503
Phone: (843) 413-6501; Fax: (843) 413-6512 or (843) 413- 6513

Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Lee, Marion, Marlboro, Sumter, and Williamsburg

Child Support Enforcement, Greenville Regional Office
Regional Director: Angela Hopkins (864)-282-4674
714 North Pleasantburg Dr. - Suite 200, Greenville, SC 29607
Mailing address: P. O. Box 17799 Greenville, SC 29607-8799
Phone: (864) 282-4650; Fax: (864) 282-4634

Abbeville, Anderson, Cherokee, Greenville, Greenwood, Laurens, Oconee, Pickens and Spartanburg

REGIONAL VITAL RECORDS OFFICES

County	Address	City	Zip	Phone
Aiken	222 Beaufort St NE	Aiken	29801	803-642-1686
Anderson	220 McGee Road	Anderson	29625	864-260-5667
Beaufort	1407 King St	Beaufort	29902	843-525-7637
Charleston	4050 Bridgeview Dr	Charleston	29405	843-953-0032
Chesterfield	203 N Page St P O Box 112	Chesterfield	29709	843-623-3767
Florence	1705 W. Evans St	Florence	29501	843-413-6440
Georgetown	531 Lafayette Circle	Georgetown	29440	843-546-0174
Greenville	200 University Ridge	Greenville	29601	864-372-3267
Greenwood	1736 South Main St	Greenwood	29646	864-227-5970
Hampton	531 West Carolina Ave PO Box 37	Varnville	29944	803-943-3878
Horry	1931 Industrial Pk. Rd.	Conway	29526	843-915-8802
Orangeburg	1550 Carolina Ave	Orangeburg	29116	803-533-7236
Richland	2600 Bull St	Columbia	29201	803-898-3620
Spartanburg	151 E Wood St PO Box 4217	Spartanburg	29305	864-596-2227
Sumter	105 N Magnolia PO Box 1628	Sumter	29150	803-934-2845
York	1070 Heckle Blvd PO Box 302	Rock Hill	29731	803-909-7307

SCPOP EDUCATIONAL MATERIALS

Following are copies of the SCPOP materials you will use to help unmarried parents understand why it is important to establish paternity.

- Form 27155 SCPOP Brochure—English Version
- Form 27156 SCPOP Brochure—Spanish Version
- Form 27162 SCPOP POSTER—English Version
- Form 27161 SCPOP POSTER—Spanish Version
- Form 27163 SCPOP GENETIC TESTING FACT SHEET
- Form 27164 SCPOP MARRIED MOMS' PATERNITY FACT SHEET
- Form 27158 PRENATAL EDUCATION CARD—English Version

BENEFITS OF PATERNITY ESTABLISHMENT

Paternity helps children

- Have a relationship with both parents
- Know both families medical histories
- Achieve better social, emotional, and educational outcomes
- Lowers likelihood of high-risk behavior
- Have access to either parent's health insurance and/or benefits such as social security or inheritance
- Provides a complete identity by having their father's name on the birth certificate

Paternity helps mothers

- Share the responsibility and rewards of parenthood
- Receive financial support to assist in raising the child
- Access to expanded paternal family for additional support

Paternity helps fathers

- Gain legal rights to their child
- Be recognized as the father by having his name on the birth certificate
- Show commitment to their child
- Establish an emotional bond with the child and participate in the child's life



*Learn more about why paternity
is important to your child.
Snap the QR Code to watch
an informative video.*

Toll-free

(866) 914-8786

Email: scpop@dss.sc.gov

[https://dss.sc.gov/child-support/
parents-families/establishing-paternity/](https://dss.sc.gov/child-support/parents-families/establishing-paternity/)

DSS

SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

COMPETENCE • COURAGE • COMPASSION

FORM 27155 SCPOP Brochure (FEB 18)

South Carolina Parenting Opportunity Program

*Making
positive
choices
for your
child*



DSS

SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

COMPETENCE • COURAGE • COMPASSION

What is paternity?

Paternity means legal fatherhood. If parents were unmarried at the time of the child's birth, they can complete a Paternity Acknowledgement Affidavit to create a legal connection between the child and their biological father.

How does establishing paternity help my child?

- **Self Esteem** All children benefit from knowing both parents care for them.
- **Family Identity** Establishing paternity often affords children extended families and relationships with both sides of the family.
- **Shared Parenting** Establishes parenting as the responsibility of both parents
- **Health History** Establishing paternity often increases the availability of health information



Why should I establish paternity?

Your child receives the benefits that come from having two legal parents, including:

- The father's name on the birth certificate
- * Ability to be added to either parent's health insurance
- * Eligibility for social security benefits and many other inheritance rights.



The greatest statistical indicator of whether an unmarried father will be involved in his child's life is whether he establishes paternity. Give your child the advantage of knowing their father right from the start!

Is paternity acknowledgement easy?

Yes! The process is easy and free as part of the birth registration process at the time of a child's birth. Parents simply complete a Paternity Acknowledgement Affidavit and show a valid government-issued photo ID.

Accepted forms of ID include:
Driver's License • State ID Card
Passport • Consular ID Card
Government issued identification from Country of Origin.

Parents can also fill out the form later at the local county health department or at the State Vital Records office. There is a \$27 fee to complete the form at Vital Records (a \$12 birth certificate search fee and a \$15 amendment fee).



What if one parent wants to establish paternity and the other does not?

The parent wanting to establish paternity can contact a private attorney for assistance or SC POP office (866) 768-5858 for options to assist in establishing paternity.

What if the parents complete the form and change their minds later?

Parents should think carefully before acknowledging paternity. If either parent changes their mind, they have 60 days from the last signature to rescind at the State Vital Records Office.

What if we're not sure he's the father?

If you are not sure who the father is, you should not complete the form. Genetic testing can help determine a child's biological father.

Call the SCPOP office at (866) 914-8786 to receive information on a no cost DNA test through the South Carolina Department of Social Services.



BENEFICIOS DE ESTABLECER LA PATERNIDAD

La paternidad ayuda al menor a

- Tener una relación con ambos progenitores.
- Conocer la historia médica de ambas familias
- Alcanzar mejores resultados a nivel social, emocional y educativo
- Disminuir la probabilidad de comportamiento de alto riesgo
- Tener acceso a, bien sea, al seguro médico del progenitor y/o a beneficios tales como seguro social o herencia
- Tener una identidad completa, al tener el nombre de su padre en el certificado de nacimiento

La paternidad ayuda a las madre

- Compartir la responsabilidad y las recompensas de la paternidad
- Recibir apoyo financiero para ayudar en la crianza del menor
- Acceso a la familia extendida del lado paterno para apoyo adicional

La paternidad ayuda a los padres a

- Obtener derechos legales sobre el menor
- Ser reconocido como el padre, al tener su nombre en el acta de nacimiento
- Mostrar su compromiso con el menor
- Establecer un enlace emocional con el menor y participar en su vida



Aprenda por qué la paternidad es importante para su hijo. Capture el código QR para ver un video informativo

Llame sin cargos al
(866) 914-8786

Email: scpop@dss.sc.gov

<https://dss.sc.gov/child-support/parents-families/establishing-paternity/>

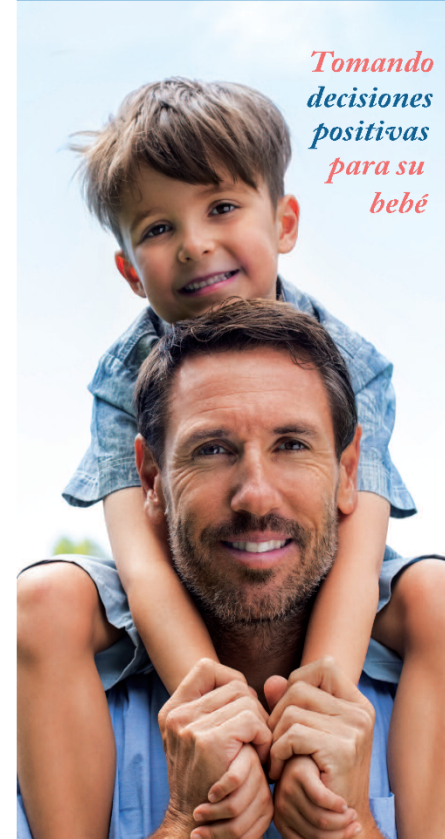
DSS
SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

COMPETENCE • COURAGE • COMPASSION

FORM 27156 SCPOP Brochure SPA (FEB 18)

Carolina del Sur Programa de Oportunidad de Paternidad

*Tomando
decisiones
positivas
para su
bebé*



DSS
SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES

COMPETENCE • COURAGE • COMPASSION

¿Qué es la paternidad?

Paternidad significa ser el padre legal. Los progenitores no casados pueden completar la Declaración Jurada de Reconocimiento de Paternidad en el momento del nacimiento del menor para crear una conexión legal entre éste y su padre biológico.

¿Cómo ayuda a mi hijo el hecho de establecer la paternidad?

- Autoestima Es beneficioso para todos los niños saber que ambos padres cuidan de ellos.
- Identidad Familiar Establecer la paternidad con frecuencia provee a los niños con su familia extendida y relaciones con ambos lados de ésta.
- Paternidad Compartida Establece la crianza como responsabilidad de ambos padres.
- Historial de Salud Establecer la paternidad frecuentemente aumenta la disponibilidad de información médica.



¿Por qué debería establecer la paternidad?

Su hijo recibe beneficios que provienen de tener dos progenitores legales, incluyendo:

- El nombre del padre en el certificado de nacimiento.
- * La habilidad de ser añadido al seguro médico de cualquiera de los dos progenitores.

¡El mayor indicador estadístico de que un padre soltero estará involucrado en la vida de su hijo es si establece la paternidad. Dele a su hijo la ventaja de saber quién es su padre desde el comienzo!

¿Es fácil reconocer la paternidad?

¡Sí! El proceso es fácil y gratuito como parte del proceso de registro del nacimiento al momento del parto. Los progenitores simplemente deben completar una Declaración Jurada de Reconocimiento de Paternidad y mostrar una identificación con foto válida, emitida por el gobierno.

Tipos de identificación aceptadas incluyen
Licencia de conducir • Identificación Estatal • Pasaporte • Identificación Consular emitida por el país de origen.

Los padres también pueden completar el formulario luego, en la oficina De Registros Vitales del Estado, o su oficina local de Registros Vitales. Existe un costo de \$27 para completar el formulario frente a registros vitales (un costo de búsqueda de certificado de nacimiento de \$12, y un costo de \$15 para la enmienda).



¿Qué sucede si uno de los padres quiere establecer la paternidad y el otro no?

El progenitor que quiere establecer la paternidad puede contactar a un abogado privado para que lo asesore en la oficina SCPOP al (866) 768-5858 para opciones de asistencia en el establecimiento de la paternidad..

¿Qué sucede si los progenitores llenan el formulario y luego cambian de opinión?

Los progenitores deben pensar cuidadosamente antes de reconocer la paternidad. En caso de que cualquier progenitor cambie de idea, tienen 60 días, contados a partir de la última firma, para rescindir el reconocimiento de paternidad en la Oficina Estatal de Registros Vitales

¿Qué sucede si no estamos seguros de qué él sea padre?

Si usted no está seguro de quién es el padre, no debe completar el formulario. Las pruebas genéticas pueden ayudar a determinar al padre biológico de un bebé.

Llame sin caros a la oficina de SCPOP al número (866) 914-8786, para recibir más información sobre pruebas de DNA a través del Departamento de Servicios Sociales



*Making positive
choices for your child*

South Carolina Parenting Opportunity Program

Program for
Unmarried Parents
to Establish Paternity

Toll-free

(866) 914-8786

www.dss.sc.gov

 **DSS**
SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES
COMPETENCE • COURAGE • COMPASSION

*Learn more about why paternity
is important to your child.
Snap the QR Code to watch
an informative video.*



FORM 27162 SCPOP POSTER ENG



*Tomando decisiones
positivas para su bebé*

Programa de Oportunidades de Crianza de Carolina del Sur

Programa para que
Padres no casados
Establezcan la
Paternidad

Llame sin Cargos al

(866) 914-8786

www.dss.sc.gov

 **DSS**
SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES
COMPETENCE • COURAGE • COMPASSION

*Aprenda más de la importancia
que tiene la paternidad para sus
hijos. Capture el código QR para
ver un video informativo.*



FORM 27161 POSTER SWING SPA



Making positive choices for your child

South Carolina Parenting Opportunity Program

Program for Unmarried Parents to Establish Paternity

Paternity Establishment through Genetic Testing

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

The Child Support Service Division (CSSD) of the Department of Social Services offers genetic testing for either the mother or potential father at no cost.

How does genetic testing work?

Genetic testing is a quick and painless way to establish paternity. CSSD uses the buccal swab method where a genetic sample is collected by swabbing the inner facial cheek. The samples are collected by a trained technician.

How long will it take to get the results of my genetic testing?

Generally, it takes three to four weeks to complete the paternity test once the last necessary party is tested. The parties will receive copies of the test results.

What is the cost for genetic testing?

CSSD offers a no cost, court-admissible paternity test. To start the process either party submits an application to Child Support Service Division (CSSD).

What will happen when the genetic test results come back?

The State of South Carolina requires a finding of 95% or higher to establish a rebuttable presumption of paternity. Upon receipt of a genetic test result of 95% or higher, CSSD will set the case for an administrative child support hearing to establish paternity and, if the custodian requested, child support. If the result is returned at 0.00%, CSSD would close the case.

**For more information about establishing paternity,
please call 866-914-8786 or email scpop@dss.sc.gov.**

****This test is for parents that have not established paternity and are uncertain of the biological father. If the father is listed on the birth certificate and wanting to dis-establish paternity, please seek legal counsel. This testing is only offered to parents seeking to establish paternity.

Visit DSS website for more information or application
<https://dss.sc.gov/child-support/parents-families/establishing-paternity/>

IMPORTANT: Establishing a father through the above DNA process does not automatically create an order for Child Support. The custodial parent of the child would have to request child support services to establish a support order.

 **DSS**
SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES
COMPETENCE • COURAGE • COMPASSION

*Learn more about why paternity
is important to your child.
Snap the QR Code to watch
an informative video.*



FORM 27163 SCPOP GENETIC TESTING FACT SHEET



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, her husband is presumed to be the legal father of the child and a paternity acknowledgment cannot be completed.

In this situation, the biological father cannot complete a Paternity Acknowledgment Affidavit. To have the biological father added to the birth certificate a determination by a court in accordance with South Carolina Law must be sought.

There are two options:

- Submit application to Child Support Services
- Seek private legal counsel for assistance.

Making positive choices for your child

South Carolina Parenting Opportunity Program

Program for Unmarried Parents
to Establish Paternity

The Child Support Services Division (CSSD) will help you establish the biological father as the legal father of your child!

The mother completes two Custodial Parent Applications for Child Support Services.

- Mother is the Custodial Parent in both applications
- In first application the biological father is listed as the Non-Custodial Parent
- In second application the legal father is listed as the Non-Custodial Parent
- There is no cost for CSSD assistance or genetic testing fee

Contact SC POP with Questions

866-914-8786

**Or visit DSS website
for more information or application**

<https://dss.sc.gov/child-support/parents-families/establishing-paternity>

If you already have a divorce decree that establishes the paternity of the child(ren), contact the State Office of Vital Records at

803-898-3630

 **DSS**
SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES
COMPETENCE • COURAGE • COMPASSION

*Learn more about why paternity
is important to your child.
Snap the QR Code to watch
an informative video.*



FORM 27164 SCPOP ESTABLISH PATERNITY FACT SHEET



*Making
positive choices
for your child*

South Carolina Parenting Opportunity Program

Unmarried parents can easily establish paternity for their child by signing a document at the time of birth.

- Both parents will need a government issued ID
- It is necessary to add the father to the birth certificate
- Dad must be the biological father
- If completed at the hospital as part of birth registration, it's free
- Paternity provides many benefits to your child

TOLL
FREE **866.914.8786**

scpop@dss.sc.com
www.state.sc.us/dss/csed/patest.htm



Need more info.? Snap the QR Code to watch an informative video.

DSS
SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES
COMPETENCE • COURAGE • COMPASSION

FORM 27158 Doctor Card Dadson ENG



*Making
positive choices
for your child*

South Carolina Parenting Opportunity Program

Unmarried parents can easily establish paternity for their child by signing a document at the time of birth.

- Both parents will need a government issued ID
- It is necessary to add the father to the birth certificate
- Dad must be the biological father
- If completed at the hospital as part of birth registration, it's free
- Paternity provides many benefits to your child

TOLL
FREE **866.914.8786**

scpop@dss.sc.com
www.state.sc.us/dss/csed/patest.htm



Need more info.? Snap the QR Code to watch an informative video.

DSS
SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES
COMPETENCE • COURAGE • COMPASSION

FORM 27158 Doctor Card Dadson ENG



*Making
positive choices
for your child*

South Carolina Parenting Opportunity Program

Unmarried parents can easily establish paternity for their child by signing a document at the time of birth.

- Both parents will need a government issued ID
- It is necessary to add the father to the birth certificate
- Dad must be the biological father
- If completed at the hospital as part of birth registration, it's free
- Paternity provides many benefits to your child

TOLL
FREE **866.914.8786**

scpop@dss.sc.com
www.state.sc.us/dss/csed/patest.htm



Need more info.? Snap the QR Code to watch an informative video.

DSS
SOUTH CAROLINA
DEPARTMENT of SOCIAL SERVICES
COMPETENCE • COURAGE • COMPASSION

FORM 27158 Doctor Card Dadson ENG