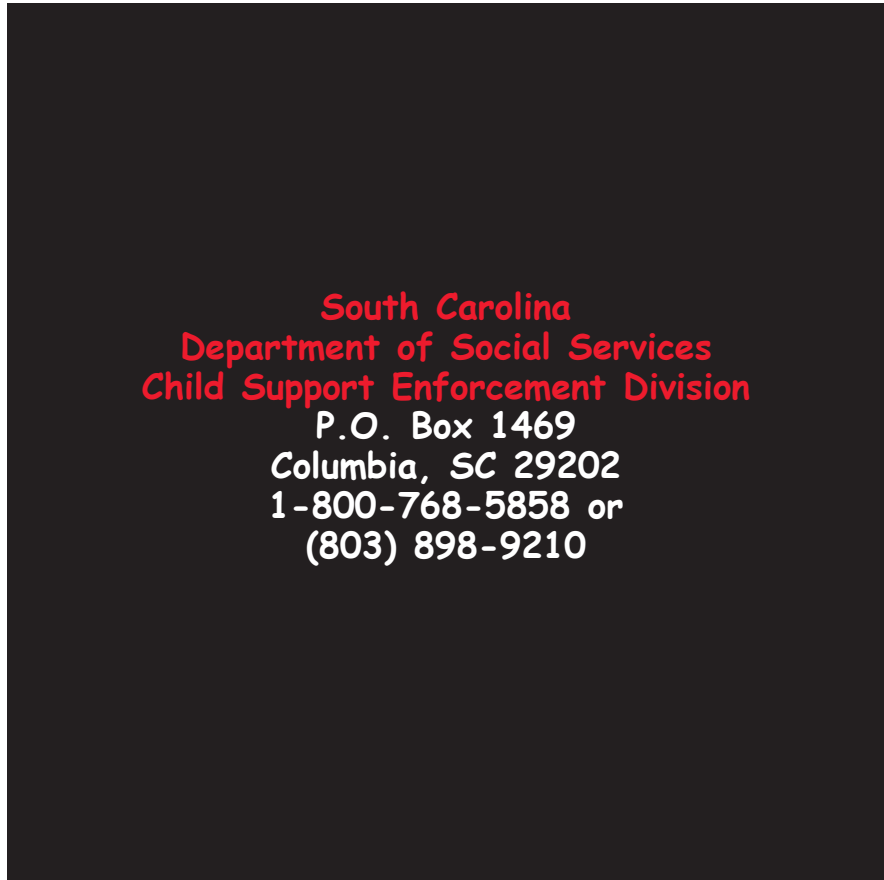
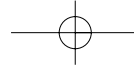




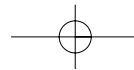
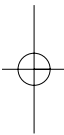
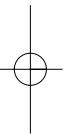
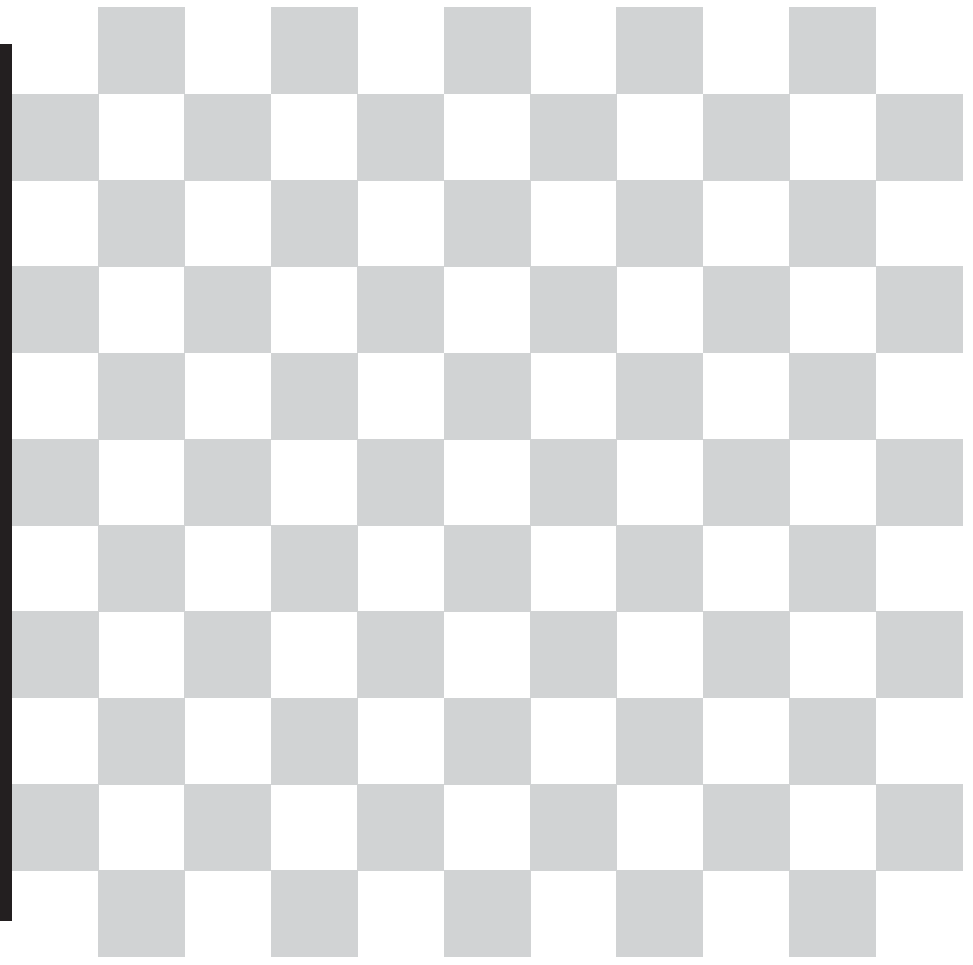
***For your  
child's sake...  
...establish  
legal  
fatherhood!***

***Being a good parent  
is about your  
relationship with your  
child. Children  
benefit from having  
both parents involved  
in their lives.***





**South Carolina**  
**Department of Social Services**  
**Child Support Enforcement Division**  
P.O. Box 1469  
Columbia, SC 29202  
1-800-768-5858 or  
(803) 898-9210



You may also contact the central office of the Child Support Enforcement Division by writing to the following address or telephoning its toll-free number:

**Child Support Enforcement Division**  
ATTN.: POP Coordinator  
P.O. Box 1469  
Columbia, SC 29202  
1-800-768-5858 or  
(803) 898-9210

The staff of the birthing hospitals and the South Carolina Department of Social Services, Child Support Enforcement Division, cannot provide you with legal advice. For legal advice, you should consult an attorney. The information in this booklet is based upon laws in effect in the State of South Carolina as of January 1, 1996.

Programs, activities and employment opportunities in the South Carolina Department of Social Services are open and accessible to any individual or group without regard to age, sex, race, disability, ethnic origin or religion. The South Carolina Department of Social Services is an equal opportunity employer and practices affirmative action and reasonable accommodation programs.

### What is the difference between a "legal" father and a biological father?

Every child has a biological father. A biological father is the man by whom a child's mother became pregnant.

Not every child has a **legal** father. If a mother is not married to the father when the child is born, the child does not have a **legal** father.

### For your child's sake... ...establish legal fatherhood!

*To be a legal father, ask about the Parenting Opportunity Program (POP), a free service offered at birthing hospitals.*

Establishing that you are the **legal** father creates a **legal relationship** between the father and the child. This is a necessary **first step** if the father desires visitation or custody.

**A father who has not been declared a legal father has no legal rights concerning the child.**

## Is having a child such a big deal?

**YES!** There is no responsibility, joy or honor greater than parenthood. Parenthood means providing:

- love, care and guidance
- food, clothing, shelter and medical care.



The responsibility for a child can be shared between the mother and father once the **legal** father has been determined. Taking responsibility for your child may mean the difference between your child's relying on public assistance or being self-sufficient. Even if the parents are not married, both parents must support their child until he or she becomes an adult.

## What is "legal" fatherhood?

Determining the **legal** father means that the father has a **legal** responsibility for the child. This entitles the child to the same benefits as a child born to married parents.

## Child Support Enforcement Division

### ***Florence Region***

2120 Jody Road, Suite 4  
Florence, SC 29501  
(843) 661-4750

\*Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Lee, Marion, Marlboro, Sumter and Williamsburg Counties.

### ***Greenville Region***

714 N. Pleasantburg Drive  
Greenville, SC 29607  
(864) 282-4650

\*Abbeville, Anderson, Cherokee, Greenville, Greenwood, Laurens, Newberry, Pickens and Spartanburg Counties.

## **Child Support Enforcement Division**

### **Columbia Region, Greystone Office**

240 Stoneridge Drive  
Greystone One, Suite 400  
Columbia, SC 29210  
(803) 253-7566

\*Aiken, Bamberg, Barnwell, Edgefield, Lexington,  
McCormick, Saluda and York Counties.

### **Columbia Region, Harden Street Office**

3150 Harden Street, Suite 103  
Columbia, SC 29202  
(803) 898-9282

\*Chester, Fairfield, Kershaw, Lancaster, Richland  
and Union Counties.

### **Charleston Region**

3346 Rivers Avenue, Suite E  
N. Charleston, SC 29405  
(843) 953-9700

\*Allendale, Beaufort, Berkeley, Calhoun, Charleston,  
Colleton, Dorchester, Hampton, Orangeburg and  
Jasper Counties.

## **How is the "legal" father determined?**

Both parents can determine the **legal** father **voluntarily** by signing a Paternity (fatherhood) Acknowledgment form under oath. This will insure that the child's original Birth Certificate includes the father's name. The Paternity (fatherhood) Acknowledgment form may be completed at:

- ① **Birth Hospitals**
  - ★ A free service offered at the child's birth **before** the mother and child are discharged.
  - ★ The most convenient place and the child has a **legal** father immediately.
- ② **The South Carolina Department of Health and Environmental Control (DHEC)**
  - ★ The county health department in the county where the child was born.
  - ★ State office located at 2600 Bull Street, Columbia, SC.

The Child Support Enforcement Division (CSED) or a private attorney may also assist you in determining the **legal** father. Contact the CSED's office nearest you at the telephone number listed in the back of this booklet.

### Are parents legally required to sign the Paternity (fatherhood) Acknowledgment form?

No. It is voluntary.

### I am not sure if I am the father, what should I do?

If you are unsure about who is the father of the child, **DO NOT** sign the Paternity (fatherhood) Acknowledgment form. Contact the Child Support Enforcement Division's office nearest you at the telephone number listed in the back of this booklet or a private attorney for information about genetic testing.

### How are genetic tests done?

A cotton swab will be brushed on each cheek inside the mouth of the mother, father and child collecting DNA. The samples are then sent to a laboratory for testing. A genetic test examines the genetic information contained inside a person's cells, called DNA. A child receives one-half of his/her DNA from the mother and one-half from the father. A cheek swab sample will produce the same DNA results as a blood sample and is less painful. These tests can decide up to 99.9% that the father of the child is correct.

### What if either parent does not understand the Paternity (fatherhood) Acknowledgment form or this booklet?

The law requires that trained staff be available to explain the Paternity (fatherhood) Acknowledgment form to you, to answer your questions and to assist you in completion of this form. Staff is available at:

- ① Birthing hospitals when the child is born.
- ② The Division of Vital Records of the South Carolina Department of Health and Environmental Control located at 2600 Bull Street, Columbia, SC, telephone number (803) 898-3630, and the county health department in the county where the child was born.

You may also contact the Child Support Enforcement Division at 1-800-768-5858 or (803) 898-9210, or seek advice from a private attorney at your expense regarding the process to determine the legal father.

For more information about the **Voluntary Establishment of Paternity Program, currently known as the Parenting Opportunity Program (POP)** through the South Carolina Department of Social Services, Child Support Enforcement Division (CSED), you may write or telephone the CSED office nearest you at the address or telephone number listed in the back of this booklet.

## When the "legal" father has been determined, can he visit the child?

Once the **legal** father has been determined by signing of the Paternity (fatherhood) Acknowledgment form, by the Child Support Enforcement Division, or by Order of the Family Court, the father may seek visitation and custody. Children need time with both parents.



- Under most circumstances, when a child is born to unmarried parents, the child lives with the mother and the mother has legal custody of the child.
- A father must be determined a **legal** father before he can request the Family Court's help in seeking visitation rights. While the Family Court can determine a visitation schedule for you, it is usually **best** if parents work out their own schedule. This will define the time that each of you will be responsible for your child.
- The **legal** father also has the right to ask the Family Court for an order changing who the child lives with based upon the best interests of the child.

Questions regarding visitation must be addressed to the Family Court or to a private attorney.

## Why is it important to determine the "legal" father?

Every child deserves the financial and emotional support of both a mother and a father. Determining the **legal** father provides **personal benefits** for a child, such as:

- ☺ **Self-Esteem** — children gain a sense of belonging from knowing that both parents care for them.
- ☺ **Family Identity** — it is in your child's best interest to be loved by caring family members; they feel secure when they have the support of grandparents, aunts and uncles.
- ☺ **Shared Parenting** — both parents can help make important decisions about how their child is raised.
- ☺ **Health History** — it is important for children — and their doctors — to know the family's medical history, particularly genetic traits or histories of conditions or diseases.

Determining the **legal** father **may** provide certain **legal benefits** for the child, such as:

- A share of social security, disability or veteran's benefits if the father dies or becomes disabled.
- Rights to any inheritance from the father.
- Rights to medical or insurance benefits.

**Is it necessary to determine the "legal" father if the mother and father are getting along and the father is helping the mother support their child?**

Yes. Even if the father agrees to help support the child now, he may change his mind or become disabled or die. Some benefits are available to the child only if the legal father has been determined.

**Once the "legal" father has been determined, does this mean one parent must pay child support through the court?**

**BOTH PARENTS ARE EXPECTED TO FINANCIALLY SUPPORT THEIR CHILD.**

to remove the father's name from the birth certificate. If there is ANY doubt as to the biological father of the child, parents are strongly urged to consider genetic testing. However, DHEC, Division of Vital Records, cannot accept genetic testing unless it is incorporated into a court order from a court of competent jurisdiction.

**What is done with the Paternity (fatherhood) Acknowledgment form once it has been signed?**

After the Paternity (fatherhood) Acknowledgment form is completed, signed and notarized, it is forwarded and maintained by the South Carolina Department of Health and Environmental Control, Division of Vital Records, 2600 Bull Street, Columbia, SC.

**How long must the child support be paid?**

South Carolina law states that parents financially support their child until the age of eighteen (18), unless a Family Court judge issues an order finding that the child is an adult prior to that time. In some instances, parents will be required to pay child support beyond the age of eighteen (18), such as:

- the child is moving toward graduation from high school;
- the child is disabled or impaired; or
- a prior Order states otherwise.



**If either parent has doubts after signing the Paternity (fatherhood) Acknowledgment form, can he or she change their mind?**

Yes.

- A Paternity (fatherhood) Acknowledgement form signed by both parents determines a **legal** father.
- In order to **rescind** or cancel the Paternity (fatherhood) Acknowledgment form, the mother or father must appear at the South Carolina Department of Health and Environmental Control (DHEC), Division of Vital Records, 2600 Bull Street, Columbia, SC, **within sixty (60) days of signing the original form**. The mother or father must sign on the back of the original Paternity (fatherhood) Acknowledgement form on file giving "official" notification of his or her desire to rescind the Paternity (fatherhood) Acknowledgement form. **The father's name shall remain on the birth certificate.**
- Once a Paternity (fatherhood) Acknowledgement form has been signed and a birth certificate has been amended to include the father, it becomes a legal process to have the father's name removed. However, it can be done. After rescinding the Paternity (fatherhood) Acknowledgement form at the state Vital Records Office, the mother or father is advised to contact a private attorney to begin legal proceedings through the Family Court at his/her expense to obtain a court order directing DHEC, Division of Vital Records,

The Child Support Enforcement Division (CSED) is available to serve families. When the mother and father are working together responsibly to financially support their child, neither the Family Court nor the CSED will become involved with the family **UNLESS** requested by either parent or the parent the child lives with is receiving **public assistance**. If a mother or father fails to live up to their oral agreement and discontinues the financial support, the other parent may seek the services of the Child Support Enforcement Division at 1-800-768-5858 or (803) 898-9210, or a private attorney, to have child support payments paid through the court.

**Can the mother and father sign the Paternity (fatherhood) Acknowledgment form if one or both of them are minors?**

Yes, even if one or both of them are under the age of eighteen (18).

### What last name for the child can be placed on the Birth Certificate?

If the mother is not married at the child's birth, she may choose **any** last name she wishes for the child on the Birth Certificate without the father agreeing.



If a child has a father's last name and a Paternity (fatherhood) Acknowledgment form has **not** been signed by both parents, a **legal** father has **not** been determined.

However, when both parents sign a Paternity (fatherhood) Acknowledgment form, they must agree how the child's name should appear on the Birth Certificate.

### How long after the birth of a child can the child's "legal" father be determined?

A Paternity (fatherhood) Acknowledgment form may be completed at any time at the South Carolina Department of Health and Environmental Control (DHEC) located at 2600 Bull Street, Columbia, SC, or the county health department in the county where the child was born.

### As a result of signing the Paternity (fatherhood) Acknowledgment form, what legal action may follow?

No legal action will **automatically** follow unless the custodial parent (the parent the child lives with) is receiving Temporary Assistance for Needy Families (TANF) or Medicaid through the South Carolina Department of Social Services **or** at the request of the custodial parent.

### Does the mother have to legally determine the child's father in order to get benefits?

Yes. The custodial parent (usually the mother) is required by law to give the name of the child's father to the South Carolina Department of Social Services **ONLY** if she applies for benefits. The Child Support Enforcement Division will begin legal proceedings in the Family Court to determine the legal father of the child and establish and enforce child support payments.