

# ESTABLISHING PATERNITY BY AFFIDAVIT

Give your child a head start in life . . .



. . . establish paternity as soon as possible. It benefits you and your child.

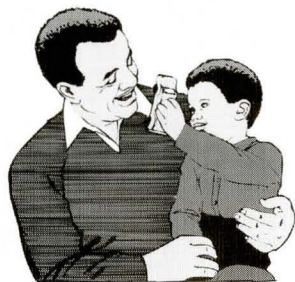
**ATTENTION!!! BEFORE COMPLETING AN AFFIDAVIT OF PATERNITY IT IS VERY IMPORTANT THAT YOU READ ALL OF THIS BROCHURE. THIS BROCHURE CONTAINS INFORMATION THAT CAN GREATLY AFFECT YOUR DECISIONS IN THIS MATTER AS WELL AS YOUR FUTURE AND THAT OF THE CHILD(REN) INVOLVED.**

This brochure was prepared by the Iowa Department of Human Services. Any person wanting to complete a paternity affidavit must be provided with a copy of this brochure.

## What is Paternity?

Paternity means fatherhood.

If the parents of a child were not married at the time the mother became pregnant, at any time during the pregnancy, or when the child was born, paternity must be legally established before a man is considered to be the legal father.



## How can paternity be legally established?

Under Iowa law there are four ways that paternity can be established:

- ◆ By marriage. If the parents of a child were married to each other when the mother became pregnant, at any time during the pregnancy or when the child was born, the husband is presumed to be the father unless a court finds otherwise.
- ◆ By a court or administrative order. This may involve blood or genetic testing if the man denies he is the father.
- ◆ By a man stating he is the father during a court hearing, when the mother agrees.
- ◆ By both parents signing a paternity affidavit.

## Why is it important to establish paternity?

Both parents have an obligation to contribute to their child's success and well-being. Many benefits your child is entitled to cannot be claimed if paternity has not been established.

Establishing paternity is important because:

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|----------------------------|---|
| <b><i>Relationship</i></b> | It encourages developing a meaningful father-child relationship.  |
| <b><i>Identity</i></b>     | The names of both parents will appear on your baby's birth certificate. Knowing both parents helps develop a sense of identity and belonging. |
| <b><i>Medical</i></b>      | Your child may inherit a health or medical problem. Having access to medical information from both parents may save your child's life.        |

**Benefits** Your child has a right to benefits from both parents. These may include social security, veterans, insurance, inheritance rights, and others. Unless paternity has been established, your child may not be able to claim these rights from the father.

**Support** Both parents have a responsibility to support their child. This includes financial as well as emotional support. If parents do not currently live together or if they separate later, a child continues to need support. Child and medical support can make a difference.

### **How does the paternity affidavit process work?**

BOTH PARENTS MUST SIGN A PATERNITY AFFIDAVIT FORM provided by the Department of Public Health. You can get this form from the hospital where your child is born.

If you do not complete a paternity affidavit at the hospital, but decide to do so later, you can ask for a copy of the affidavit from the Department of Public Health or your local Child Support Recovery Unit. This affidavit is also available from any County Recorder/County Registrar's Office.

A paternity affidavit establishes paternity only if it is complete, filed with the Department of Public Health, and one of the following conditions is met:

- ◆ The mother was not married to someone when she became pregnant, while she was pregnant, or when the child was born.
- ◆ If the mother was married to someone when she became pregnant, while she was pregnant, or when the child was born, there is a court order saying that the husband from that marriage is not the father of the child.

### **Not sure about signing a paternity affidavit?**

A paternity affidavit SHOULD NOT be completed if the mother and the man are not sure the man is the father of the child. If in doubt, you may want to have blood or genetic tests done to help confirm paternity. You can ask hospital staff if testing can be done at the hospital before the mother and child are discharged.



A paternity affidavit SHOULD NOT be completed by a man who is known not to be the biological father of a child. This is because:

- ◆ The mother and father take an oath when they complete and sign an affidavit of paternity. Giving false information could be considered perjury.
- ◆ Once a completed paternity affidavit is filed, it has the same effect as a court order establishing paternity. The man named as father on the affidavit of paternity has the same rights and responsibilities described later in this brochure.
- ◆ If the wrong person is established as the father, the child and actual father are deprived of their chance to exercise their potential rights and establish a relationship with each other.

**Note:** You may also want to discuss your situation with an attorney of your choice before completing an affidavit. An attorney may help arrange blood or genetic tests, or be able to answer legal questions about paternity and support.

### **What if we both signed a paternity affidavit, and we were wrong?**

Either of you can cancel a paternity affidavit by completing a *Rescission of Paternity Affidavit* form. This form must be completed and received by the Iowa Department of Public Health, Bureau of Vital Records, within the **earlier** of:

- ◆ 60 days after the last notarized signature on the Paternity Affidavit form, or
- ◆ entry of a court order regarding the child.

The Bureau of Vital Records charges a fee for processing and filing the *Rescission of Paternity Affidavit*.

When the form is completed and received within the required time frames, it voids the original paternity affidavit form. The man named on the paternity affidavit is no longer the legal father and he is no longer listed as the child's father on the birth certificate.

***However, the child's name on the birth certificate remains as it was listed on the paternity affidavit.*** The only way to change the child's name is through a court order.

Example:

Mr. A and Ms. B signed a paternity affidavit in June. The child was given Mr. A's last name. In July, Mr. A rescinded the affidavit and his name was removed from the birth certificate. The child's name was not changed. The child will keep Mr. A's last name.

Once a paternity affidavit is rescinded, you can never register another paternity affidavit concerning the same mother, alleged father, and child. However, the Child Support Recovery Unit or a private attorney may use another process to legally establish paternity for this alleged father.

You can get a *Rescission of Paternity Affidavit* form from the Bureau of Vital Records, any County Recorder/County Registrar's Office, or your local Child Support Recovery Unit.

### **What if the parents do not sign a paternity affidavit?**

In some cases both parents may not want to establish paternity at the time of the child's birth. Other times, the biological father may not be present when the child is born. In either case, paternity can be established at a later time by a court or administrative order. Contact the Child Support Recovery Unit (CSRU) in your area or a private attorney for more information about this process.

**THE INFORMATION IN THIS BROCHURE IS NOT INTENDED TO TAKE THE PLACE OF LEGAL COUNSEL. FOR LEGAL ADVICE, YOU SHOULD CONTACT A PRIVATE ATTORNEY OF YOUR CHOICE.**

### **What are the effects, rights, and responsibilities of completing a paternity affidavit?**

Parents of a child born out of wedlock have the right to:

- ◆ Receive a blank affidavit of paternity form and written information about paternity establishment.
- ◆ Request and receive assistance in completing an affidavit form.
- ◆ Choose NOT to complete an affidavit of paternity if either the mother or the man are not sure the man is the father.
- ◆ Contact an attorney of their choice to discuss issues about establishing paternity or support before completing an affidavit of paternity.

Once a completed paternity affidavit is filed with the state registrar:

- ◆ The man named in the affidavit is legally established as the father of the child. This affidavit has the same effect as a court order establishing paternity.
- ◆ For a child born in Iowa, the name of the man entered on the paternity affidavit is entered on the birth certificate as a legal father.
- ◆ The man established as the father may be able to file a petition with the court to establish visitation or custody rights. Establishing paternity DOES NOT automatically give a father these rights.
- ◆ The man established as the father has a responsibility to help support the child financially. If the parents do not live together, the affidavit can be used as a basis for securing an order for child and medical support. No further determination of paternity is required.





For further information about establishing paternity by affidavit, or to request an affidavit form to complete, please contact:

Iowa Department of Public Health  
Vital Records  
Des Moines IA 50319-0075  
(515) 281-4944  
or contact

The CSRU Customer Service Unit  
Monday through Friday from 8:00 AM until 5:00 PM,  
1-888-229-9223 (toll free in the United States), or  
1-515-242-5530 (in the Des Moines area)

For 24 hour payment information, call:  
1-800-229-9223 (toll free in the United States), or  
1-515-242-5530 (in the Des Moines area)

The mailing address for the local Child Support Recovery Unit serving your area is listed below.

Burlington CSRU  
409 N 4th St  
Burlington IA 52601-5245

Carroll CSRU  
625 N West St  
Carroll IA 51401

Cedar Rapids CSRU  
411 3rd St SE Ste 600  
Cedar Rapids IA 52401

Clinton CSRU  
121 6th Ave PO Box 1175  
Clinton IA 52733-1175

Council Bluffs  
300 W Broadway Ste 32  
Council Bluffs IA 51503

Creston CSRU  
215 W Adams  
Creston IA 50801

Davenport CSRU  
3911 W Locust  
Davenport IA 52804-3021

Decorah CSRU  
317 Washington St Ste 2  
Decorah IA 52101

Des Moines CSRU  
Bell Ave Business Center  
1901 Bell Ave Ste 8  
Des Moines IA 50315

Dubuque CSRU  
960 Main St  
Dubuque IA 52001-6709

Fort Dodge CSRU  
330 1st Ave N  
PO Box 1530  
Fort Dodge IA 50501

Foster Care  
Bell Ave Business Center  
1901 Bell Ave Ste 8  
Des Moines IA 50309

Linn County CSRU  
411 3rd St SE Ste 200  
Cedar Rapids IA 52401

Marshalltown CSRU  
204 1/2 W State St  
PO Box 755  
Marshalltown IA 50158

Mason City CSRU  
Mohawk Square  
22 N Georgia  
Mason City IA 50401

Ottumwa CSRU  
127 E Main Ste 100  
Ottumwa IA 52501-2915

Sioux City CSRU  
520 Nebraska St Ste 218  
Sioux City IA 51101

Spencer CSRU  
20 W 6th St Ste 200  
Spencer IA 51301

Waterloo CSRU  
501 Sycamore Ste 400  
PO Box 7200  
Waterloo IA 50704-7200

# Establishing paternity benefits you and your child.

## Statement on Nondiscrimination

By law, DHS will not discriminate against you on the basis of age, color, creed, disability, national origin, political beliefs, race, religion or sex.

If you feel we have discriminated, you can ask for a Discrimination Complaint form from any DHS office or the DHS Diversity Program Unit. To file a complaint of discrimination, you may also write to any of the addresses below. If you need help, you may call your county DHS office.

### **Iowa Department of Human Services**

Diversity Program Unit 1st Fl  
1305 E Walnut  
Des Moines IA 50319-0114

### **Iowa Civil Rights Commission**

400 E 14<sup>th</sup> St  
Des Moines IA 50319-1004

### **U.S. Department of Health and Human Services**

Office for Civil Rights Region VII  
601 E 12 St Rm 248  
Kansas City MO 64106-2808



**IOWA  
DEPARTMENT OF  
HUMAN SERVICES**