



# Paternity Acknowledgement

## What is a voluntary acknowledgement of paternity?

Voluntary acknowledgement of paternity is a simple process that allows unmarried parents to sign a document and establish a legal relationship between the father and his child without having to go to court. Signing the acknowledgement is **voluntary** and each parent makes his or her own decision. If both parents agree to sign and complete the Voluntary Acknowledgement of Paternity, paternity is established.

## Why is it important for a child to have a legal father?

A child will receive many benefits by having a legally established father. Benefits include:

### **Economic**

A financial safety net that includes social security, veteran's benefits, inheritance, and potentially child support

### **Medical**

Health insurance coverage, access to complete medical/genetic history

### **Social**

A complete identity, family connection and opportunities for extended family relationships

## Is there a fee to sign the acknowledgement?

No. There is no fee to sign the acknowledgement or to send it to the Office of Vital Statistics. There is a small fee to get a new copy of your child's birth certificate.

## What if the mother is married?

If the mother was already married when she became pregnant, or when the baby was born, her husband is considered the legal father. The husband's name must go on the birth certificate as the father. Neither party should sign the Voluntary Acknowledgement form under these circumstances.

- In these cases, paternity determination must be made by a court.
- Once paternity is established, the Court can order the Office of Vital Statistics to put the father's name on the birth certificate.

## When can we sign the acknowledgement?

You may sign the acknowledgement any time after your child is born. The hospital or birthing center will provide you an opportunity to sign the form. You must present identification for notary purposes.

## If we did not sign the Voluntary Acknowledgement of Paternity at the hospital when our child was born, can we get help to do it now?

You may obtain an acknowledgement form at any Division of Child Support Enforcement Office, or at the Office of Vital Statistics. Either agency can help you complete the form and notarize your signatures. You may sign the Voluntary Acknowledgement of Paternity any time before your child reaches the age of 18 (or 19 if still in high school).



## If we sign the Voluntary Acknowledgement of Paternity, does the father have the right to visit the child if we are not living together?

Voluntary acknowledgement of paternity does not automatically give the father the right to visit the child or have custody. He may use the voluntary acknowledgement of paternity to ask the Court for custody or visitation rights. The Court's decision is based on the child's best interests.

## Will there be an order for child support?

If your child is receiving TANF (welfare) or Medicaid (medical assistance), the Division of Child Support Enforcement must ask the Court for an order for child support and/or health insurance coverage for your child.

If your child is not receiving any assistance a child support order will not be filed unless the mother or father contacts DCSE and applies for services. Once paternity has been established, DCSE can assist the custodial parent in obtaining a child support order. Custodial parents may also petition the court for support on their own.

## Do both of us have to live in Delaware to sign the Voluntary Acknowledgement of Paternity?

No. The acknowledgement can be mailed to a parent anywhere to be signed and notarized.

## Is the acknowledgement final when we sign it?

When an acknowledgement form is properly signed, it conclusively establishes the man's paternity of this child, unless either parent rescinds the acknowledgement form within 60 days of signing.



### What if we change our minds after signing the Voluntary Acknowledgement of Paternity?

The acknowledgement form may be rescinded by:

- A parent’s written rescission made and filed with the Office of Vital Statistics, together with an affidavit showing the mailing of a copy of the rescission to the other parent, at his or her address as shown on the acknowledgement form, within 60 days of when the acknowledgement form was signed. If you are under 18 years of age when you sign a Voluntary Acknowledgement of Paternity, the time period during which you may rescind the acknowledgement or dispute paternity in Family Court expires 60 days after your eighteenth birthday.
- A parent’s written notice of a claim of defense of non-paternity, which may include a request for genetic testing to determine paternity or non-paternity, made in a case filed in the Family Court within 60 days of when the acknowledgement form was signed.

### What if we are not sure who the biological father is?

Only the biological father should sign the Voluntary Acknowledgement of Paternity. **If you are not sure, do not sign the acknowledgement.** You should have a paternity test, sometimes called a genetic test.

For information about the test you may contact:

- The Division of Child Support Enforcement,
- Your attorney, or
- Your physician.

### Will the paternity test show who the biological father is?

The test can show up to a 99% probability whether a man is the biological father.

### Will the father’s name be on our child’s birth certificate?

If both of you sign the acknowledgement at the hospital when your baby is born, the hospital staff will put the father’s name on the birth certificate.

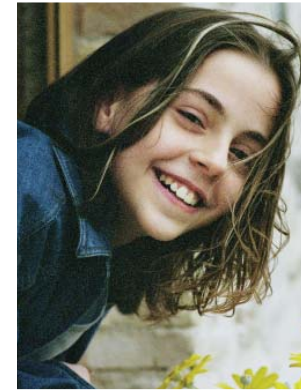
If both of you sign the acknowledgement away from the hospital and mail it to the Office of Vital Statistics, OVS will put the father’s name on the birth certificate, if the child was born in Delaware.

**Office of Vital Statistics  
Jesse Cooper Building  
417 Federal Street  
Dover, DE 19901**

The staff of medical facilities, the Office of Vital Statistics, and the Delaware Division of Child Support Enforcement cannot give you legal advice. For legal advice you should consult an attorney. The information in this brochure is based on laws in effect in the State of Delaware as of July 21, 1997.



Delaware Health and Social Services  
Division of Child Support Enforcement



# Voluntary Acknowledgement of Paternity

**New Castle County**  
(302) 577-7171

**Kent County**  
(302) 739-8299

**Sussex County**  
(302) 856-5386

[www.dhss.delaware.gov/dcse](http://www.dhss.delaware.gov/dcse)