

OFF THE RECORD

techniques, tips, and traps for our partners who file birth certificates

Winter 2005

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Paternity

We have dedicated this issue of the 'Off the Record' newsletter to paternity. Some of the information is from the DHS 'You Owe It To Your Child' pamphlet. Other information relates to Oregon laws and procedures here at the Center for Health Statistics. Whatever the source of the information, we will be happy to answer any questions relating to paternity establishment, or we will connect you with the best source of information.

Paternity means legally establishing the father of a child. For most births, this occurs through an assumption that the husband of a woman is the father of her child. But for one-third of the children born in Oregon, the mother is unmarried and paternity cannot be established without additional action.

Having the father on the birth certificate is important for many reasons:

- Provides the identity of the father to the child, now and in later life.
- Father has rights to the legal documents, medical records, etc. of the child.
- Paternal grandparents can order birth certificate and otherwise have the same rights as the maternal grandparents.
- Although establishing paternity doesn't create a child support order (if

parents aren't cohabitating), it is the first step in setting up financial support for the child if needed.

- Legal benefits, including social security and other survivor benefits will be more readily available to the child if something happens to the father.

Paternity is also an important issue for Oregon. The number of paternities established affects the federal funding received for the Temporary Assistance to Needy Families (TANF) program. Paternity must be established for 90 percent of the births to unmarried mothers for Oregon to qualify for the current funding for the TANF program. If we fail to do so, Oregon loses money.

How often is paternity an issue? In 2003, there were 14,553 births to unmarried Oregon residents. Of these, almost two-thirds, more than 9,000, filed hospital acknowledgment of paternity forms. Less than 1,000 filed paternity affidavits after the parents left the hospital.

The role of hospital staff in obtaining completely accurate paternity acknowledgments is more important than ever. It is a service to the child, the family, the community and the state.

How are our facilities doing?

All hospitals and freestanding birth centers in Oregon are required by law (ORS 432.285) to offer the paternity acknowledgement form to unwed parents. The success of establishing paternity based on that offer varies greatly by facility.

Statewide, almost two-thirds of the children born to unwed mothers have paternity established using the hospital form. Although the facilities listed below are leading the state, we need everyone to help. Each paternity is important to the family involved. And all paternities are important to our state.

Kudos

These facilities' percent of births to unmarried mothers with paternity acknowledgements for FY 2004 was ten percent above the state average

Santiam Memorial	81.1%
Blue Mountain	77.8%
Wallowa Memorial	76.9%
Andaluz Waterbirth Center	76.9%
Harney District	76.5%
Newberg Community	76.0%
Tillamook County	75.0%
Mid-Columbia	74.7%
Ashland Community	74.1%
St Charles	73.6%
Mountain View	73.3%
Nurse Midwifery Birthing	73.3%

Paternity Acknowledgements

Voluntary Acknowledgement of Paternity forms completed at the birth hospital on Form 45-31 have several advantages over the affidavits required outside the birth hospital.

- The form can be witnessed by hospital staff rather than notarized.
- If signed before the birth certificate is created, father's name is entered on the birth certificate as original information.

- There is no fee for adding the name of the father.

There are limitations to this procedure.

- The acknowledgement must be signed at the hospital, before mother is discharged and within five days of the baby's birth.
- The form must be attached to the birth certificate when sent; it will be invalid if sent separately even if completed.
- The form can be used only at a hospital facility as defined by ORS 442.015(16) (hospital or freestanding birthing center). It cannot be used for home births.

Paternity Affidavits

Outside the birth hospital, Voluntary Acknowledgment of Paternity Affidavits (Form 45-21) are the most common method of establishing paternity. Like the hospital acknowledgments, this method has advantages and limitations.

- It is also not available as a method to establish paternity if the mother was married at conception, during the pregnancy, or at the time of birth.
- Although the affidavit requires the signatures to be notarized, rather than witnessed, this allows greater flexibility for the parents. The parents can sign at different times and in front of different notaries. This may be particularly useful if one parent is working away from home, in the military, or even in jail.
- There is no time limit during which the form can be used; the affidavit can be used to establish paternity even when the child is an adult.

- There is an amendment fee of \$30 to add the father to the birth certificate and an additional \$20 if a copy of the birth certificate is needed at that time.

Other than the requirement that the form be notarized rather than witnessed, the hospital form and affidavit differ only slightly. Mother's date of birth and current address are not required on the hospital form because the form is sent with the birth certificate information, which includes those items.

The most important feature shared by the Voluntary Acknowledgment of Paternity and the affidavit is the requirement of a 100% clean and accurate form. Do not have the parents cross out an entry, use white out to make a correction, or alter the form in any way. To do so invalidates the form, even if the alteration is initialed and dated. If parents make an error, have them complete a new form. We will make a sufficient supply of forms available. Under the Resources section of this newsletter, there is information about ordering forms.

What are we going to do to help?

Vital records will be visiting several facilities in the Portland area over the next few months. We will be delivering information for each facility about the number of paternities filed and how many forms were rejected due to errors. We will offer training to the relevant staff, and if we don't know the answer to any question, we'll find out.

We will also be working with the Division of Child Support and hospital staff to get

information about paternities to expectant mothers earlier. Sometimes the need for legal paternity has not yet been considered; this will give the parents time to discuss the benefits of completing the paternity form at the hospital.

Frequent Questions

Why can't a paternity acknowledgment or affidavit be used if the mother is married during the pregnancy?

When paternity can be established by an acknowledgment is specified in the law. Paternity law in Oregon is based on the Uniform Parentage Act. This means that all of the states have deliberately passed very similar laws. A limitation of this act is that it applies only if the mother isn't married at the time of conception, at birth, or any time between. One reason for this is that Oregon, like almost every other state, also has a law that presumes the husband is the father of a child. Because of this presumption, additional procedures are required to establish the father as someone other than the husband when the mother is married.

What can the parents do to establish paternity if the mother was or is married and husband is not the father?

Mother can refuse to list the husband as the father of the child, but no other man can be listed as the father. If mother was married, at any time during the pregnancy, paternity needs to be established by an order of filiation. Filiations (by court or administrative order) require filing a case in court or through an administrative agency, like the Division of Child Support (DCS).

DCS frequently helps people who are receiving some form of state assistance establish paternity, and establish child support if the parents aren't living together.

We have much more information available on our web site (see specifics at the end of this newsletter under Resources). We cannot give legal advice, but our staff are happy to share information about our procedures and the documents we need to receive in order to add a father to the birth certificate.



Reviewing the paternity forms

Although the law only requires the hospital to make the forms available, we encourage you to do at least a quick review of the forms before the mother is discharged. At the hospital is the least expensive and most convenient time for parents to establish paternity but it is a one-time only opportunity.

Confirm that mother's and father's information on the paternity form matches the information on the birth certificate. This includes the spelling and order of names, and dates of birth for child, mother and father. If the names in sections 1, 2, and 3 don't match the birth certificate, the father's information cannot be added. If the birth certificate is incorrect, make the correction immediately and reprint (if needed). If the paternity information is incorrect, have the parents complete a new form.

If it is a hospital acknowledgment, **the date signed** by each parent **must match** the date signed by their witness. If one of the parties has the wrong date, give them a new form to complete. A date cannot be crossed out and

another date added; to do so invalidates the form.

For out of hospital births attended by midwives, the midwife has almost certainly seen many more Voluntary Acknowledgment of Paternity affidavits than each parent has. Although an affidavit must be signed in front of a notary, help can still be given for common problems that cause both types of forms to be rejected.

Resources

Frequently asked questions on establishing paternity on the birth certificate at www.healthoregon.org/chs/certif/paternityfaq.cfm.

Forms – order paternity acknowledgment forms by faxing (to 503-731-3076) or mailing Form 45-43 to our office. A copy of the order form is attached for your convenience. We recommend a minimum of a one-month supply as inventory. It usually takes less than one week to send additional forms, but err on the side of caution.

Form 45-31 must be witnessed at the hospital, prior to discharge.

Form 45-21 requires a notary and is used outside the hospital or birthing center setting. Medical facilities are welcome to stock both types of forms so that the notarized form can be provided to parents who cannot sign at the hospital.

Linda Reynolds coordinates forms orders for our office. Her telephone number is 503-731-4027.

Video and audio tapes – We have a new supply of video tapes in English to send to

hospitals as needed. We are working with DCS to get more videos in Spanish. The law requires that parents receive the information on the back of the paternity forms prior to signing. Usually this is done through viewing a VHS tape, in English or Spanish, or listening to a cassette recording (also in English or Spanish).

The Division of Child Support is working on having this resource available in additional languages. An alternative is to read the back of the form to the parents, either together or individually.

The Division of Child Support web page at www.dcs.state.or.us describes the many services offered and office locations. These services may also be available to people who do not receive state financial assistance. Please encourage people who need to file a paternity acknowledgement after they leave the hospital to consider their DCS office a resource for information and assistance.

You Owe it to Your Child – Paternity Information for Mothers and Fathers is available from our office and on line at www.dcs.state.or.us/publications/AE9050.pdf

If you would like copies of this pamphlet to hand out to parents at registration or admittance, please contact our office.

Staff at Vital Records:

Debbie Gott – Paternity Clerk
(503) 731-4495

Tony Bojanowski – Filiation Clerk
(503) 731-4492

Carol Sanders – Amendments Unit Manager
(503) 731-4416

Karen Hampton – Registration Unit
Manager (503) 731-4412

New Staff

Jennifer Maloney has been hired as the Registration Specialist in the Amendments Section. Jennifer is new to Vital Records and fills the vacancy created when Kathy Cook left. She will be learning the job duties over the next few weeks. Please join us in welcoming her to the Vital Records office.

Ami Keiffer has joined the Center for Health Statistics as our field liaison. Ami's first day was February 7, 2005. Within a few weeks, Ami will be traveling around the state and visiting birth hospitals whenever possible to discuss paternity and EBC

issues. Although we haven't yet determined how to meet with a diverse group spread throughout the state, Ami will also contact midwives to work on our mutual needs for birth certificates and paternities.

Questionnaire below

Please take a few minutes to note down issues affecting your ability to include completed paternity acknowledgments with the birth certificates.

This will help us focus our efforts on what will truly be helpful to you. If you have any questions, please call Ami Keiffer at 503-731-4404 or Karen Hampton at 503-731-4412.

Paternity Questions

Please copy this page and fax to 503-731-3076

Issues affecting paternities in my facility – Please rank from 1 (has the greatest impact) to 5 (least impact).

_____ Parents don't understand paternity and aren't prepared to sign

_____ Father isn't available at the hospital

_____ Documents are confusing and instructions are unclear

_____ Staff connecting with parents need information/training

_____ Staff time to explain to parent's form and purpose

What could we do to help? _____

Someone from our office will be contacting you in the next few weeks.

Best person to call is _____ at _____.