



MATTERS OF RECORD

News from the Center for Health Statistics concerning the
Oregon Birth Certificate

Summer 2007

TOPIC for this issue:

Paternity

- How important are paternitys?
- How are our facilities doing?
- Reviewing the paternity forms
- What we have done to help
- What else can we do?
- Facility-level reports available soon
- DVD Players
- Frequent Questions
- Resources

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Questions or Comments?

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Paternity

We have dedicated this issue of *Birth Matters* to paternitys. 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. Although laws have recently changed slightly, for most births to married mothers, paternity is established through legal presumption 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

THE MORE ACCURATE DATA IS, THE MORE POWERFUL TOOL IT BECOMES

- 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 a large amount of money.

How important are paternities?

In 2006, there were 16,776 births to unmarried mothers in Oregon. Of these, just over two-thirds, (more than 11,000), filed hospital acknowledgment of paternity forms. This is an increase of more than 2,000 hospital forms compared to 2003. For the remaining 4,000 plus births in 2006, fewer than 500 filed paternity affidavits after the parents left the hospital. Around 400 established paternity through filiations (court or agency orders) and legitimations.

The role of hospital staff in obtaining paternity acknowledgments is essential.

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. More than one-third of the children born in Oregon are born to unwed mothers. The success of establishing paternity based on that offer varies greatly by facility. Although the facilities listed below are leading the state in paternity establishment, we need everyone's help.

Kudos	
These facilities' percent of births to unmarried mothers with paternity acknowledgements for 2006 births well above the state average (74.5%)	
Peace Harbor Hospital	87.0%
Lake District Hospital	84.6%
Curry General Hospital	81.1%
Santiam Memorial	80.5%
Providence St. Vincent	80.7%
Grande Ronde Hospital	79.4%
Good Shepard Community Hospital	79.2%
Coquille Valley Hospital	79.2%
Silverton Hospital Association	78.4%
North Lincoln Hospital	78.2%
Mid-Columbia Medical Center	78.2%
Bay Area Hospital	78.1%

Each paternity is important to the family involved.

And all paternities are important to our state.

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. Establishing paternity while the mother is a patient at the hospital is the least expensive

and most convenient time for this process, but it is a one-time only opportunity.

Confirm that the 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.

Please do not type in the dates for the parents and the witness(es). We need to have each person date when they sign.

What we have done to help

We absolutely cannot meet the 90% paternity requirement from the federal government without your hard work. We want to help make the process as easy as possible for the parents and for you.

In past years, we asked what made the paternity process difficult. And in response to your answers, we have done the following:

- Posted instructions on the web

You told us that the process for paternities was confusing. And in addition, the requirements of the law must be met precisely for the paternity to

be valid. We have a guide on the most common questions on the web at <http://www.oregon.gov/DHS/ph/chs/registration/docs/paternityinstructions.pdf> . If there are additional questions you would like added, please let us know.

- Purchased DVD players for hospitals and counties to use

You told us that while the DVDs on paternity were nice, some of our facilities had no way to play the DVD for parents before signing the paternity acknowledgment. The Division of Child Support recently contacted us with an offer to purchase DVD players. We helped identify hospitals and counties who needed the players, and will be sending the DVD players from our office within the next two weeks.

- Put paternity information in the Prenatal Handbook so parents know about paternities before they go to the hospital.

You told us some parents just aren't ready to sign the paternity. It wasn't a subject they thought about before the child's birth and they just then understood the legal impact of signing the acknowledgment of paternity. So we included a page on paternity in the Public Health's bilingual 'A Prenatal and Newborn Resource Guide for Oregon Families'. This is a guide for all Oregon families, regardless of income, education level, employment status, etc.

In the past, the guide was given out primarily at the hospital after the baby's birth. For many reasons, the guide is now handed out at prenatal clinics and doctor's offices, as well as at hospitals. If you aren't familiar with the guide, please go on line and check it out – especially page 47.

<http://www.oregon.gov/DHS/ph/ofhs/handbook/welcome.shtml>). There is also information on ordering free copies, if your hospital doesn't have a supply.

What else can we do?

We know birth certificates and paternity acknowledgments are complex and time consuming, and that there is much more we can do to help you with these essential assignments.

Please tell us how we can help. Call or email Kelly Paige (contact information at the end of this newsletter) with what information, tools, or training would be helpful. We need to hear from you.

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.

Resources

Frequently asked questions on paternity are at www.healthoregon.org/chs/certif/paternityfaq.cfm.

Forms – order paternity acknowledgment forms by faxing (to 971-673-1201) or mailing Form 45-43 to our office. 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.

Medical facilities are welcome to stock both types of forms (45-31 and 45-21) so that the form that requires a notary can be given to parents who cannot sign at the hospital for later use. Some county health departments can assist parents with Form 45-21.

Mary Ann Jensen coordinates forms orders for our office. Her telephone number is (971)673-1154.

DVDs – We have DVDs that have both English and Spanish versions on the same disk. The law requires that parents receive the information on the back of the paternity forms prior to signing. Usually this is done through watching the DVD. You can also have the parents read the back of the form aloud to one another, or have a third party read it to them.

The Division of Child Support web page at www.dcs.state.or.us describes the many services offered and their 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.

Thank you letter attached

A few months ago, the Center for Health Statistics and the Division of Child Support jointly sent a letter of appreciation to hospital administrators. The letter recognized the essential role and hard work performed by our medical facilities' staff in paternity acknowledgments. We have attached a copy of that letter for your review.

We wanted to make sure that administrators at the highest level knew of the great work you all are doing. It is a small gesture that reflects a deep gratitude.

Facility-level reports available soon

Within the next few weeks, we will have a quarterly report available by facility if requested. The report will include the state average, the state highest (good or bad depending on the topic), and the state lowest, along with your specific facility information. At a minimum, the reports will include:

- the number of days between birth and registration,
- the number and percentage of birth to unmarried mothers that included paternity acknowledgments, and
- the number and percentages for unknown values for several fields.

The only facility identified on the report will be your own.

If you would like to receive this report, please contact Kelly Paige at 971-673-1166 or by email at Kelly.Paige@state.or.us.

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