A close-up, sepia-toned photograph of a man with a shaved head, smiling warmly as he holds a baby. The man is looking down at the baby, who is wearing a white onesie with a pattern of small, dark, cartoonish figures. The man's hand is gently cradling the baby's head. The background is a plain, light-colored wall.

Establishing Paternity

Virginia Department of Social Services

Establishing Paternity



Every child deserves the financial and emotional support of both a mother and a father.

Children deserve support from both parents. There is a legal obligation for parents to support their children.

What is paternity?

Paternity means fatherhood. Establishing paternity means legally determining the father of a child. Establishing paternity means that the father's name can be placed on the child's birth certificate and that he has legal responsibility for the child.

Why is establishing paternity important?

Every child deserves the financial and emotional support of both a mother and a father. Establishing paternity can provide personal benefits for a child, such as:

- Self esteem – Children respond to love and support from both parents. Children gain a sense of belonging and benefit from knowing that both parents care for them. They need to know who their fathers are and that their fathers care about them.
- Family identity – When children know they are part of a family, they are likely to be more secure about who they are. Establishing paternity identifies the father's side of the family and may encourage contact with other family members, such as grandparents, uncles, aunts or other relatives.
- Shared parenting – Parenting is the responsibility of both the father and the mother. Early paternity establishment may lead to involvement of the father in the child's life. More resources are likely to be available to a child supported by two parents.
- Health history – Establishing paternity completes the child's 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.

Establishing paternity

- Creates a legal relationship between the father and the child,
- Is required for the father to be legally responsible for child support,
- Is a necessary first step if the father requests visitation rights,
- May provide legal benefits for the child, such as a share of Social Security or veteran's benefits if the father dies or becomes disabled; rights to any inheritance from the father; and rights to medical or insurance benefits from the father.

Is having a child such a big deal?

YES! There is no responsibility, joy or honor greater than the privilege of parenthood. Parenthood means providing love, care, guidance, food, clothing, shelter and medical care for your child or children. Establishing paternity helps ensure responsibilities for the child are shared by the mother and the father. Taking responsibility for your child may mean the difference between your child relying on public assistance (welfare) or being self-sufficient. Even if parents are not married to each other, both parents must support their child until he or she becomes an adult.

How is paternity established?

Both parents can acknowledge paternity voluntarily. Both parents only need to sign an Acknowledgement of Paternity form under oath. The most convenient place to sign the form is at the hospital before the mother and child are discharged. This is a free service offered by all birthing hospitals and requires that the father present a photo ID to the birth registrar before he signs the form. Establishing paternity at the hospital gives a child a legal father immediately and ensures that the child's original birth certificate includes the father's name.

If parents are unable to establish paternity at the hospital, the form is available by visiting or calling the Office of Vital Records in Richmond, local health department clinics, local departments of social services and local child support offices.

Paternity also can be established by genetic testing to prove the identity of the father. Samples generally are obtained by swabbing the inside of the mouth in the cheek area. The samples are then sent to a lab for testing. The actual sample collection takes only a few minutes, and the test results usually are available in three to four weeks.

If you have a case with DCSE, we will schedule the child, mother and alleged father for genetic testing. If the parties reside in different localities or in different states, they may be scheduled separately in the areas in which they reside. If DCSE has arranged the testing, the genetic samples will be collected by a representative of DCSE's contracted laboratory.

When DCSE arranges for testing, if the tested man is found to be the father, he will be required to pay for the test. If the tested man is found not to be the father and there is an open case with DCSE, DCSE normally pays for the tests. If a court orders testing, the court will determine who must pay for the testing.



Taking responsibility for your child may mean the difference between your child relying on public assistance (welfare) or being self-sufficient.



Paternity establishment and visitation rights are two separate issues.

There are a number of accredited laboratories that can provide private testing with certified test results. The price varies for private testing. Generally, the lab requests payment from the individual(s) involved in the testing at the time of sample collection.

Genetic tests are very reliable. Under Virginia's law, test results of 98 percent or higher prove paternity. Very accurate tests now can provide 99+ percent test results to establish the paternity of a child.

What last name child can be placed on the child's birth certificate?

The mother may place any last name she wishes on the birth certificate of a child. If both parents sign an Acknowledgement of Paternity (AOP) form, they may together indicate how the child's name should appear on the birth certificate. Using a man's last name on the birth certificate, without him signing an AOP, does not make him the legal father of the child.

What if the mother is married to someone other than the biological father?

According to Virginia law, the husband of the mother is presumed to be the legal father of her child. If the mother is married or was married up to 10 months prior to the birth of the child to someone other than the biological father of the child, paternity must be addressed in court.

How are custody and visitation determined?

DCSE cannot address custody and visitation issues; those matters must be determined by the courts. Paternity and an order for support can be established without a custody or visitation order.

When paternity is established, can the father visit the child?

Paternity establishment and visitation rights are two separate issues. Once paternity is established, the father may seek visitation rights through the court.

When paternity is established, can the father ask for custody of the child?

Paternity establishment and custody are two separate, though related, issues. Physical custody of a child is always an issue that may be addressed by the court, and the consideration is the best interest of the child.

Can the father take custody of the child instead of making support payments?

If the payment of child support has been ordered, that order must be followed until a new order is entered administratively or in a court. This is true regardless of who has physical custody of the child or children. The determination of custody will be based on the best interest of the child and will not relate to which party is willing or unwilling to pay child support.

What happens if one parent is out of state?

Paternity can and should be established for a child even if one parent lives, or is planning to live, in another state. States have agreements that permit child support enforcement agencies to assist in establishing paternity even if the alleged father lives in a different state. The agreement among states also covers collecting child support from noncustodial parents in other states. If the parents live in different states, establishing paternity will take longer. Each state operates under the same basic guidelines, but the processes and time frames vary from state to state.

What if the father is not yet 18 years of age?

A man can be named as the father on a child's birth certificate regardless of his age, but only the court can determine paternity and order the father to help the mother support the child if he is under 18 years old. Paternity can be established by the court for fathers as young as 14 years old.

Does an alleged father have to be a U.S. citizen in order for paternity to be established?

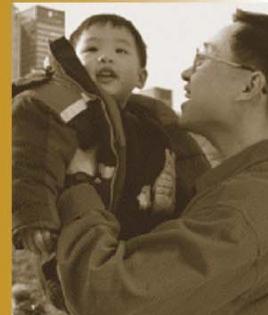
No. Paternity establishment is not related to citizenship status. Paternity can be established using the Acknowledgement of Paternity form for any child born in the Commonwealth of Virginia.

Who can get information from the Acknowledgment of Paternity form?

The information on your Acknowledgement of Paternity form is confidential. Only the Office of Vital Records & Health Statistics in the Department of Health and DCSE have access to the information. No other federal or state agency can get this information.

Once paternity is established, does this mean one parent must pay child support?

Both parents are expected to support their child or children, and either parent, or both, may apply to DCSE for assistance in meeting that obliga-



The information on your Acknowledgement of Paternity form is confidential.



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tion. DCSE will not be involved with the family unless one parent, or the party who has custody of the child or children (if not a parent), applies for services, or if the children are receiving TANF. The amount paid by the noncustodial parent will be based on both parents' incomes.

What if I need more information or want to apply for services?

You may call the customer service call center at 1 (800) 468-8894, or write to the address at the back of this booklet. You may also access the DCSE website at <http://childsupport.virginia.gov>. Applications also are available on the web site.

Fathers' Frequently Asked Questions

What happens if I don't admit paternity or sign an agreement for genetic testing at DCSE?

There may be a court hearing to decide if you are the father based on evidence that you and the mother provide. Paternity must be proven based on clear and convincing evidence. The judge may order you, the mother and the child to participate in genetic tests. Based on the results, the judge will make the final determination of whether you are the father.

What rights do I have if there is a court hearing?

You have the right to arrange for a lawyer to represent you. (DCSE attorneys do not represent mothers or fathers in court.)

The mother said she was using birth control, so I do not think I am responsible for the pregnancy. Why do I have to pay?

It does not matter whether you agreed to the pregnancy or whether you or the mother was using birth control. Legally, you are responsible for supporting the child if you are proven to be the father.

I'm not sure I'm the father. What should I do?

You may arrange for a laboratory to perform a genetic test (at your cost) to prove conclusively if you are the father. You may petition the appropriate court for a determination as well. You may apply for services at your local child support office.

If I believe I am the father, can I apply for child support services to establish paternity?

Yes. Either parent can apply for DCSE services. If paternity is established, a support order will be pursued to provide support for the child unless or until DCSE services are terminated.

I am still in school and have no money. Why should paternity be established? Do I have to pay child support?

Establishing paternity at birth, or as early as possible, protects your child. The father is responsible for supporting his child even if the father is a student and regardless of his age. A judge will look at the father's age and income if he is working while in school and will decide how much he must pay. The judge may order the father to find a job before or after school to provide some child support. If he does not, then when the father has an income in the future he will be required to pay support.

Mothers' Frequently Asked Questions

How do I establish paternity?

If the father is willing to sign an Acknowledgement of Paternity form and you have agreed upon support, you may submit the notarized form to the Office of Vital Records. If the father is unwilling to acknowledge paternity or is unwilling to provide support, you may petition the appropriate court or contact the DCSE district office that serves your area. You will be asked to provide information related to your pregnancy and sign a form naming the man you believe to be the father of your child. DCSE can ask the alleged father to admit paternity voluntarily or to submit voluntarily to genetic testing to establish paternity with certainty. DCSE also can help you gather evidence to present in court at a paternity hearing.

Do I have to name the child's father and establish paternity in order to get public assistance benefits?

Yes. If you want to receive benefits such as Temporary Assistance for Needy Families (TANF) or Medicaid, you have to name the child's father.

Do I have to name the father and establish paternity to get benefits if I am afraid he will hurt me or the child?

There are instances in which the establishment of paternity may be avoided prior to receiving benefits if there is a good reason for not giving the father's name. Talk to your local social services worker if you have this concern. The child support office cannot collect child support if paternity is not established.

What if I'm not sure who the father is?

DCSE can help you find out who the father is. You will be asked some personal questions about who the father may be, but the questions are not meant to embarrass you. They are necessary in order to accurately



Establishing paternity at birth, or as early as possible, protects your child.



Ask DCSE
for information
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and expeditiously establish the identity of the father. DCSE will contact a potential father to ask if he will agree to genetic testing to determine if he is, in fact, the father. If he does not voluntarily cooperate, a court can order him to have genetic tests.

Do I need to establish paternity if the father and I are getting along and he is helping me support my child?

You might consider that even if the father agrees to help support the child now, he may change his mind in the future, or worse he may become disabled or die. Some benefits are available to the child only if paternity has been established.

I am going to marry someone else. He is going to adopt my child. Why establish paternity?

Plans to marry sometimes change. Adoptions take time. Your child is entitled to child support in the interim. Ask DCSE for information on establishing paternity, even if you plan an adoption.

Putative Father Registry

The Putative Father Registry (PFR) was established to allow notification of proceedings for adoption or termination of parental rights concerning a child that a man fathered. The registry allows a man to register if he has engaged in sexual intercourse with a woman who may have conceived a child. A registration form can be found at the PFR website: http://www.dss.virginia.gov/family/ap/putative_fatherhood.html. DCSE can obtain information on either the father or the mother from the registry for paternity establishment.

The Division of Child Support Enforcement has district offices located across the state that serve every city and county. For the address and phone number of the child support enforcement office serving you, see the listing at the end of this booklet, call our customer service center, or visit us on the Web:

1 (800) 468-8894
<http://childsupport.virginia.gov>

Division of Child Support Enforcement
Virginia Department of Social Services
801 East Main St., Richmond, VA 23219-2901

Child Support Offices

COMMONWEALTH of VIRGINIA
DIVISION OF CHILD SUPPORT ENFORCEMENT DISTRICT OFFICES
(800 468-8894-Nationwide toll-free)

ABINGDON

190 Patton St.
Abingdon, VA 24210
(276) 676-5433 (fax)

Areas served: Bland, Bristol,
Buchanan, Dickenson, Giles, Lee,
Norton, Russell, Scott, Smyth,
Tazewell, Washington and Wise

ARLINGTON

2900 South Quincy St., Suite 320
Arlington, VA 22206
(703) 845-6410 (fax)

Areas served: Alexandria and
Arlington

CHARLOTTESVILLE

2211 Hydraulic Rd., Suite 200
Charlottesville, VA 22901
(434) 293-8001 (fax)

Areas served: Albemarle,
Charlottesville, Culpeper, Fluvanna,
Goochland, Greene, Louisa,
Madison, Orange and Rappahannock

CHESAPEAKE

814 Greenbrier Circle, Suite U
Chesapeake, VA 23320
(757) 548-1291 (fax)

Area served: Chesapeake

DANVILLE

211 Nor Dan Drive
Suite 1080
Danville, VA 24540
(434)836-8456 (fax)

Areas served: Danville, Franklin
County, Halifax, Henry, Lunenburg,
Martinsville, Mecklenburg, Patrick,
Pittsylvania and South Boston

EASTERN SHORE

108 Market St.
Onancock, VA 23417
(757) 302-2052 (fax)

Areas served: Accomack and
Northampton

FAIRFAX

Fairfax Executive Park
3953 Pender Drive
Fairfax, VA 22030
(703) 934-0067 (fax)

Areas served: Fairfax City, Fairfax
County and Falls Church

FREDERICKSBURG

2342 Plank Rd.
Fredericksburg, VA 22401
(540) 899-4131 (fax)

Areas served: Caroline, Essex,
Fredericksburg, King George,
Lancaster, Northumberland,
Richmond County, Spotsylvania,
Stafford and Westmoreland

FISHERSVILLE

Augusta Professional Park
57 Beam Lane, Suite 302
Fishersville, VA 22939
(540) 248-9306 (fax)

Areas served: Augusta, BuenaVista,
Harrisonburg, Highland, Lexington,
Page, Rockbridge, Rockingham,
Shenandoah, Staunton and
Waynesboro

HAMPTON

903 Enterprise Parkway, Suite 110
Hampton, VA 23666
(757) 766-3710 (fax)

Areas served: Gloucester,
Hampton, Mathews, Middlesex,
Poquoson, York

HENRICO

Forest Office Park
1610 Forest Ave., Suite 200
Richmond, VA 23229
(804) 662-7400 (fax)

Areas served: Amelia, Chesterfield,
Colonial Heights, Hanover, Henrico, and Powhatan

LYNCHBURG

2127 Lakeside Drive
Lynchburg, VA 24501
(434) 385-0860 (fax)

Areas served: Amherst, Appomattox,
Bedford City, Bedford County,
Buckingham, Campbell, Charlotte,
Cumberland, Lynchburg, Nelson
and Prince Edward

MANASSAS

8551 Rixlew Lane, 4th Fl.
Manassas, Va 20109
(703) 530-7304 (fax)

Areas served: Fauquier, Manassas,
Manassas Park, and Prince William

NEWPORT NEWS

11751 Rock Landing Road, Suite H4
Newport News, VA 23606
(757) 594-7621 (fax)

Areas served: Charles City, James
City, King & Queen, King William,
New Kent, Newport News and
Williamsburg

NORFOLK

#7 Interstate Corp. Center
Suite 200
6340 Center Drive
Norfolk, VA 23502
(757) 455-3650 (fax)

Area served: Norfolk

PETERSBURG

2623 Park Ave.
Petersburg, VA 23805
(804) 862-6199 (fax)

Areas Served: Brunswick, Colonial Heights, Dinwiddie, Emporia, Greensville, Hopewell, Nottoway, Petersburg, Prince George, Surry and Sussex

PORTSMOUTH

PortCentre Commerce Park
601 PortCentre Parkway
Portsmouth, VA 23704
(757) 396-6590 (fax)

Area served: Portsmouth

RICHMOND

2001 Maywill Street, Suite104
Richmond, VA 23230
(804) 367-8420 (fax)

Area served: Richmond City

ROANOKE

3535 Franklin Road, SW, Suite H
Roanoke, VA 24014
(540) 857-7841 (fax)

Areas served: Alleghany, Bath, Botetourt, Carroll, Christiansburg, Clifton Forge, Covington, Craig, Floyd, Galax, Grayson, Montgomery, Pulaski, Radford, Roanoke City, Roanoke County, Salem and Wythe

SUFFOLK

2000 Hillpoint Blvd. North
Suffolk, VA 23434
(757) 925-2486 (fax)

Areas served: Franklin City, Isle of Wight, Southampton and Suffolk

VIRGINIA BEACH

Pembroke Office Park
Pembroke VI Bldg., Suite 500
Virginia Beach, VA 23462
(757) 552-1951 (fax)

Area served: Virginia Beach

WINCHESTER

24 Ricketts Drive
Winchester, VA 22601
(540) 722-3492 (fax)

Areas served: Clarke, Frederick, Loudoun, Warren and Winchester



DCSE Customer Service
801 East Main Street
Richmond, VA 23219
(804) 692-1438 (fax)
<http://childsupport.virginia.gov>

The hearing impaired may contact us
by dialing (800) 828-1120