

8

Virginia Putative Father Registry

TABLE OF CONTENTS

8.1	The Virginia Putative Father Registry	2
8.2	<i>Legal Citations</i>	2
8.3	About The Virginia Putative Father Registry	2
8.4	Who does not have to register	3
8.5	How to register	3
8.6	Timely registration.....	4
8.7	Confirmation of receipt of registration.....	5
8.8	Updating registration	5
8.9	Rescinding or withdrawing registration.....	5
8.10	Access to the Virginia Putative Father Registry.....	6
8.11	Search of the Virginia Putative Father Registry	7
8.12	Compliance with notice provisions.....	8

8

Virginia Putative Father Registry

8.1 The Virginia Putative Father Registry

The Virginia Putative Father Registry is a confidential database of registered putative fathers. The purpose of the Virginia Putative Father Registry is to protect the rights of a putative father by allowing him to be notified of termination of his parental rights and/or adoption proceedings regarding a child that he may have fathered.

8.2 Legal Citations

The Code of Virginia, Chapter 12, Article 7, §§ [63.2-1249](#) through [63.2-1253](#) provides guidance on the Virginia Putative Father Registry.

8.3 About The Virginia Putative Father Registry

The 2006 General Assembly passed into law [§63.2-1249](#), which established the Virginia Putative Father Registry in the Virginia Department of Social Services.

The Virginia Putative Father Registry provides a mechanism to identify putative fathers who desire to be notified of termination of parental rights and/or adoption proceedings regarding a child they may have fathered. A putative father is the alleged father of a child.

Any putative father is required to register if he would like to receive notice of an adoption proceeding or termination of parental rights for a child he may have fathered.

If the conception or birth of a child occurred in another state and that state has a Putative Father Registry, the male should register in that state in addition to registering with the Virginia Putative Father Registry to protect his rights.

The Virginia Putative Father Registry is not intended to start a paternity proceeding. However, the registration may be used to help establish paternity.

A putative father must register with the Virginia Putative Father Registry if he wants to protect his rights to receive notice of termination of parental rights and/or adoption proceeding regarding a child he may have fathered.

Any male who desires to be notified of an adoption proceeding or termination of parental rights regarding a child that he may have fathered shall register with the Virginia Putative Father Registry. This may include a male who currently lives in Virginia or who visited Virginia at the time of conception of the child or birth of the child.

8.4 Who does not have to register

A male who is recognized as a legal father or is establishing paternity before a petition or consent is filed does not have to register for protection of his rights and to receive notice of an adoption proceeding or termination of parental rights.

The following are considered legal fathers:

- An acknowledged father is a male who has established, by voluntary written statement, a relationship between himself and the mother of the child that he is the father. The statement is made under oath and in writing agreeing to the paternity.
- An adjudicated father is a male with a judgment or court order establishing the paternity of a child.
- A presumed father is a male married to the mother of the child or was married to the mother of the child and the child was born within 300 days after the termination of the marriage.

Any male that begins paternity proceedings before a petition is filed for adoption or termination of parental rights is not required to register with the Virginia Putative Father Registry.

8.5 How to register

A male wishing to register must complete a [Virginia Putative Father Registry registration form](#).

A registration form can be obtained at any of the local departments of social services, by downloading an application from the Virginia Putative Father Registry web site at [The Virginia Putative Father Registry](#) or by contacting 1-877-IF-DADDY (1-877-433-2339) to request that an application to be mailed to them.

The following information must be provided by the male on the registration form:

- his name, date of birth, social security number; *signature*;

- his driver's license number and state of issuance;
- his home address, telephone number, employer;
- the name, date of birth, ethnicity, address and telephone number of the putative mother, if known;
- state of conception (i.e. Maryland, North Carolina, California, etc.);
- place and date of birth of the child, if known; and,
- name and gender of the child, if known.

Other identifying information about the father, putative mother or child may be requested.

The completed form is signed and should be mailed to:

Virginia Putative Father Registry
Virginia Department of Social Services
801 East Main Street
Richmond, VA 23219-2901

Once registered with the Virginia Putative Father Registry, a male is known as a registrant.

8.6 Timely registration

A male must register in a timely manner in order to protect his rights. A registration is considered timely when it is received:

- before the child is born; or
- within 10 calendar days after the child is born, or
- within 10 days *from personal service or by certified mailing of notice* from the child placing agency or adoptive parent of an adoptive plan for a child; or
- within 10 days upon the discovery of fraud by the mother.

Fraud is considered to have occurred in the following examples:

- that a pregnancy was terminated or the mother miscarried when actually the baby was born, or

- the male was told the child had died when actually the baby is alive.

The child-placing agency or adoptive parent is required to give notice of the adoptive plan to the putative father. Typically an agency would provide notice in an agency adoption and an adoptive parent *or their attorney* would provide notice in a non-agency placement.

All registrations received by VDSS shall be entered into the Virginia Putative Father Registry.

8.7 Confirmation of receipt of registration

If a male would like to receive confirmation that he has been registered, he may contact the Virginia Putative Father Registry at 1-877-IF-DADDY.

8.8 Updating registration

The registrant shall promptly notify the Virginia Putative Father Registry of any changes including but not limited to change of address.

The registrant can update his registration by completing another Virginia Putative Father Registry registration form. The registrant indicates that he is updating his registration by marking the box on the registration form with an X or check mark stating it is an updated registration. The registrant updates the information that has changed, signs the registration form and mails the form to:

Virginia Putative Father Registry
Virginia Department of Social Services
801 East Main Street
Richmond, VA 23219-2901

8.9 Rescinding or withdrawing registration

The registrant has a right to rescind his registration at any time.

To rescind a registration, the registrant must complete another Virginia Putative Father Registry registration form.

The registrant marks the box on the registration form indicating that the registration is being withdrawn for a specific registration.

The registrant must rescind a registration form for each registration with a different name of a putative mother or child.

8.10 Access to the Virginia Putative Father Registry

The Virginia Putative Father Registry is confidential and exempt from the Virginia Freedom of Information Act.

The information in the database shall only be released to the authorized entities:

- The court or a person designated by the court
 - A designated person must submit documentation from a court signed by a judge indicating that they have been designated by the court .
- The mother of the child who is the subject of registration
 - The mother must submit proof of being the mother of the child by providing a copy of the birth certificate and notice from the Virginia Putative Father Registry of being listed in the registry.
- A licensed child-placing agency
- A support enforcement agency
- An agency authorized by law to receive such information
- A party or the party's attorney of record in an adoption proceeding, *custody proceeding*, *paternity proceeding* or in a proceeding of termination of parental rights, regarding a child who is the subject of the registration.
- *The child's guardian ad litem;*
- An attorney or GAL must provide a letter of registration specifically stating the party they represent or the petition they would file.
 - A party of an adoption proceeding may be a petitioner in a termination of parental rights or adoption proceedings such as a local department of social services or an adoptive parent. The foster parent who is not adopting is not party to the termination of parental rights or adoption proceeding for the purposes of the registry.
- A putative father registry in another state

8.11 Search of the Virginia Putative Father Registry

A search of the Virginia Putative Father Registry shall be conducted for all adoptions except for children who have been adopted according to the laws of a foreign country or if the child was placed in Virginia from a foreign country in accordance with ([§63.2-1104](#)) for the purpose of adoption.

Any petitioner, who files a petition for the termination of parental rights or for an adoption proceeding, shall request a search of the Virginia Putative Father Registry for any putative father.

A petitioner who requests a search of the Virginia Putative Father Registry is called a requestor. The requestor is an authorized person, agency or organization listed in [section 8.10](#) above.

The Virginia Putative Father Registry only conducts searches of the Virginia Putative Father Registry. If the birth and/or conception occurred in another state, the requestor must request a search of the Putative Father Registry in the other state. Staff at the Registry is available to assist in obtaining contact information for a Putative Father Registry in another state by calling 1-877-IF-DADDY (1-877-433-2339).

The requestor completes the [Virginia Putative Father Registry Request to Search Form](#). The Request to Search Form can be obtained at a local department of social services and may be downloaded at the Virginia Putative Father Registry web site at www.ifdaddy.com or by calling 1-877-IF-DADDY to request a form be mailed or faxed.

Upon satisfaction of documentation requirements, VDSS will conduct a search of the Virginia Putative Father Registry, furnish a certificate that a search was conducted and include an attachment of any findings of the search to the certificate.

VDSS will furnish, within four business days from receipt of a request from a court, agency or individual:

- A signed certificate stating that a search was completed; and
- The findings of the search.

VDSS will mail the certificate using the United States mail or at the requestor's expense have the certificates, along with the findings of the search, delivered by overnight mail, in person, by messenger, by facsimile or other electronic communication.

The certificate of search and findings shall be filed with the court before an adoption proceeding can conclude.

A copy of the certificate of search shall be maintained in the case record of the child-placing agency. The social worker shall file a copy of the certificate of search and the findings with the adoption record.

If a search of the registry does not identify a match to the child who is the subject of the search, the social worker should gather and explore other information to locate and identify the name of the father.

A letter to the putative father notifying him of the availability to register with the Virginia Putative Father Registry and his rights along with proof of certified mailing must accompany any search for a child who is unborn or less than 10 days old.

8.12 Compliance with notice provisions

It is the responsibility of the agency to provide evidence that the agency complied with the following provisions of the Virginia Putative Father Registry:

- notice to a known putative father, and/or
- notice to the putative father regarding his rights

If the identity of the putative father and whereabouts are reasonably ascertainable, a written notice of the adoption plan and availability of registration with the Virginia Putative Father Registry must be sent by *personal service* or certified mailing to the putative father's last known address ([§ 63.2-1250 E](#)).

The evidence must be submitted to the courts when filing the petition that notice was sent to the putative father.