



Voluntary Acknowledgment of Paternity

Oklahoma Child Support Services

Objectives

- **Why Paternity Acknowledgment Is Important**
- **When Can It Be Done**
- **What Needs to Be Completed**
- **Discuss Real Life Scenarios**

What Is Paternity Acknowledgment?

- **Child Born Out of Wedlock**
- **Parents Officially List Father**
- **Acknowledgment of Paternity (AOP) Form Completed**
- **Allows Father Name on Birth Certificate**

Legal Authority

- 63 O.S. § 1-311.3(A)

“...[T]he person required by Section 1-311...to prepare and file and birth certificate shall:

(1) Provide written materials and an oral, audio, or video presentation to the child’s mother and/or natural father, including an Acknowledgment of Paternity on a form prescribed by the Department of Human Services.”

Legal Authority, continued

- 63 O.S. § 1-311(A)(2)

“Provide written information, furnished by the Department of Human Services, along with an oral, audio, or video presentation, to the mother and acknowledging father:

(a) explaining that the completed AOP shall be filed with the State Department of Health, Division of Vital Records.

(b) regarding the benefits of having her child’s paternity established and the availability of paternity establishment services....,

(c) explaining the implications of signing, including parental rights and responsibilities, and

(d) explaining the time limitations to rescind and/or challenge the AOP...”

Why Is Paternity Important?

- **Provides Sense of Identity for Child**
- **Sets Stage for Access to Medical History and Ancestry**
- **Proof of Legal Relationship**
 - **Inheritance**
 - **Veteran's Benefits**
 - **Insurance**
- **Acknowledgment Does Not Require Later Court Order**

When Should AOP Be Used?

- **Parents Not Married to Each Other**
- **Baby Conceived by Intercourse
Between Mother and Man Claiming to
Be Father**
- **Can Sometimes Be Used When
Presumed Father Exists**

Presumed Father?

- **Mother Married to Someone Other Than Father: Husband = Presumed Father**
- **Baby Born Within 300 Days of Divorce: Husband = Presumed Father**
- **Man Married Mother and Asserted Paternity**
 - **Assertion Filed with Health Department**
 - **Voluntarily Named on Child's Birth Certificate**
 - **He Promised on Record to Support Child**

Is AOP Legal?

- **Acknowledgment of Paternity Creates Legal Finding of Paternity by Law**
 - **Oklahoma Statutes, Title 10, Section 7700-306**
 - **No Fee for Filing if Done at Hospital**
 - **Creates Parent – Child Legal Relationship**
 - **Imposes Legal Duty to Support Child**
 - **Enables Court to Address Visitation & Custody**

Where Can AOP Be Completed?

- **Place of Birth**
- **Local Child Support Office**
- **Local Health Departments**
- **Division of Vital Records**
- **www.OKDHS.org**
 - **Must Complete Questionnaire**
 - **Questionnaire Responses Make Form Available**

Names on Birth Certificates

- **Legal Father's Name on Birth Certificate**
 - **Husband**
 - **Acknowledged Father**
- **No Legal Father = No Father's Name on Birth Certificate**

Legal Requirements

- **Parents Must Receive Notice of Rights & Responsibilities**
- **Father's Name Can Be Added to Birth Certificate**
- **Can Establish Paternity by Completing Acknowledgment of Paternity form**
- **Do Not Sign AOP if Not Sure**
- **May Rescind Within 60 Days**
- **May Open Case with CSED & Have Genetic Testing Prior to AOP**

Rescission of Paternity

- **Either Parent May Rescind Within 60 Days**
 - **For Any Reason**
 - **Does Not Require Other Parent to Agree**
- **Rescission of Acknowledgment of Paternity Form Completed and Sent to Division of Vital Records**
- **Parents Under 18 May Rescind Within 60 Days of Turning 18**

Critical Requirements

- **Parents Must Understand AOP Before Signing**
- **Receive Oral Information**
 - **1-800-522-2922**
 - **Read Back of AOP to Parents**
 - **Watch Voluntary Acknowledgment of Paternity Video**
- **Receive Written Information**
- **Completed, Witnessed Form Sent to Division of Vital Records**
- **Parents Must Receive Their Copies of AOP Form**

What if > 60 Days Goes By?

- **Rescission Time Is Over**
- **AOP Can Only Be Challenged in Court**
 - **Fraud**
 - **Duress**
 - **Material Mistake of Fact**
- **Court Challenge Must Be Within 2 Years**

What if Mother Is Married?

- She and Biological Father Can Still Complete AOP if Child < 2 Years Old
- Denial of Paternity Form Completed by Husband Must Accompany AOP
- Denial Can Only Be Used When AOP Is Being Completed

Denying Paternity

- **Completely Terminates a Presumed Father's Parental Rights**
 - **Visitation**
 - **Duty to Support Child**
- **Allows Biological Father to Become Legal Father**
- **Can Be Rescinded Within 60 Days Using Rescission of Denial of Paternity Form**

AOP Form Section

- Legal Declaration
- Facility Code Number
- Child's Information
- Mother's Information
- Father's Information
- Employment Information
- Private Insurance Information
- Legal Statements

Signatures

- **Signatures of Parents Must Match the Names of the Mother & Father Listed on Form**
- **Parents Cannot Witness Each Other's Signatures**
- **Witnesses Cannot Be Related to Mother or Father**

Minor Parents

- **Minor Parents Can Sign the Acknowledgment of Paternity Form**
- **Rescission Time Period Ends 60 Days After Parent Turns 18**

Undocumented Individuals

- **Undocumented Individuals May Sign the Acknowledgment of Paternity**
- **SSN Field Required on Form – If No SSN Enter “Unknown” “None” or “N/A”**

Married Parents

- **Parents Married to Each Other Do Not Sign the Acknowledgment of Paternity**
- **Husband's Name Is Listed on Birth Certificate**
- **If Husband Not Father, Husband May Complete Denial of Paternity Form and Father & Mother Complete Acknowledgment of Paternity Form**

Unmarried Parents

- **Information About Acknowledgment of Paternity Is Presented to Parents**
- **Acknowledgment of Paternity Form May Be Completed by Parents**
- **Allows Father's Name to Be Listed on Birth Certificate**

What If Parents Don't Sign AOP

- **Parents Are Not Required to Sign AOP**
- **If One or Both Is Unsure About Signing – Do Not Allow Them to Sign**
- **Parent(s) Can Open Case with CSE and Request Genetic Testing**
- **Both Parents Must Sign AOP for It to Be Completed**
 - **Can Sign Different Forms Referenced to Each Other**
 - **Parent(s) Cannot Be Deceased**

Time Limits

- **Married Mother – Child Must Be < 2 or AOP Cannot Be Completed**
- **If Child > 18 Adult Child Consent Form Must Also Be Completed**