

## **Voluntary Acknowledgment of Parentage: Statement of Rights, Responsibilities, Alternatives and Consequences**

This Voluntary Acknowledgment of Parentage (Acknowledgment) is a legal document. Signing this Acknowledgment is voluntary. Signing this Acknowledgment has legal consequences so you may want to consult a lawyer before signing.

### **This Acknowledgment can not be used to establish parentage if:**

- You are **not** an alleged genetic parent of the child.
- The parent who gave birth to the child was married to anyone at the time of the child's conception, birth, or anytime in between, or at any time during the 300 days prior to the birth of the child.
- You consented to the adoption of the child.
- A court determined that you are **not** the parent of the child.
- You surrendered your parental rights to a public or private child-caring agency.
- A court terminated your parental rights.
- The child has a presumed parent, other acknowledged parent, adjudicated parent or intended parent other than the parent who gave birth to the child.
- A second parent is already listed on the existing birth record.

When this Acknowledgment is properly signed, witnessed and filed with the Registrar of the Center for Health Statistics, none of the conditions above apply, and the Acknowledgment otherwise satisfies all conditions required to be valid under the law, it establishes the identified alleged genetic parent who has signed the Acknowledgment as a legal parent of the child.

**Rights and responsibilities of parents:** To be the legal parent means you have all the parental rights and responsibilities that a parent would have if the child was born in a marriage.

### **If you are a noncustodial parent:**

- You have the right to visit the child or to seek custody of the child.
- You have the responsibility to contribute to the support of the child, even if there is no child support court order requiring the payment of a certain amount of money.
- If there is no existing child support order for the child, then one may be established. If there is an existing order, it may be increased or decreased by a court or administrative order.
- The child support order may be enforced by wage withholding, tax refund intercepts, property liens and other involuntary processes.
- The child may have the right to inherit from your estate and receive Social Security benefits based on your earnings.
- There could be other benefits and responsibilities as well.

### **If you are a custodial parent:**

- You have the right to seek birth expenses for the child or to have a child support order established, modified and enforced.
- You have the responsibility to care for, maintain and control your child.
- The child may have the right to inherit from your estate and receive Social Security benefits based on your earnings.
- There could be other benefits and responsibilities as well.

**Custody:** By law, the parent who has physical custody of the child at the time this Acknowledgment is filed has legal custody. Only a court can legally change custody.

**Alternatives to signing this Acknowledgment:** You have alternatives to signing this Acknowledgment. Instead of signing this Acknowledgment you could ask a court to determine legal parentage of the child and to decide whether birth costs and child support should be awarded pursuant to ORS 109.155.

You may obtain genetic testing to help determine if the alleged genetic parent is the genetic parent of the child. Free genetic testing is available through the Oregon Child Support Program. Either of you may request these tests. If you sign this Acknowledgment without genetic testing and it is later determined you are not a genetic parent, you are still considered the parent of the child if or until legal action is taken to disestablish your parentage. There may be time limitations on your ability to be legally removed as a parent to the child.

**Consequences of signing this Acknowledgment:** By signing this Acknowledgment, you become the legal parent of the child. Please see the rights and responsibilities listed above. You have 60 days after filing this Acknowledgment to rescind or “take back” this Acknowledgment. You may have fewer than 60 days if you are a party to a case involving the child that is pending in court and the first hearing has already taken place.

You may challenge this Acknowledgment up to one year after filing, for any reason, if genetic testing has not been completed. You may challenge this Acknowledgment at any time if you can prove fraud, duress or material mistake of fact. The legal responsibilities that come from signing this Acknowledgment, such as child support, will not be suspended during a challenge to this Acknowledgment.

If you sign this Acknowledgment and later decide you want genetic testing, you may ask the Oregon Child Support Program for these tests up to one year after filing this Acknowledgment. If those tests show that the alleged genetic parent who has signed this Acknowledgment is not the genetic parent of the child, legal parentage may be set aside or “undone.” This information is not exhaustive, and an attorney can advise on options after parentage is established.

**Rights of a minor parent:** If you are under 18 years of age and not legally emancipated by marriage or by a court order, you are a minor parent. As a minor parent, you may give authorizations and enter into agreements in adoption, juvenile court, or other proceedings concerning the care or custody of the child. As a minor parent, you have the right to have a guardian ad litem appointed before a child support order is entered against you. As a minor parent, you may file a petition on behalf of your minor child and if you are a minor custodial parent, you may enter a contract for an apartment and for utilities. A lawyer could best explain your rights as a minor parent.

**Additional information:** You can find more information about establishing parentage on the Oregon Child Support Program website, [www.oregonchildsupport.gov](http://www.oregonchildsupport.gov). You can also contact their customer service team at 800-850-0228 or visit a local child support office to learn more or to discuss your rights to genetic testing. If you would like a lawyer, you can call the Oregon State Bar’s Referral and Information Service at 800-452-7636.