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Department of Children and Families

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# **Voluntary Paternity Acknowledgment**

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December 2014

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Bureau of Child Support

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## Section 1: Introduction & Overview

Helping children is the primary goal of the Voluntary Paternity Acknowledgment program. A child benefits in many ways, measured and immeasurable, from knowing his or her father. With your participation in the Voluntary Paternity Acknowledgment program, you help children start their lives knowing both parents, whether or not the parents live together.

State and federal laws require that each birthing hospital have trained, designated staff who explain to unmarried parents the rights and responsibilities of, and the alternatives to, voluntary paternity establishment. Parents must be given a copy of the *Voluntary Paternity Acknowledgment* form, and a verbal explanation of the form. The verbal explanation can be in the form of an audio tape or video, but a trained staff person must be available to answer questions.

The Voluntary Paternity Acknowledgment program is based on the finding that fathers are most likely to voluntarily acknowledge their paternity around the time of birth. By participating in the Voluntary Paternity Acknowledgment program, you are helping children make connections with their parents that may benefit them in countless ways for the rest of their lives.

Please use this handbook to assist you in offering Voluntary Paternity Acknowledgment services to your patients, your clients, and customers. **Thank you for your efforts to improve the quality of life of families in Wisconsin.**

### Background

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1993 Wisconsin Act 16 funded a hospital based paternity establishment pilot, later named Paternity Acknowledgment through Hospitals (PATH). The 2-year pilot operated in three birth hospitals (Sinai Samaritan in Milwaukee, Meriter in Madison, and Theda Clark in Neenah).

Federal legislation in 1993 and 1996 implemented requirements that birthing hospitals provide unmarried parents with a written and verbal explanation of the opportunity to voluntarily establish paternity. Wisconsin law was updated in 1997 and 1998 to implement federal requirements. Wisconsin also chose to provide birth hospitals an incentive payment for correctly filed *Voluntary Paternity Acknowledgment* forms.

In May 1998, Wisconsin Act 191 was signed into law. It mandated that all birthing hospitals in the state participate in the Voluntary Paternity Acknowledgment program and gave the filed *Voluntary Paternity Acknowledgment* form the same force and effect as paternity judgments issued by the courts.

In May 2006, 2005 Wisconsin Act 443 was enacted and made a significant change to the Voluntary Paternity Acknowledgment program. It prohibited parents under the age of 18 from establishing paternity using the Voluntary Paternity Acknowledgment form as of January 1, 2007. If minor parents had filed a *Voluntary Paternity Acknowledgment* form prior to January 1, 2007, paternity was established for their child and no further action is needed.

2005 Wisconsin Act 443 also clarified that unmarried mothers have sole legal custody of her child **until** a court orders otherwise. After paternity is established, the father has a right to ask the court for custody (decision-making authority) and physical placement (visitation). Legislation that governs Voluntary Paternity Acknowledgment program is outlined in §§ 49, 69 and 767, [www.legis.state.wi.us/rsb/stats.html](http://www.legis.state.wi.us/rsb/stats.html).

## Who participates in the Voluntary Paternity Acknowledgment program

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Under federal regulation, each state may decide which entities to include in the Voluntary Paternity Acknowledgment program. Birth hospitals, as well as the other entities listed below, that have received training may participate in Wisconsin's Voluntary Paternity Acknowledgment program. These entities are referred to as "**Authorized Agencies.**"

The following policies cover various Wisconsin Authorized Agencies:

- **Hospitals:** are required to participate in Wisconsin's Voluntary Paternity Acknowledgment program, under § 69.14. Each birthing hospital must ensure that it has at least one trained, designated staff person. Hospitals are also required to provide notary public services to witness signatures.
- **Child support agencies:** must offer voluntary acknowledgment services to parents 18 years of age or older in all IV-D cases in which paternity is an issue. The child support agency has the option of offering the service to non-IV-D parents over the age of 18. (IV-D is the title of the Social Security Act that governs the child support program. A family is classified as IV-D if they receive public assistance or have completed an application and paid a fee to request services.)
- **State, county or city vital record offices, midwives, and tribal enrollment offices:** may participate in the Voluntary Paternity Acknowledgment program by distributing and explaining the form, if they have been trained.

**Required Training:** Before any staff person in hospitals, vital record offices, midwives, tribal enrollment offices, or child support agencies may give a blank *Voluntary Paternity Acknowledgment* form to parents, that staff person must be trained (i.e., "authorized"). Training involves four steps:

1. Watching the DVD *Voluntary Paternity Acknowledgment Training*.
2. Reading the:
  - Wisconsin "Voluntary Paternity Acknowledgment Rights and Responsibilities" attachment to the actual *Voluntary Paternity Acknowledgment* form
  - Filing instructions and fee information on the back of the *Voluntary Paternity Acknowledgment* form.
3. Reviewing the sample publications provided by the Bureau of Child Support and Department of Health Services.
4. Reading Section 2: Instructions (pages [3 - 13](#)) in this handbook.

## Section 2: Instructions

### Completing the Voluntary Paternity Acknowledgment form

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- Authorized hospital staff must approach each unmarried mother age 18 or older. To protect confidentiality and to ensure sensitivity to any risk of domestic violence, always ask to speak to the mother alone when first addressing the subject of “the birth certificate.” If the mother wishes to have the father brought into the conversation, you may invite him back into the room or arrange a time to give the explanation of the rights and responsibilities when he can be present. The father must also be at least 18 years of age or older.

**Please note:** If the mother is married to another man at the time of conception or birth, the couple **may not use** the *Voluntary Paternity Acknowledgment* form to establish paternity. Under the law, the mother’s husband is the child’s father.

If the mother is not married at the time of conception or birth, but the father is married to another woman, the couple **may use** the *Voluntary Paternity Acknowledgment* form.

- Staff in child support agencies must offer the voluntary acknowledgment option to parents 18 years of age or older prior to initiating a court case to establish paternity (per federal regulation).
- All authorized staff should:
  - Explain that paternity is the process of making a man the legal father of the child. Explain that by establishing paternity, a man’s name will be included on the child’s birth certificate as the child’s legal father. If paternity is not established, only the mother’s name will appear on the birth certificate. The father’s name will not be included.
  - Explain that the process of establishing paternity voluntarily involves both parents signing a *Voluntary Paternity Acknowledgment* form and having their signatures witnessed by a notary public. Go over the Rights and Responsibilities page attached to the *Voluntary Paternity Acknowledgment* form and have the parents read the Rights and Responsibilities Section (page A and B) as written on the form.
  - Ask the parents if they have questions. (See pages [4 - 11](#) for the answers to commonly asked questions.)
  - Show the parents the toll-free number in the *Voluntary Paternity Acknowledgment* form in case the parents have questions at a later time (bottom of page B).
  - Inform the parents that genetic testing is available, at a reduced cost, through their local child support agency. Explain that the *Voluntary Paternity Acknowledgment* form may be signed after the test results are known.
  - Refer parents who are hesitant about signing the *Voluntary Paternity Acknowledgment* form to other appropriate assistance sources such as their local child support agency or an attorney.
  - Ask the mother if she wants to establish paternity. Help her complete the form if she agrees. If the father agrees, help him complete his section.
  - Provide notary services if the parent(s) wish to sign the *Voluntary Paternity Acknowledgment* form. Parents must provide identification to the notary public.

Continued

## Voluntary Paternity Acknowledgment

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- All authorized staff should (continued):
  - Inform the parents about their right to rescind (withdraw) their acknowledgment of paternity if they change their mind within 60 days of filing the original *Voluntary Paternity Acknowledgment* form with the State Vital Records Office only if a court has not yet ruled on a family matter involving the father, mother, and child. (See the explanation on the *Voluntary Paternity Acknowledgment* form, page B.)
  - Assist the parents in determining what fee is appropriate, using the chart on the back of the *Voluntary Paternity Acknowledgment* form. Be sure a check with the correct fee(s) is included when filing the form.
- Authorized hospital staff must mail completed *Voluntary Paternity Acknowledgment* forms to the State Vital Records Office within five days of the child's birth. (The 5-day rule only affects forms that were completed during the hospital stay.) If the form is not completed, the parents may keep the form and mail it in at a later date.)
- Authorized staff should keep the following in mind when completing the form:
  - Every area should be completed in **black ink**.
  - If an area does not have a response, the parent should write "none" in that area.
  - Parents should print neatly

### **Tips to Avoid the most common oversights in completing and filing the Acknowledgment form**

#### **In Section II:**

- Check that the parents answer either "yes" or "no" about changing the child's name

#### **In Section III:**

- Parents must provide identification to the notary public. Be sure that the parents do not sign the form until they are in front of a notary public as the notary must witness parent's signatures.
- The notary public must date and seal each signature.
- Check that the correct filing fee is enclosed.
- Send completed forms within five (5) days of the child's birth to:

Division of Public Health  
State Vital Records Office-VPA  
PO Box 309  
Madison WI 53701-0309

**Q & A**

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**Q. If a minor parent had used *Voluntary Paternity Acknowledgment* form before January 1, 2007, was paternity established for that child?**

A. Yes, as long as a *Request to Withdraw Voluntary Paternity Acknowledgment* form was not filed.

**Q. May a minor parent file a *Request to Withdraw Voluntary Paternity Acknowledgment* form for an Acknowledgment that had been filed prior to 2007?**

A. Yes, as long as a court has not yet ruled on a family matter involving the father, mother, and child, the minor parent may file a *Request to Withdraw Voluntary Paternity Acknowledgment* form until 60 days after his or her 18<sup>th</sup> birthday.

**Q. Does signing this form give the father the right to custody or placement of the baby?**

A: Signing the *Voluntary Paternity Acknowledgment* form gives the father the right to ask the court for custody (decision-making authority) and physical placement (visitation). In Wisconsin, the unmarried mother has sole legal custody and placement until the court orders otherwise.

If the child support agency seeks a court order for support, it may be possible to ask for custody and/or placement orders at the same time.

Any party who is concerned about the effect of custody by signing or filing a *Voluntary Paternity Acknowledgment* form may want to seek advice from their local child support agency or an attorney before signing the *Voluntary Paternity Acknowledgment* form.

**Q. What are an acknowledged father's immediate rights in regard to medical decisions?**

A. The mother is the legal custodian and has all decision making authority until a court orders otherwise.

**Q. Does acknowledging paternity affect the father's responsibilities to pay for the baby's birth and hospital care?**

A. Signing the *Voluntary Paternity Acknowledgment* form does not automatically obligate the father to pay his child's medical bills. However, the hospital is free to seek the father's agreement to sign as a guarantor for the child and to sign the necessary release of information for his health insurance. If he has health insurance, filing the *Voluntary Paternity Acknowledgment* form will increase the likelihood that his insurer will cover the cost of the baby's care. Insurance companies may have different standards to prove a man is the father before the company accepts the infant as a dependent on the insurance plan. However, insurance policies cannot refuse to cover the child just because the parents are not married or because the child does not live with the father.

Once the *Voluntary Paternity Acknowledgment* form is filed with the State Vital Records Office, the court may order the father to pay support for the child. The court order must include medical support, however, either parent may be ordered to provide the medical support. If the pregnancy and birth were covered by BadgerCare Plus, the court might order the father to repay some of the birth costs. If the father has insurance, he will need to provide documentation to the child support agency verifying the portion of the birth costs paid by his insurance.

**Q. If a couple says they are planning to get married, should they use the *Voluntary Paternity Acknowledgment* form?**

A. It is their choice of course, but if the parents are interested in identifying the child's father they should sign the *Voluntary Paternity Acknowledgment* form. Unfortunately, it is possible that a

break-up or the death of one of the parents could occur before their planned marriage. They could sign the *Voluntary Paternity Acknowledgment* in front of notaries now and keep the form, pending their wedding date. Or, after they're married, they can file an *Acknowledgment of Marital Child (Legitimation)* form that will give the father a marital presumption.

If the parents file the *Voluntary Paternity Acknowledgment* form and then get married, they may still file an *Acknowledgment of Marital Child form* (see instructions on the back of the *Voluntary Paternity Acknowledgment* form).

**Q. What if the mother says she already gave the information to her caseworker? Should the hospital or midwife still use the *Voluntary Paternity Acknowledgment* form?**

**A.** They can. Mothers who receive public assistance benefits (including mothers in the W-2 program and some mothers in the BadgerCare Plus program) are required to cooperate with the child support agency to establish paternity. One way to establish paternity is to use the *Voluntary Paternity Acknowledgment* form. Appropriate use of this form may speed the process for the mother's required cooperation and involvement with the child support agency.

**Q. What should we do if the couple says that they were married in another country, or that they had a "cultural" marriage?**

**A.** For purposes of filling out the birth worksheet at the hospital, if the mother said she was legally married in another country, the hospital should take her word for it and include the husband's name on the original birth certificate. The child support agency might question that status later if the couple does not have a marriage license or other documentation.

**Q. At times, we have non-resident parents who seem to be using false identification. How does this affect their use of the *Voluntary Paternity Acknowledgment* form?**

**A.** Neither the State Vital Records Office nor the child support program is in the habit of reporting to the Immigration and Naturalization Service (INS). However, it is a crime to falsify a birth record. Parents should be politely advised that it is important to put accurate information on the birth record and the *Voluntary Paternity Acknowledgment* form. Some hospitals have found that using an interpreter to speak privately with parents will help the parents understand the importance of using their actual identification on the baby's birth record. Above all, consider the priority of ensuring that the infant and mother obtain the necessary prenatal and postnatal care for adequate health and safety, before raising such issues.

**Please Note:** Requiring a photo-ID is one way of ensuring the accurate identity of the parent. If photo-ID is not available, the parent may use an Individual Tax Identification Number (ITIN). The Internal Revenue Service offers an Individual Tax Identification number (ITIN) for individuals to use in lieu of a Social Security number. Many other governmental agencies accept the Tax Identification number (ITIN) in place of a Social Security number. The couple may have used the ITIN to obtain BadgerCare Plus.

**Q. Who do we give the *Voluntary Paternity Acknowledgment* forms to?**

**A.** Birth hospital staff must give the *Voluntary Paternity Acknowledgment* form to each unmarried mother who is age 18 or older. Staff should also share the form and its explanation with the father who is age 18 or older if he is available. That does not mean staff must screen all male visitors. Staff should work with the man as the father only if he or the mother identifies him as the father, and the mother gives permission for him to participate in the discussion.

Other Authorized Agencies (e.g., child support agency, midwives, tribal enrollment, and vital records staff) will give the *Voluntary Paternity Acknowledgment* form to any parent who requests it. Staff should hand out the form only after the person or couple has had a full verbal explanation of their rights and responsibilities associated with, and alternatives to, voluntary paternity establishment.

**Q. What does “full verbal explanation” mean?**

- A.** Full verbal explanation means that staff must explain the key points of the *Voluntary Paternity Acknowledgment* form in-person or over the phone. A video or audiotape may also be used to provide an explanation. Authorized agencies must have a trained staff person available to answer questions. It is not sufficient to just hand a mother the form and refer her to the toll-free number (1-888-643-7284). Authorized staff should not give advice or give any interpretation of the *Voluntary Paternity Acknowledgment* program beyond that provided in training from the State. If the parent has questions that are beyond the staff’s training, refer the parent to their local child support agency or have them call **1-888-643-7284** (toll free).

Please Note: The *Voluntary Paternity Acknowledgment* form includes quotes directly from Wisconsin statutes. You are not required to read those pages (page C and D) to the parents but may point the statutes out to clients who are interested in that level of detail.

**Q. How hard should staff try to convince parents to sign the *Voluntary Paternity Acknowledgment* form?**

- A.** The process is **voluntary**. Staff should not try to convince anyone to sign the *Voluntary Paternity Acknowledgment* form. If either parent has any doubts, the parent should not sign. If one or both of the parents have further questions, the parent should seek the services of their local child support agency or a private attorney or call **1-888-643-7284** (toll free).

**Q. What if the parents seem unsure about signing the *Voluntary Paternity Acknowledgment* form?**

- A.** If one or both of the parents seem hesitant, attempt to talk with the parents separately. The parent might want to ask about genetic tests, or there may be issues of abuse. Please note that the reasons to not sign the form are listed under the Rights and Responsibilities section. The Voluntary Paternity Acknowledgment program is designed for people who are sure who the father is, and who are sure that they want to use this out-of-court process. If the issue is genetic testing, refer the parent to their local child support agency for genetic testing at a reduced cost. If genetic testing is done, parents should wait until the test results are known before completing the *Voluntary Paternity Acknowledgment* form.

**Q. What if either parent does not seem to understand the *Voluntary Paternity Acknowledgment* form?**

- A.** State law does not provide for exceptions to who should receive the *Voluntary Paternity Acknowledgment* form in the hospital. However, a notary public should consider whether either the mother or the named father does not (even temporarily) have the capacity to understand the content and legal consequences of the *Voluntary Paternity Acknowledgment* form. If a parent does not seem to understand the significance of the *Voluntary Paternity Acknowledgment* form, staff may consider not offering the form at that time or not notarizing the signature.

**Q. Parents sometimes ask complex legal questions about paternity and support. What should staff tell them?**

**A.** Authorized agencies, other than child support agencies, should acknowledge that the person has asked a good question but add that you don't know the answer and cannot give legal advice. For further clarification or information, the parents should contact their local child support agency. For legal advice, the parents or any concerned party should consult an attorney.

**Q. What if one or both parents change their mind and ask the hospital not to mail the notarized *Voluntary Paternity Acknowledgment* form?**

**A.** Once the *Voluntary Paternity Acknowledgment* form has been signed by both parties before a notary, it is a legal document. If the couple is in agreement and asks to keep the notarized form, it is the parents' choice. If the form is in the hospital's possession, there appears to be a statutory obligation for the hospital to file the *Voluntary Paternity Acknowledgment* form.

The state recognizes, however, that the hospital has a primary obligation to maintain the relationship as health care provider, and that use of the *Voluntary Paternity Acknowledgment* form is intended to be completely voluntary. If both parents or just the mother (your patient) clearly want to retract this statement, weigh the situation considering the hospital's statutory duty, the benefits to the child, and your provider/patient relationship with the mother. The original document, once signed, should never be destroyed, but rather kept with the medical record if not mailed to the State Vital Records Office. Hospital staff may want to consult with their legal department.

**Please Note:** If the notarized *Voluntary Paternity Acknowledgment* form is not returned to the parent(s) and is filed with the State Vital Records Office, staff should provide the parent(s) with the *Request to Withdraw Voluntary Paternity Acknowledgment* form. Inform the parent(s) that the *Request to Withdraw Voluntary Paternity Acknowledgment* form must be filed **within 60 days** of filing the *Voluntary Paternity Acknowledgment* form **and before** a court rules on a family matter involving the father, mother, and child. If the hospital supply of the *Request to Withdraw Voluntary Paternity Acknowledgment* form is depleted or the parent(s) need more information, refer the parent(s) to the local child support agency or the State Vital Records Office for assistance.

**Q. What if either parent changes his/her mind after the *Voluntary Paternity Acknowledgment* form has been filed with the State Vital Records Office?**

**A.** If the *Voluntary Paternity Acknowledgment* form has been filed with the State Vital Records Office, either parent can rescind (withdraw) the paternity by completing a *Request to Withdraw Voluntary Paternity Acknowledgment* form. A parent must submit a signed and notarized *Request to Withdraw Voluntary Paternity Acknowledgment* form, with the correct fee, within 60 days of filing the *Voluntary Paternity Acknowledgment* form and before a court rules on a family matter involving the father, mother, and child.

If it has been more than 60 days after filing or 60 days after a parent turns 18 (whichever is later), or a court has ruled on a family matter involving either parent or the child, the party wanting to overturn the paternity acknowledgment will have to file a court case, alleging fraud, duress, or mistake of fact. This is an issue for which the parents should consult an attorney.

**Q. Does a hospital have to provide a notary public? What about a child support agency or vital records office?**

**A.** Yes, under state law the hospital must provide the opportunity to have the *Voluntary Paternity Acknowledgment* form notarized while in the hospital. Reasonable accommodations are expected by making notary services available seven days a week, on sufficient shifts, so that any parent would have access some time during the postpartum stay.

Under federal regulation, other [Authorized Agencies](#) that participate in the Voluntary Paternity Acknowledgment program must offer notary public services.

**Q. What are the responsibilities of a notary?**

- A.** See the *Notary Public Information* brochure for information about the process of becoming a notary and the responsibilities involved. Applications are filed with the Secretary of State, and the notary must be “bonded” for \$500. Each notary must also have an official seal. For a copy of the Notary Public Information brochure, forms and information, visit the Secretary of State's website [www.sos.state.wi.us/notary.htm](http://www.sos.state.wi.us/notary.htm).

When notarizing the *Voluntary Paternity Acknowledgment* form, the notary must ask the signers for proof of identification (ask the mother if she is no longer a patient at the time of signing the *Voluntary Paternity Acknowledgment* form). The notary should ask each parent if he/she understands what is being signed, and if he/she swears that the information on the form is true. If the parent does not speak English, the notary may proceed with the notarization if the notary is certain the parent understands the content of the document and realizes the consequences of signing it.

**Q. What if the mother wants to use the *Voluntary Paternity Acknowledgment* form, but the father is not able to sign at the same time?**

- A.** The parents may sign the **same form at different times**, in front of different notaries. If the mother wants to sign while she's still a patient, the hospital staff should check the *Voluntary Paternity Acknowledgment* form for accuracy and witness the mother's signature. The form that the mother signed may then be sent or given to the father. The couple should mail the form to the State Vital Records Office.

Remind the parents to re-read the instructions and pay close attention to accuracy. The father should use the toll-free number on the form to listen to the explanation of his rights and responsibilities before signing. It is helpful, but not mandatory, for the hospital to provide the couple with a pre-addressed envelope to ensure timely follow-through on the part of the new parents.

**Q. Who can name the child?**

- A.** Unless the court has assigned legal custody to someone else, the unmarried mother is the only person who has the right to make the final decision about the infant's name. The couple may agree on a name, but filing a *Voluntary Paternity Acknowledgment* form does not give the father the right to name the infant. The mother is not required to use the father's surname for the child, even if the parents have signed a *Voluntary Paternity Acknowledgment* form. It is not uncommon for the child to have the mother's surname.

§69.15 provides that a parent may change the name of a child within the first year, but only if that parent has sole legal custody. §767.89(3m) allows the court to order a hyphenated last name for the child only in paternity cases that are decided by the court in contested cases. If a couple files a *Voluntary Paternity Acknowledgment* form and neither party rescinds it, the court will not decide paternity under that statute.

**Q. If the mother did not name the baby on the original birth certificate, what should be entered in the top line of the *Voluntary Paternity Acknowledgment* form?**

**A.** The top line should state the child's name as it appears on the most recent version of the birth record. If the hospital submitted the record as "unnamed," then "unnamed" should be entered as the child's first name. Enter the mother's last name as the child's last name. If the parents chose the baby's name at a later date, they may file another *Voluntary Paternity Acknowledgment* form with the new name in Section II. If the second form is filed within 12 months of the child's birth, there is no additional name-change fee.

**Q. Can the hospital enter the father's name on the birth certificate after obtaining a signed *Voluntary Paternity Acknowledgment* form?**

**A.** No. The hospital may not enter the father's name on the birth certificate/worksheet/electronic registration just because the man has signed a *Voluntary Paternity Acknowledgment form*. This can only be done at the State Vital Records Office.

**Q. To ensure that the birth certificate includes the father's name (as added via the *Voluntary Paternity Acknowledgment* form), how long should couples wait before requesting a birth certificate from the State Vital Records Office?**

**A.** If the *Voluntary Paternity Acknowledgment* form has already been filed, advise parents to wait at least 20 business days before requesting a new birth certificate from the local registrar. This will allow time for data entry, mail delays, etc.

If the *Voluntary Paternity Acknowledgment* form is sent directly to the State Vital Records Office with the request for a birth certificate and a check for the appropriate amount (include the fee for filing the *Voluntary Paternity Acknowledgment* and the fee for the birth certificate), the updated birth certificate will be mailed to the mother within about 15 business days.

**Q. Can the father obtain a copy of his infant's birth certificate if he has signed the acknowledgment?**

**A.** If his name is entered on the birth certificate as the father of the child, he may obtain a certified copy of the child's birth certificate. He may not obtain a copy of the child's birth certificate before his name is entered on the birth certificate as the father.

**Q: What if the couple does not have a checking account to pay the filing fee?**

**A.** Authorized agencies may issue a check to the State Vital Records Office and attach it to the *Voluntary Paternity Acknowledgment* form when the form is mail to the State Vital Records Office. The fees may also be paid with a money order. Except for child support agencies, Authorized agencies should send in separate checks for each *Voluntary Paternity Acknowledgment* form --if there is an error on the form, both the form and check are returned to the mother. Child support agencies may send in one check for more than one *Voluntary Paternity Acknowledgment* form as both the form and the check will be returned to the child support agency.

**Q. What if either the mother or the alleged father is under age 18?**

**A.** When a parent is a minor, the parties should seek the services of the local child support agency or a private attorney to establish paternity.

**Q. What if the mother is married to someone else, but she believes the husband is not the father?**

**A.** The *Voluntary Paternity Acknowledgment* form can only be used if the mother is not married at the time of the baby's conception and/or birth. If the mother was married at any time during the period from conception to birth, the husband's name must be listed on the original birth certificate. A court must remove the husband's name from the birth certificate before the alleged biological father's paternity status can be established.

**Q. What if the mother is not sure who the biological father is?**

**A.** The *Voluntary Paternity Acknowledgment* form should **not** be used if there is more than one possible father of the child. All mothers should be told that every man must be considered a possible father if the mother and a man had sexual relations during the "conceptive period"- generally 240 to 300 days before the due date. The local child support agency provides paternity establishment procedures that include genetic testing to exclude or identify probable fathers.

**Q. Can couples use the Voluntary Paternity Acknowledgment process for older children?**

**A.** Yes, if an older child does not have a father listed on his/her birth certificate an authorized agency may assist the couple in signing and filing a *Voluntary Paternity Acknowledgment* form.

If a couple had used an older version of the *Voluntary Paternity Acknowledgment* form (that was tan or yellow in color) to acknowledge paternity for a child born before May 1, 1998, they may use the current *Voluntary Paternity Acknowledgment* form to strengthen the legal status of the paternity establishment.

**Q. What if the father lives in another state, is in the military, or is incarcerated?**

**A.** The *Voluntary Paternity Acknowledgment* form can be mailed to the father. The father should use the toll-free number on the form to listen to the explanation of his rights and responsibilities before signing. The father's signature must be done in front of a notary public. Parents may sign the **same** *Voluntary Paternity Acknowledgment* form separately and in front of different notaries.

**Q. If one of the parents dies after the Voluntary Paternity Acknowledgment form is signed and notarized, should the form be filed with the State Vital Records Office?**

**A.** Yes. The establishment of paternity can be a benefit to the child and the surviving parent. The *Voluntary Paternity Acknowledgment* form may ensure the child's legal rights if the father dies. If the mother dies, the process may help ensure the father's parental rights.

**Q. Can the Voluntary Paternity Acknowledgment form be used for an infant that has died?**

**A.** Yes. This may be an appropriate process. If the infant has died, and the infant's birth was registered with the State Vital Records Office, the *Voluntary Paternity Acknowledgment* form may be used. If the child was "stillborn," there is no birth certificate and therefore no formal paternity acknowledgment process.

### Best practice tips

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- Use the To New Moms and Dads folders with as many child support brochures that the parents may find helpful. However, place these brochures in a different pocket than the *Voluntary Paternity Acknowledgment* form.
- Write “none” in space for the Social Security number (i.e., do not leave it blank) if a parent does not have a Social Security number or a Tax Identification number.
- Write “COPY” on any photocopy of the signed *Voluntary Paternity Acknowledgment* form that you give to a parent. (Photocopies are optional.) Only the original *Voluntary Paternity Acknowledgment* form can be filed with the State Vital Records office.
- Authorized Agencies may opt to pay the fee for parents who are not able to afford the fee.
- Provide the couple a pre-addressed envelope to ensure timely follow through on the part of the new parents if they do not complete the form while in the hospital. (Optional)

### Contacts

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For questions about the legal process of the Voluntary Paternity Acknowledgment program and the alternatives, contact your local child support agency. Contact information for child support agencies is available on the child support website at [dcf.wisconsin.gov](http://dcf.wisconsin.gov).

#### **Bureau of Child Support/Voluntary Paternity Acknowledgment Program Coordinator**

Bureau of Child Support  
PO Box 7935  
Madison WI 53707-7935

Email: [DCFCSPartnerServices@wi.gov](mailto:DCFCSPartnerServices@wi.gov)

FAX: 608-267-2824

#### **State of Wisconsin Vital Records**

For questions about the mechanics of completing and filing the *Voluntary Paternity Acknowledgment* form or *Request to Withdraw Voluntary Paternity Acknowledgment* form, contact the State Vital Records Office.

Vital Records/VPA  
PO Box 309  
Madison, WI 53701-0309

Phone: 608-266-1373

Email: [DHSVitalRecords@wisconsin.gov](mailto:DHSVitalRecords@wisconsin.gov)

#### **Website for Authorized Agencies**

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The Bureau of Child Support provides [Authorized Agencies](#) with the website (public access).

## Section 3: Administrative Issues

### Notary Public services

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To become a notary public, follow the process explained in the Office of the Secretary of State's brochure, *Notary Public Information*. All application forms and the informational brochure can be downloaded from the Secretary of State's website at [www.sos.state.wi.us/notary.htm](http://www.sos.state.wi.us/notary.htm).

#### Clarification of Notary Role

The sole authority of a Notary Republic is to witness signatures on legal documents. A Notary's authority does not include explaining the document to or assisting the signer in completing the legal document. ([www.sos.state.wi.us/notary.htm](http://www.sos.state.wi.us/notary.htm))

When witnessing the signing of the *Voluntary Paternity Acknowledgment* form, the Notary should not be the person who explains or helps fill-out that same Acknowledgment form. A licensed Notary may explain and assist parents in completing a *Voluntary Paternity Acknowledgment* form, but this person must not act as the Notary for the signatures for that particular *Voluntary Paternity Acknowledgment* form. Another person, licensed as a Notary, should perform that task.

Best Practice Tip: If a parent cannot sign the *Voluntary Paternity Acknowledgment* form in your office or facility, but wants to sign it later, it is helpful if you let them know where notary services are available locally. All local child support agencies and many banks provide notary services. Notaries are also listed in the Yellow Pages.

### Incentive payments for Birth Hospitals

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To be eligible for the incentive payment of \$20 per *Voluntary Paternity Acknowledgment* form, a hospital's name must be written or stamped on the back of the *Voluntary Paternity Acknowledgment* form and the form correctly filed with the State Vital Records Office within 60-days after the child's birth. The State Vital Records Office then enters the hospital name and birth information into a database and, for each calendar quarter, creates a report of the *Voluntary Paternity Acknowledgment* forms filed during the past three months.

It is from this report that the Department of Children and Families issues the quarterly incentive payment to each hospital. Along with the incentive payment, the hospital receives a list containing the name of each baby and mother for whom an incentive payment was received and also the number of *Voluntary Paternity Acknowledgment* forms received and filed after the 60-day time limit.

Hospitals may use this information to track its participation rate. It is permissible for hospitals to use part of their incentive payments to pay the *Voluntary Paternity Acknowledgment* form filing fees for parents.

## Updating your Authorized Agency Information

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Accurate information about [Authorized Agencies](#) is needed by the Department of Children and Families in order to ensure that incentive payments are received and to keep everyone up-to-date regarding policies, new literature, etc. Please submit any updates to the Voluntary Paternity Acknowledgment Program Coordinator. See Page [12](#) for contact information.

Hospital information needed to incentive payments:

- Name and address for remittances
- Federal Employer Identification Number (FEIN).

Information needed for **all** Authorized Agencies to receive updates on the Voluntary Paternity Acknowledgment program:

- Name of agency Voluntary Paternity Acknowledgment Program contact
- Agency contact first class mailing address and phone number
- Agency street address to mail packages
- Email address and FAX number, if available

## Section 4: Forms & Materials

All forms and informational materials used in the Voluntary Paternity Acknowledgment program are provided by the State of Wisconsin at **no cost**. Most items are available in Hmong and Spanish. Below are a list of forms that **must** be used as well as materials that may be used when participating in the program. You can preview many of these items at [dcf.wisconsin.gov](http://dcf.wisconsin.gov). “Quick Print” forms, current copies of this handbook, and other related materials are on the Internet at [dcf.wisconsin.gov](http://dcf.wisconsin.gov) (public access).

### Forms that must be given to parents

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- *Voluntary Paternity Acknowledgment* form (DPH-5024)
- *Request to Withdraw Voluntary Paternity Acknowledgment* form (HCF-5029), if requested

These two forms are provided only to [Authorized Agencies](#). These forms should **not** be duplicated for use as revisions might have been made. Whenever revisions are made, the state will send an updated supply to each Authorized Agency. See the ordering information on page [15](#).

### Materials that should be given to parents

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- To New Moms and Dads folder (DWSC-870-P), inserts available in English, Hmong, and Spanish
- Guide to Support Services (DWSC-16148-P), available in English, Hmong, and Spanish
- Facts about your child’s birth certificate (DPH-5103)

### Optional materials for parents

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- Guide to Legal Fatherhood (available in English, Hmong, and Spanish)

### Special materials for Authorized Agencies Only

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- The Power of Two DVD  
A presentation for parents that provides detailed information about the Voluntary Paternity Acknowledgment program. The presentation is in English and Spanish.
- Voluntary Paternity Acknowledgement Training DVD  
A presentation for use by only Authorized Agencies that provides detailed training information for new staff about the Voluntary Paternity Acknowledgement program.
- Voluntary Paternity Acknowledgment Training Handbook  
A guide that provides detailed information on the Voluntary Paternity Acknowledgment program.

To obtain these special materials, contact the Voluntary Paternity Acknowledgment Program Coordinator (see Page 12 for contact information).

### Ordering Vital Records forms

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The four documents listed below may only be ordered through the State Vital Records Office. See page [12](#) for contact information.

- Wisconsin Voluntary Paternity Acknowledgment form (DPH-5024)
- Request to Withdraw Voluntary Paternity Acknowledgment form (HCF-5029)
- Acknowledgment of Marital Child (Legitimation) form (HCF-5023)
- Facts about your child's birth certificate (DPH-5103)

### Ordering child support forms and publications

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You may order multiple copies (free of charge) of all other child support materials by:

- Email Doc. Sales at [docsales@doa.state.wi.us](mailto:docsales@doa.state.wi.us) with your request. Please include your **street** address along with the titles or publication numbers, quantities and language of the desired publications.
- Call Doc. Sales with your request
  - 608-264-9419 (Madison area)
  - 800-362-7253 (outside the Madison area)

### Downloading single copies

You can download and print the English, Hmong and Spanish page inserts for the *To New Moms and Dads* folder directly from the Voluntary Paternity Acknowledgment website at [dcf.wisconsin.gov](http://dcf.wisconsin.gov).

You can also print a single copy of any child support form or brochure directly from the Child Support Program's public website at [dcf.wisconsin.gov](http://dcf.wisconsin.gov).