

## STATEMENT OF RIGHTS & RESPONSIBILITIES

This Voluntary Acknowledgment of Paternity Affidavit (Acknowledgment) is a legal document. Signing this Acknowledgment is voluntary. Since the signing of this Acknowledgment has legal consequences, you may want to consult a lawyer before signing.

### Do NOT sign this Acknowledgment if:

- You are NOT the biological parent of the child;
- The child's mother was married to another man at the time of the child's conception, birth, or anytime in between, or 300 days prior to the birth of the child;
- You want parentage tests to help determine who is the biological father of the child;
- You signed a consent to the adoption of the child or signed a document relinquishing the child to a public or private child-caring agency;
- You had your parental rights terminated by a court; or
- You have been determined not to be the biological parent in an adjudication.

When this Acknowledgment is properly signed, witnessed and filed with the Registrar of the Center for Health Statistics, it establishes the man who has signed it as the legal father of the child, if the mother was not married to another man at the time of the child's conception, birth, anytime in between, or 300 days prior to the birth of the child; and, the persons signing the acknowledgment have not consented to the adoption of the child, have not relinquished the child to a public or private child-caring agency, have not had their parental rights terminated, and there is no adjudication determining that either person signing the acknowledgment is not the biological parent of the child.

**RIGHTS AND RESPONSIBILITIES OF PARENTS:** To be the legal parent means you have all of 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 court order requiring the payment of a certain amount of money.
- If there is a support order, the amount may be increased or decreased by a court or administrative order.
- The 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 costs and to seek child support beginning on the date of the child's birth.
- You have the right to have a child support order established, modified and enforced.
- You have the responsibility to care, 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. You may obtain parentage tests. A parentage test, which requires blood or other human tissue samples from the mother, child and the man, may help determine if the man is the biological father of the child. Either of you may request these tests. If you want parentage tests, **DO NOT SIGN THIS ACKNOWLEDGMENT.** You may obtain parentage tests through the state's child support program. If you sign this Acknowledgment and later decide you want parentage tests, you may still ask for these tests up to one year after filing this Acknowledgment. If those tests show that the man who has signed this Acknowledgment is not the biological father of the child, legal paternity may be set aside or "undone." Instead of signing this Acknowledgment, you may ask for a court trial to determine the legal paternity of the child. You may want to talk to a lawyer about your legal choices to signing this Acknowledgment.

**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 sixty (60) days after filing this Acknowledgment to rescind or "take back" this Acknowledgment. You may have fewer than sixty (60) days if an order is entered in a proceeding regarding the child to which you were a party. You may challenge this Acknowledgment up to one year after the filing of this Acknowledgment if genetic parentage tests have not been completed and you or the State of Oregon make a request for genetic parentage tests within one year of the filing of this Acknowledgment. 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. You may want to discuss the consequences of signing this Acknowledgment with a lawyer.

**RIGHTS OF A MINOR PARENT:** If you are under eighteen 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 support judgment can be 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 into 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 paternity establishment in the pamphlet, "You Owe it to Your Child," available at hospitals and birthing centers. Both of you can discuss paternity establishment and your rights to parentage tests with the child support program and with a lawyer. You can find the addresses and phone numbers of local child support offices in that pamphlet. To get the names of family-law lawyers, you can call the Oregon State Bar's Referral and Information Service at 1-800-452-7636.