

YOU OWE IT
TO YOUR CHILD

Paternity Information for
Mothers and Fathers

NOTICE

The information provided in this brochure is not an official statement of the Oregon Child Support Program concerning any person's rights or duties under the law. If you have any questions, you should consult a lawyer or call one of the offices listed at the end of this pamphlet. While staff can provide you with certain information, they cannot give you legal advice.

If you need this document in large print, Braille, audiotape, CD, or oral presentation, please call your local child support office. If you know someone who needs this document in one of the alternate formats, please let him or her know it is available.

You can find updated information on the Internet by visiting any of the sites listed below:

- oregonchildsupport.gov
- oregon.gov/DHS/children (Click on "Child Support")
- Most Oregon county District Attorney (DA) offices
oregonchildsupport.gov/contact_us.shtml

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www.oregonchildsupport.gov

HAVING A CHILD IS A BIG RESPONSIBILITY

A child needs the love, care, and financial support of both parents even if the parents are not married. Both parents must help support their child(ren) until the child(ren) becomes an adult.

WHAT IS PATERNITY?

Paternity means legal fatherhood.

WHY IS IT IMPORTANT TO ESTABLISH PATERNITY?

Every child has the right to receive help and support from both parents. As a parent, you have certain legal rights and responsibilities.

IDENTITY It is important to all of us to know who our parents are.

MEDICAL Your child needs to know if he or she has inherited any special health problems. If your child developed a serious medical condition, it is important to identify relatives with compatible blood or tissue types.

BENEFITS Your child has the right to benefits from both parents. These may include Social Security, health and life insurance benefits, inheritance rights, veterans' and other benefits. Usually paternity must be established before a child can receive these benefits.

MONEY Both parents are required by law to support their children. This is true even if the pregnancy was not planned or if the parent has other children. Children who are supported by only one parent often do not have enough money to meet their basic needs.

HOW IS PATERNITY ESTABLISHED?

When parents are not married, paternity can be established in several ways:

- **THE EASIEST WAY** is for both parents to sign a Voluntary Acknowledgment of Paternity at the hospital or birthing center when the baby is born. The hospital will make this form available to you. If both parents sign this document before the mother is released from the hospital, the father's name will be added to the birth certificate at no charge. This form cannot be used if the mother was married at the time of the child's birth.
- **A NOTARIZED VOLUNTARY ACKNOWLEDGMENT OF PATERNITY.** If paternity was not established at the hospital, parents can still sign a Voluntary Acknowledgment of Paternity. You can get this form from the agencies listed in the back of this brochure or from the Center for Health Statistics. A fee is charged to add the father's name to the birth certificate once the original birth certificate has been filed with the Center for Health Statistics. If you are receiving any type of public assistance, the state will pay this fee. This form cannot be used if the mother was married any time between becoming pregnant and the time of the child's birth or if the birth occurred within 300 days of the end of the marriage.

- **IF THE FATHER OR THE MOTHER DOESN'T AGREE TO PATERNITY**, either parent can ask the Child Support Program for services. If your child receives public assistance, your child support case should be referred to the Division of Child Support automatically. Public assistance includes cash assistance from the Department of Human Services (DHS), medical assistance from the Oregon Health Plan (OHP), foster care or Child Welfare Services (CW) through DHS, or juvenile care from Oregon Youth Authority (OYA).

If your child does not receive public assistance, you can apply for services with your local county District Attorney or Division of Child Support office. To find out where to call, see the lists at the back of this booklet. Also, either parent may talk to a lawyer about how to establish paternity in court.

www.osbar.org (Oregon State Bar)

www.lawhelp.org/program/694/index.cfm (Legal Aid Services of Oregon)

WHAT DOES THE CHILD SUPPORT OFFICE DO TO ESTABLISH PATERNITY WHEN A PERSON REQUESTS SERVICES?

If both parents want to establish paternity, we can provide the right forms and genetic tests free of charge. This is true even if you do not need a child support order.

If the mother asks the Child Support Program to establish paternity, she must fill out and sign a legal paper identifying the father.

An alleged father is a man who may be the father but has not been legally named as the father. If the alleged father wants the Child Support Program to establish paternity, he must fill out and sign legal papers saying he is the father.

The Division of Child Support or the District Attorney office may serve the mother and alleged father with legal papers naming the man believed to be the father. Most of the time, those papers may ask for:

- Monthly child support
- Parentage test costs
- Medical support (including health care coverage and/or cash medical support)
- Past support for the family or the state if public assistance was received

Sometimes the papers also ask for:

- Attorney fees
- Birth expenses
- Court costs

WHAT IF I BELIEVE I AM THE FATHER, BUT THE MOTHER HAS NOT NAMED ME AS THE ALLEGED FATHER?

A man may name himself as the alleged father of the child. This is called a “*self-alleged father*.” Parentage tests, when appropriate, will usually be performed at no charge. Contact your local Division of Child Support or District Attorney office for more information.

WHAT IF THE PARTIES DON'T AGREE ABOUT PATERNITY?

- Both parents are served with paternity papers
- Genetic tests will be ordered
- If genetic tests are done and the alleged father is not excluded, he will be named as the father
- If the alleged father does not request genetic tests, he will be named as the father
- A hearing may be held on child support and medical support
- Father's name goes on birth certificate. He now has legal rights as a parent, including right to request custody and parenting time and the right to notice of certain court cases relating to the child
- The order is filed with the court, becomes a judgment, and will be enforced

WHAT ARE GENETIC TESTS?

Genetic tests are tests that compare many different genetic (inherited) markers found in the mother, child, and man named as the father. These tests are very strong indicators of paternity or non-paternity. These tests are sometimes called “DNA” or “parentage tests.” Needles are no longer necessary. The genetic sample is taken by swabbing the inside of the cheek with a large cotton swab.

In certain scenarios, genetic tests may be done without a sample from the mother of the child. This is known as a “motherless-draw.”

WHO PAYS FOR PARENTAGE TESTS?

If a child support office is handling the case, the State of Oregon may initially pay for the cost of the parentage tests. If the man named is found to be the father, he may be required to repay the State for the tests. If he is found not to be the father of the child, he will not have to pay for the cost of the tests. If after genetic testing the father consents to the paternity of the child, the father will not be charged for the genetic tests. Under certain circumstances, a mother may be asked to pay for the cost of the tests.

WHAT NAME GOES ON THE HEALTH STATISTICS BIRTH RECORD?

When the baby is born, the mother can give the child any last name she chooses. Usually, when both parents agree who the father is, they agree on a last name. This is easiest to do at the hospital when the child is born. If paternity is established after the mother leaves the hospital, the child's last name may be changed after the voluntary acknowledgment has been completed. If the parents decide to change the child's last name after paternity is established, a court order may be required.

WILL THE FATHER HAVE TO PAY CHILD SUPPORT?

When the parents voluntarily sign a paternity form, this does not create an order for child support. If the parents don't live together, the Child Support Program can help you get a child support order. The parent who does not have physical custody of the child is usually required to provide financial and medical child support for the child.

The amount of child support is determined through a formula required by state and federal law known as the Child Support Guidelines. The Guidelines are based on the needs of the child and both parents' income and ability to pay. If either the mother or father wants to establish paternity, a child support order can be taken at the same time.

WHAT IS MEDICAL SUPPORT?

Medical support includes both health care coverage and cash medical support.

The law requires child support orders to include medical support for the child(ren). Child(ren)'s health care needs must be addressed by orders for either parent to:

- Provide private health care coverage, or enroll the child in public health care coverage
- Pay an amount towards the cost of health care coverage premiums or unreimbursed medical expenses. This amount is called "cash medical support."

HOW IS THE SUPPORT ORDER ENFORCED?

In Oregon, child support and medical child support are collected in many ways. The most common ways are:

- Income withholding through an employer
- Unemployment compensation withholding
- Workers' compensation withholding
- Social Security withholding
- Income tax refund attachment (both state and federal)
- Lottery garnishment
- Bank account garnishment
- Issuing a National Medical Support Notice to enforce private health care coverage

If support is not paid or regularly collected as ordered, the Child Support Program may take other actions to enforce the payment of support, including suspension of driver, occupation, or recreational licenses, and filing contempt or criminal nonsupport charges.

WHAT IF A PARENT IS IN ANOTHER STATE OR COUNTRY?

If a parent is in another state, Oregon can work with the other state to establish paternity and support and may also ask the other state to enforce a support order. Oregon also has agreements with some countries and is able to help with paternity and support in some circumstances.

WHAT IF A PARENT IS A MEMBER OF A TRIBE OR LIVES ON A TRIBAL RESERVATION?

If a parent is a member of a federally recognized tribe and lives or works on tribal lands, Oregon can work with the tribe to establish paternity and support and may also ask the tribe to enforce a support order.

WHAT ABOUT LEGAL CUSTODY OF THE CHILD?

Oregon law says the parent with legal custody of the child is the parent who had physical custody when paternity was established or when the legal action was taken to establish paternity. Both parents have the right to ask the court for legal custody. For more information on custody issues, see the Oregon Judicial Department website at www.courts.oregon.gov/OJD, the Oregon State Bar website at: www.osbar.org, or talk to your own lawyer.

WHAT ABOUT PARENTING TIME?

Children need time with both parents. When parents don't live together, it is important to establish a regular schedule of "visitation" or parenting time. The mother and father may agree on parenting time without involving the court. However, if there is a disagreement about parenting time, or if either parent wants to clarify or enforce parenting time rights, it must be done through the court. In many counties, the courts may be able to provide mediation services where disagreements may be resolved without formal court proceedings.

The Oregon Judicial Department provides self-help information on how to get a parenting time order. For further information, talk to your local family court facilitator or look on the Oregon Judicial Department website at www.courts.oregon.gov/OJD.

FREQUENTLY ASKED QUESTIONS

WHAT IF A MAN IS NOT SURE HE IS THE FATHER?

If the man named in a legal action does not agree he is the father or is just not sure, he may be able to get genetic tests. Genetic tests can help determine the correct father.

WHAT IF A WOMAN IS NOT SURE WHO THE FATHER IS?

If the mother of the child is not sure who the father is, she should give the Child Support Program the name of each man who could be the father. Genetic tests can help determine the correct father.

CAN I BE NAMED AS THE FATHER EVEN IF I AM NOT YET 18 YEARS OLD?

You can still be named as the father even if you are less than 18 years of age. You can also be ordered to provide child support, including medical child support. A guardian ad litem (an adult who can act on your behalf) can be named to help you through the process.

DO WE NEED TO ESTABLISH PATERNITY NOW IF THE OTHER PARENT AND I ARE GETTING ALONG?

Yes. Even if the other parent is helping support the child right now, that parent may have a change of mind later. If that parent moves, it may become more difficult or impossible to locate the parent. If that parent should die, you may be unable to establish paternity or claim survivor's benefits for your child.

Even if the mother involves the man in the child's life, she may change her mind later. If a man has not been established as the legal father, he has no rights to request custody or parenting time. If the mother dies or gives up her child to foster care or for adoption, the man may not be allowed to take custody of the child.

SHOULD I ESTABLISH PATERNITY EVEN IF MY CHILD'S FATHER HAS NO MONEY?

Paternity is important to your child for all of the reasons listed above. The amount of money the father has is not a factor for establishing paternity.

IF THE PARENT WITH PHYSICAL CUSTODY MARRIES SOMEONE ELSE, IS CHILD SUPPORT STILL OWED?

Yes. If a child support judgment exists, you are still responsible for child support, including medical child support. The other parent's marriage also does not change your rights to request custody or parenting time. This is true unless the child is adopted by the new spouse later. The new spouse's income is not usually taken into account when calculating child support.

IF THE PARENT WHO DOES NOT HAVE PHYSICAL CUSTODY MARRIES SOMEONE ELSE, DOES THAT CHANGE THE SUPPORT AMOUNT?

No. Even if the parent has a new family, this does not automatically change the original support obligation. If there are new children, the parent may be allowed a partial credit against the child support amount. In addition, the new spouse's income is not usually taken into account when calculating child support.

WHAT IF I AM GOING TO MARRY SOMEONE ELSE AND MY NEW SPOUSE IS GOING TO ADOPT MY CHILD?

Even when paternity has not been established, the biological father has the right to be notified in any adoption proceedings. Also, plans to marry can change. Your child is entitled to child support and other benefits in the meantime.

IF I AM AFRAID OF THE FATHER, DO I HAVE TO NAME HIM?

Maybe. If you believe that cooperating to establish paternity will cause harm to you or your child, the Child Support Program will not try to establish paternity. However, there are ways that the Child Support Program can help you establish paternity and still help keep you and your child safe. Ask for a "Client Safety Packet." The information and forms are also available on the Child Support Program website www.oregonchildsupport.gov.

WHAT IF I SIGN AN ACKNOWLEDGMENT OF PATERNITY, BUT LATER I'M NOT SURE I REALLY AM THE FATHER?

Either party may revoke an acknowledgement within 60 days of its filing with the Center for Health Statistics. Either party can request parentage testing through the Child Support Program up to one year after filing the Voluntary Acknowledgment of Paternity form with the state Center for Health Statistics, **as long as genetic tests have not already been done**. Contact your local child support office if you need more information. The court can order genetic tests after one year under certain circumstances.

WHAT IF A PATERNITY ORDER WAS ENTERED AND I WISH I HAD ASKED FOR GENETIC TESTS?

You may be able to reopen the question of paternity through the Child Support Program within the first year. Contact your local child support office if you need more information. Paternity may also be challenged through the court under certain circumstances. You should talk to your own lawyer if you have questions about this process.

WHAT OTHER WAYS MIGHT THE CHILD SUPPORT PROGRAM CONTACT ME?

- Text message
- Email
- Recorded messages

WHAT INFORMATION WILL BE UPDATED WHENEVER I CONTACT A CHILD SUPPORT OFFICE?

- Your phone numbers
- Your email address
- Your language preference (if not English)

HOW DO I GET PATERNITY AND BIRTH CERTIFICATE RECORDS?

The following office records information about birth certificates, voluntary acknowledgments of paternity, and paternity affidavits:

Center for Health Statistics
800 NE Oregon Street, Suite 205
Portland, OR 97232-2187

(971) 673-1155 - Establish Paternity
(971) 673-1190 - Order Birth Records, or

Center for Health Statistics
PO Box 14050
Portland, OR 97293-0050

oregon.gov/DHS/ph/chs/index.shtml

WHAT CHILD SUPPORT OFFICE DO I CONTACT?

For the most up-to-date information:

- Visit the Child Support Program website at www.oregonchildsupport.gov
- Call:
 - From the Salem area (503) 378-5567
 - Outside the Salem area (800) 850-0228 (Toll-free in Oregon)
 - From outside Oregon (503) 378-5567
 - TTY Number (800) 735-2900 (Toll-free in Oregon)

COUNTY DISTRICT ATTORNEY OFFICES

Some District Attorney offices establish paternity and establish, modify and enforce child support orders for families who have never received public assistance. In some counties, the local Department of Justice Division of Child Support office handles these functions.

DIVISION OF CHILD SUPPORT BRANCH OFFICES

Division of Child Support offices establish paternity and establish, modify and enforce child support orders for families who are receiving public assistance (cash or medical payments) or who have received assistance in the past. They also provide child support services if a child is in foster care or juvenile care.

24-Hour Telephone Information

From the Salem area (503) 378-5567
Outside the Salem area (800) 850-0228 (Toll-free in Oregon)
From outside Oregon (503) 378-5567
TTY Number (800) 735-2900 (Toll-free in Oregon)

The Oregon Child Support Program now provides case information on its website.

To view case status and payment history information go to oregonchildsupport.gov

You may log in to see payment information by using your case number and Social Security number.

Websites of interest:

osbar.org
(Oregon State Bar)

lawhelp.org
(Legal Aid Services)

courts.oregon.gov/OJD
(Oregon Judicial Department)

oregonchildsupport.gov
(Oregon Child Support Guidelines Calculator and Guidelines Information)