

WHAT IS PATERNITY ESTABLISHMENT?

Every child has a father. But to be the legal father of a child born to parents who are not married to each other, paternity has to be legally verified by paternity *establishment*. This ensures that your child has the same rights and benefits as children born to married parents.

WHAT RIGHTS AND BENEFITS DOES MY CHILD RECEIVE BY HAVING ITS PATERNITY ESTABLISHED?

- your baby has a right to a parent-child relationship, including moral, emotional and financial support. Your child also has a right to a sense of identity and a feeling of belonging that comes from knowing both parents and both families.
- your baby has a right to have its father's name and ethnic background on its birth certificate. This document is used throughout the child's entire life.
- your child has a right to access the complete medical histories from both parents' families. This can be life-saving if a disease or illness develops.
- if a natural father becomes the legal father early in the child's life, then the baby's father is more likely to maintain a close emotional relationship with the child throughout the child's life.
- a child with a legal father is entitled to inheritance status; and also has the right to qualify for benefits such as Social Security, health insurance, Hawaiian ethnicity, veteran benefits, etc.
- a legal father has the right to custody or visitation, and will help make decisions about his child. (If the parents cannot agree on custody or visitation, they may have to get court orders.)
- if the father lives with the child, he will support the child directly. If he does not live with the child, he may have to pay child support.
- if the child is on welfare with another person, the father is required to pay child support for current welfare periods, and to make reimbursements for past welfare.
- if the child lives with the mother, she may be able to get child support and health insurance from the father to help raise and educate the child during the child's minority (until age 18), and possibly through college.

Note: If there is an outstanding TRO (temporary restraining order), or if there has been abuse in the relationship between the mother and natural father, the abused parent may not want to voluntarily establish paternity. In such a case, the abused parent may want to obtain a court order for custody and visitation.

HOW CAN LEGAL PATERNITY BE ESTABLISHED FOR MY CHILD?

There are two ways that paternity can be *legally* established for a child who is born to parents not married to each other:

- (1) Both the mother and father while present together at time of birth can sign a Voluntary Establishment of Paternity by Parents form in the hospital. If both parents were not present at time of birth, they can contact Vital Statistics Office-Corrections Section or their local District Health Office on their island, for more information. However, if - **at the time of birth or conception** - the mother is married to someone who is *not* the baby's natural father, then a Voluntary Establishment of Paternity by Parents form cannot be signed. Since the mother's husband (or ex-husband) is the *presumed* father of the child, it is the court which must determine the child's legal paternity.
- (2) You can file a paternity action in court where a judge can order that the biological father is the legal father.

OKAY, WE BOTH WANT TO ESTABLISH LEGAL PATERNITY FOR OUR CHILD. NOW WHAT SHOULD WE DO?

If the mother is *not* married or has been divorced or widowed more than 300 days prior to child's birth, and both parents agree about paternity, you should ask about establishing paternity in the hospital at the time of the baby's birth. Here are the three steps:

Step 1. Ask for a form for Voluntary Establishment of Paternity by Parents from your medical provider at the birthing hospital.

Step 2. Read the form together. It provides important information that both parents should understand before signing it. Make sure you understand your rights before you sign this form.

Step 3. Fill out and sign the form. After you complete the form, both parents must sign it in front of a hospital staff member. The hospital will record the form with the Department of Health, which will in turn report this to the Child Support Enforcement Agency. You have now established your child's legal paternity. No court action will be necessary.

SUPPOSE WE DIDN'T COMPLETE THE FORM AT THE HOSPITAL? CAN WE STILL ESTABLISH PATERNITY VOLUNTARILY?

Yes. You may also obtain a Voluntary Establishment of Paternity by Parents form by contacting the Department of Health, Vital Statistics Office, and Registration-Corrections Section in Honolulu or the District Health Office on your island, where both parents can make an appointment to sign the form there. However, if the biological father lives out-of-state, and he is willing to establish paternity from his out-of-state residence, then you should contact the Department of Health for help in getting the form to the father.

SUPPOSE WE DON'T AGREE ABOUT ESTABLISHING PATERNITY? ... OR, WHAT IF ONE OF US IS NOT SURE WHO THE NATURAL FATHER IS? ... OR, WHAT IF HE WILL NOT ADMIT THAT HE'S THE FATHER?

Then you should not sign the Voluntary Establishment of Paternity by Parents form. But you can still establish your child's legal paternity through the court system. In such situations, the mother or the natural father, should see a private lawyer; or they should contact the Child Support Enforcement Agency which can help establish legal paternity when child support services are requested. There's no charge for these services if you fill out and submit an application with the CSEA.

CAN I CHANGE MY MIND AFTER I SIGN THE VOLUNTARY ESTABLISHMENT OF PATERNITY BY PARENTS FORM?

Yes, either parent may change their mind after they acknowledge paternity with the Department of Health. This is done by signing a Rescission of Voluntary Establishment of Paternity form before a Notary Public.

However, this rescission must be made within 60 days after you have signed the Voluntary Establishment of Paternity by Parents form. After 60 days have passed, you are legally bound by your acknowledgment of paternity. By signing the rescission form (within the 60-day period), the father's name and personal information are removed from the birth certificate, and father gives up parental rights and support for the identified child. When a rescission is submitted, the Department of Health is not be responsible for notifying either parent.

I AM A MINOR, AND I SIGNED A VOLUNTARY ESTABLISHMENT OF PATERNITY FORM. SINCE THEN I'VE CHANGED MY MIND, AND NOW I WANT TO DENY MY PATERNITY.

Generally, you may withdraw your voluntary acknowledgment of paternity any time before your 18th birthday. However, neither the hospital staff nor the Department of Health can help you in such cases. As a minor in this circumstance it is recommended that you consult an attorney.

WHAT IF I AM RECEIVING WELFARE ASSISTANCE (AFDC/TANF)?

If you are receiving AFDC/TANF benefits, you may still voluntarily establish paternity. However, if you do not voluntarily establish paternity, your case will be handled by the Child Support Enforcement Agency for both paternity and support establishment.

DO I NEED MY SOCIAL SECURITY NUMBER?

Yes, if you are an American citizen or legal resident and have a Social Security Number, you must provide it on the Voluntary Establishment of Paternity by Natural Parents form. If you do not have a Social Security Number, you may be able to voluntarily establish paternity. You must consult with the State Department of Health staff.

**DEPARTMENT of the ATTORNEY GENERAL
CHILD SUPPORT ENFORCEMENT AGENCY**

ON O'AHU:
CHILD SUPPORT ENFORCEMENT AGENCY
Kakuhihewa Building, 601 Kamokila Boulevard
Kapolei, Hawai'i 96707
Office Hours: 9 a.m. to 3 p.m.

ON THE BIG ISLAND OF HAWAII:
Hawai'i Child Support Enforcement Agency
88 Kanoelehua Avenue, Room 202
Hilo, Hawai'i 96720

ON MAUI, MOLOKA'I & LANA'I:
Maui Child Support Enforcement Agency
35 Lunalilo Street, Suite 201
Wailuku, Hawai'i 96793

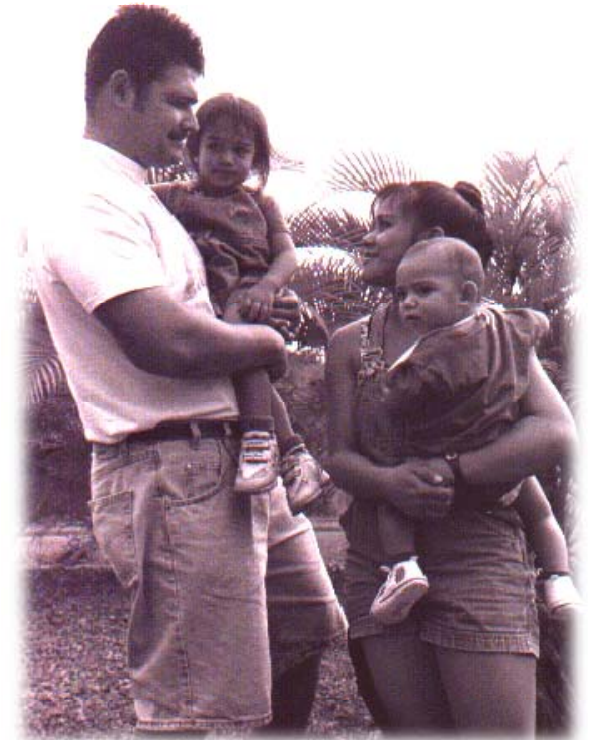
ON KAUA'I:
Kaua'i Child Support Enforcement Agency
4180 Rice Street, Suite 104
Lihue, Hawai'i 96766

You may obtain child support and related paternity establishment services through the Child Support Enforcement Agency (CSEA) by filling out an application for child support services at your local CSEA office, or by calling: **692-8265** (on O'ahu), **243-5241** (on Maui), **241-7112** (on Kaua'i), **933-0644** (on the island of Hawai'i), or **1 (888) 317-9081** (for Moloka'i, Lana'i, & Mainland/Continental United States).

The Hawai'i Department of Health provides services and opportunities to take part in its programs and activities without regard to race, color, disability, national origin, creed, religion, age, or sex. If you believe you have been discriminated against, please write to the **State Department of Health, Affirmative Action Officer, P. O. Box 3378 Honolulu, Hawai'i 96801**

State Department of Health	
Oahu	586-4541
Kaua'i DHO	241-3498
Maui DHO	984-8210
Big Island, Hilo DHO	974-6008
Kona DHO	322-4880
Waimea DHO	887-8114
Lana'i DHO	565-6411
Moloka'i DHO	553-3200

How to Voluntarily Establish Paternity if You're a Parent



For more information about the Voluntary Establishment of Paternity Program, please call:
527-5888 (on Oahu)
1-888-447-2160 (outside of Oahu, toll-free)