

Paternity Matters

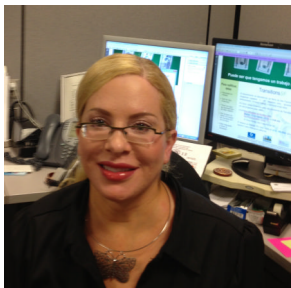
A Publication of the San Francisco Department of Child Support Services

Fall 2013 Issue



What to do When the Father is not Available to Sign the Paternity Declaration

by Catherine Sachs, San Francisco Department of Child Support Services Paternity Program Coordinator



Greetings! With so many different possible scenarios that occur in and around the birth of a baby, it can be hard to know what to do in every given situation. Would you know what to do if a mother tells you that her baby's biological father is deceased and she wants to put her

boyfriend's name on the Paternity Declaration? What if the mother tells you the father is in the military and can't be present at the time of birth? Or if she says he lives in Mexico City, Paris, or the Australian Outback? Would you know what to do?

In this fourth issue of "Paternity Matters," we bring you a Step-by-Step Guide to handling Paternity Declarations when the father is not present at the baby's birth because of incarceration, military duty, or because he is presently out of the state or country. We also give you a list of the top six situations when a Paternity Declaration should *not* be used. We hope that this information will make your job a little easier to do. As always, please call me with any questions about Paternity Declarations. Have a great Fall 2013!



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Did You Know....?

- ◆ The first parental testing became available in the 1920's and involved matching blood types between the alleged father and the child. This type of testing most often led to inconclusive results as only 30% of the male population can be excluded from being the possible father using this type of testing. (Source: http://en.wikipedia.org/wiki/Parental_testing).
- ◆ These days, paternity testing typically does not even involve blood, but rather relies on buccal swabs from the inside of the cheeks of the mouth.

A Step-by-Step Clip-Out Guide to Paternity Declarations: What to Do When....

The Father is in the Military

Only a military dad-to-be can sign a Declaration of Paternity BEFORE the baby is born. The dad-to-be must have orders that will prevent him from being present at his child's birth. He can sign a Paternity Declaration before deployment, using a notary public as his witness. A copy of his deployment orders must be attached to the Paternity Declaration. The two documents must be held by the mother until the baby is born. Most likely, hospital staff will not learn about the father's military status until the mother gives birth and presents the Paternity Declaration—signed by the father—to hospital staff. Here are the steps to take:



1. Upon the birth of the child, complete the information for the mother and the baby and witness the mother's signature.
2. From this point, the Paternity Declaration is processed like any other, except that the father's attached orders must be submitted with the Declaration.

The Father is Out of the State or Country

Regardless of where the father lives, he can establish paternity for his California-born child as long as he can secure the services of a Notary Public. Here are the steps for an out-of-state/country father:



1. After obtaining the mother's signature, advise the mother that she can mail the Declaration of Paternity to the father. The father can have his signature witnessed by a Notary Public, and then he can mail it back to the hospital for processing.
2. Note: because the birth certificate will most likely have already been submitted—without the father's name—the parents will have to submit a request to amend the birth certificate to the State Office of Vital Records.

The Father is Incarcerated

Staff at the San Francisco Department of Child Support Services can help incarcerated fathers sign the Paternity Declaration for their newborn babies. If father is incarcerated in San Francisco County, our office will personally bring the Declaration to father for his signature. If he is incarcerated outside of San Francisco, we will mail the Declaration to father with a set of specific instructions. Here are the steps to take in both situations.



If the father is incarcerated in a San Francisco jail, including Jail #5 in San Bruno, CA (see complete list of jails below):

1. Obtain the mother's signature on the Declaration.
2. Ask mother to provide father's name, date of birth, and the location where he is incarcerated. Do not write father's information directly on the Declaration. Father will add that himself.
3. Contact SF DCSS at (415) 356-2754 to arrange for pick up of the Declaration.
4. If father agrees to sign the Declaration, it will be returned to the hospital within 24-72 hours.

If the father is incarcerated outside of San Francisco:

1. If the mother can provide the father's name, date of birth, and jail or prison name, we can mail the declaration to him for his signature. In our letter, we will attach a separate letter asking jail/prison staff to provide the services of a Notary Public for father.
2. Contact SF DCSS at (415) 356-2754 to make arrangements.

List of Jails We Visit

Staff at the San Francisco Department of Child Support Services can travel to the jails listed below.

County Jail #2
425 7th Street
San Francisco 94103

County Jails #3 and #4
850 Bryant Street
San Francisco 94103

County Jail #5
#1 Moreland Drive
San Bruno 94066

County Jail Wards 7D/7L
SFGH, 1001 Potrero Ave.
San Francisco 94110

When NOT to Use a Paternity Declaration

There are a handful of circumstances which preclude the signing of a Declaration of Paternity. Here is a list of the most common:

1. **Father is deceased.** It may still be possible to establish paternity when the father is deceased, but not via a Declaration of Paternity. The mother can contact an attorney or the local legal self-help office at the Superior Court in the county where the child was born to find out what steps to take. Establishment of paternity may be necessary in order for the child to qualify for Social security survivor's benefits.
2. **Same-sex couples.** The Declaration of Paternity is intended to be a simple method to establish paternity between a child and that child's biological father, and cannot be used by same-sex couples.
3. **Unwilling.** If either parent is unwilling to sign the Paternity Declaration, they cannot be made to sign it. The Paternity Opportunity Program is a voluntary program—even if the parents have no doubts about the baby's paternity, the parents cannot be forced to sign the Paternity Declaration.
4. **Unsure.** If either or both parents are unsure about the child's paternity, they should not sign the Paternity Declaration. Options are available,



such as a paternity test through a private laboratory or through the local child support office. Upon completion of testing, the parents can sign the Paternity Declaration at the local child support office. They may then request that the birth certificate be amended to add the father's name. Instructions for adding the father's name can be found at the website of the California Department of Public Health's Office

of Vital Records, [http://www.cdph.ca.gov/certlic/birthdeathmar/Documents/AcknowledgementofPaternity-ParentagePAMPHLET-\(06-13\)-MERGED.pdf](http://www.cdph.ca.gov/certlic/birthdeathmar/Documents/AcknowledgementofPaternity-ParentagePAMPHLET-(06-13)-MERGED.pdf)

5. **Mother is married.** If mother is married to anyone—the biological father or someone else—she cannot sign a Declaration of Paternity. However, the biological father *can* be married to someone other than the mother and still sign the Declaration of Paternity.
6. **Not the biological dad—but wants to sign.** A male present at birth wants to sign the Declaration even though he is not the father. What do you do? Only a biological dad can sign the Paternity Declaration. If a man who is not the biological father signs the declaration, he can potentially be held financially responsible for the child unless he obtains a rescission or a court judgment of non-paternity within certain specific, limited time frames.

Q & A—Real Questions from Birth Registry Staff

Question: A parent signed a Paternity Declaration six years ago, and now he wants a copy of it. We don't have a copy of it here at the hospital. Where do I send him?

Answer: The parent can go online [here](http://www.cdph.ca.gov/certlic/birthdeathmar/Documents/AcknowledgementofPaternity-ParentagePAMPHLET-(06-13)-MERGED.pdf) at the website for California's Paternity Opportunity Program to get instructions on how to request a copy of a filed Paternity Declaration by mail.

Question: I have an unmarried mother who wants to add the father's name to the birth certificate but the parents did not sign the Paternity Declaration while they were in the hospital. What do I tell these parents?

Answer: The parents will have to first sign a Paternity Declaration and then have the birth certificate amended. These are two separate processes. The Paternity Declaration can be completed at the local Department of Child Support Services. Then, the parents will have to have the birth certificate amended, a process which involves completing forms and sending a fee, along with a copy of the Paternity Declaration. Instructions can be found at [http://www.cdph.ca.gov/certlic/birthdeathmar/Documents/AcknowledgementofPaternity-ParentagePAMPHLET-\(06-13\)-MERGED.pdf](http://www.cdph.ca.gov/certlic/birthdeathmar/Documents/AcknowledgementofPaternity-ParentagePAMPHLET-(06-13)-MERGED.pdf)

Need Training?

Do you or your hospital staff need POP training? Feel free to call us anytime to make arrangements for a training session at your hospital. The number to call is (415) 356-2754.

Our staff also conducts presentations and workshops on the subject of child support. If you are interested in a child support workshop or presentation for staff or clients of your programs, we would be more than happy to make those arrangements. We cover such topics as opening a

child support case, going to court to establish or modify an order, collection of child support, and programs to help parents pay their child support obligations.

Need DVD's?

POP DVD's are available for all hospitals and clinics to show to unmarried expectant parents. The DVD explains the process and important benefits of signing the POP declaration. If you would like a DVD, please contact Catherine Sachs at (415) 356-2754. The DVD



Statistics

Percent of Births to Unmarried Mothers With a Declaration of Paternity

The State of California keeps track of how many births occur to unwed parents in each hospital in the state. From that data, the State determines what percentage of those parents completed a POP declaration in each hospital. Below are the statistics showing the completion rates for San Francisco hospitals for the time period of October 1, 2012 through March 31, 2013.

HOSPITAL NAME	TIME PERIOD: 10/1/2012 - 12/31/2012	TIME PERIOD: 1/1/2013— 3/31/2013
CALIFORNIA PACIFIC MEDICAL CENTER	76%	68.4%
KAISER FOUNDATION HOSPITAL	86.4%	89%
SAN FRANCISCO GENERAL HOSPITAL	80.2%	78.5%
ST. LUKE'S HOSPITAL	88.2%	84.1%
UNIVERSITY OF CALIFORNIA MEDICAL CENTER	82.1%	81.8%

can also be viewed by going to www.sfgov.org/dcsc, and clicking on the "Establish Paternity" link, then the "POP Video" link.

Need Outreach Materials?

Does your hospital or agency need more paternity flyers, brochures, or posters for your patients, staff or clients? Contact the San Francisco Paternity Program Coordinator, Catherine Sachs, at (415) 356-2754 or at catherine.sachs@sfgov.org.

SAN FRANCISCO DEPARTMENT OF CHILD SUPPORT SERVICES

Director Karen M. Roye

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This newsletter is intended for individuals and birthing staff who are involved with the California Paternity Opportunity Program or who work with expectant parents. We welcome article submissions and feedback. Please contact: San Francisco DCSS Paternity Coordinator Catherine Sachs, by phone at 415.356.2754, or by email to: catherine.sachs@sfgov.org