

VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY



Understanding the Voluntary Acknowledgement of Paternity (VAP) Process

Published by:
The Division of Child Support
Enforcement

New Castle County
(302) 577-7171

Kent County
(302) 739-8299

Sussex County
(302) 856-5386

Website:
www.dhss.delaware.gov/dcse



DELAWARE HEALTH AND SOCIAL SERVICES
Division of Child Support Enforcement



“Paternity must be established before a father’s name can be placed on a child’s birth certificate.”

What is a Voluntary Acknowledgement of Paternity (VAP)?

Voluntary Acknowledgement of Paternity (VAP) is a simple process that allows unmarried parents to sign a document and establish a legal relationship between the father and his child without having to go to court. Signing the acknowledgement is **voluntary** and each parent makes his or her own decision. If both parents agree to sign and complete the Voluntary Acknowledgement of Paternity, paternity is established.

Why is it important to acknowledge paternity and for a child to have a legal father?

A child will receive many benefits by having a legally established father. Benefits include:

Economic

A financial safety net; including social security, veteran’s benefits, inheritance, and potentially child support.

Medical

Health insurance coverage and access to complete medical/genetic history.

Social

A complete identity, family connection and opportunities for extended relationships.

Is there a fee to sign the acknowledgement?

No. There is no fee to sign the acknowledgement or to send it to the Office of Vital Statistics (OVS).

There is a small fee to get a new copy of your child’s birth certificate.

What if the mother is married?

If the mother is married at the time of the child’s birth, or during the 300 days before the child’s birth, OR if the mother was not married, but during the first two years of the child’s life, a man continuously lived with the child and acknowledged the child as his own, then that man is considered the presumed father.

In order for the mother and the biological father to complete the Voluntary Acknowledgement, the mother and the presumed father must complete a form called the Denial of Paternity. Both the Denial of Paternity and the Voluntary Acknowledgment of Paternity must be filed with the Office of Vital Statistics. Neither document is valid until both have been filed.

When can the acknowledgement be signed?

You may sign the acknowledgement any time after your child is born up until the child turns 18 (*or 19 and in high school*). The hospital or birthing center should provide you with an opportunity to sign the form. You will need to present proper identification for notary purposes.

If a Voluntary Acknowledgement of Paternity (VAP) was not signed at the hospital when the child was born, can it be done now?

You may obtain a Voluntary Acknowledgement of Paternity form at any Division of Child Support Enforcement Office (DCSE) or at the Office of Vital Statistics. Either agency can help you complete the form and notarize your signatures.

You may sign the Voluntary Acknowledgement of Paternity until the child reaches the age of 18 (*or 19 if still in high school*).

If the Voluntary Acknowledgement of Paternity is signed, does it grant the father visitation or custody?

Voluntary Acknowledgement of Paternity does not automatically give the father the right to visit the child, or to have custody. He may use the Voluntary Acknowledgement of Paternity to ask the Court for custody and/or visitation rights. The Court's final decision is based on the child's best interest.

Will there be an order for child support?

If your child is receiving TANF (*welfare*) or Medicaid (*medical assistance*), the Division of Child Support Enforcement must ask the Court for an order for child support and/or health insurance coverage for your child.

If your child is not receiving any assistance, a child support order will not be filed - unless the mother or father contacts DCSE and applies for services. Once paternity has been established, DCSE can assist the custodial parent in obtaining a child support order. Custodial parents may also petition the Court for support on their own.

Do both parents have to live in Delaware to sign the Voluntary Acknowledgement of Paternity or Denial of Paternity?

No. The Acknowledgement of Paternity or Denial of Paternity can be mailed to a parent anywhere to be signed, notarized and returned.

Is the Acknowledgement of Paternity or Denial of Paternity final when we sign it?

When an Acknowledgement of Paternity form is properly signed and filed with the Office of Vital Statistics, it has the same effect as a court order establishing paternity, unless either parent who signs it rescinds the acknowledgement within 60 days of when it is filed with the Office of Vital Statistics.

When a Denial of Paternity by a presumed father is properly signed and filed with the Office of Vital Statistics along with the Acknowledgement of Paternity, it has the same effect as a court order excluding the presumed father as the legal father.

Note: An Acknowledgement of Paternity or Denial of Paternity signed by a minor parent is valid and legally binding on the minor parent the same as if he/she were an adult.



What if we change our minds after signing the Voluntary Acknowledgement of Paternity or Denial of Paternity?

You may rescind a Voluntary Acknowledgement of Paternity or Denial of Paternity by starting a proceeding to rescind (by filing a Petition to Rescind at Court) under the following conditions:

- a) Within **60 days** of when the Acknowledgement of Paternity or Denial of Paternity was **filed with the Office of Vital Statistics**, or
- b) **The date of the first hearing** in a proceeding where either person who signed the form is before a court to adjudicate an issue relating to the child, including a proceeding to establish support.

After the 60 day period to rescind has passed, the Acknowledgement of Paternity or Denial of Paternity are final and legally binding and may only be challenged and set aside by a court for fraud, duress, or material mistake of fact. That challenge must be made **within two (2) years** after the Acknowledgement or Denial is filed.

Read the Notice of Rights and Responsibilities on the back of each form for more details.

What if we are not sure who the biological father is?

Only the biological father should sign the Voluntary Acknowledgement of Paternity. **If you are not sure, do not sign the acknowledgement.**

You should have a paternity test, sometimes called a genetic test. For information about a paternity/genetic test you may contact:

- a) The Division of Child Support Enforcement,
- b) Your attorney, or
- c) Your physician.

Will the paternity test show who the biological father is?

The test can show up to a 99% probability whether a man is the biological father.



Will the father's name appear on the child's birth certificate?

If both parents sign the Voluntary Acknowledgement of Paternity (and a Denial of Paternity, when applicable) at the hospital when the baby is born, the hospital staff will put the father's name on the birth certificate.

If both parents sign the acknowledgement (and a denial, when applicable) away from the hospital and mail it to the Office of Vital Statistics, OVS will put the father's name on the birth certificate, if the child was born in Delaware.

Office of Vital Statistics
Jesse Cooper Building
417 Federal Street
Dover, DE 19901

Telephone Numbers:

NCC 302-995-8588

KC 302-744-4549

SC 302-856-5495

Website:

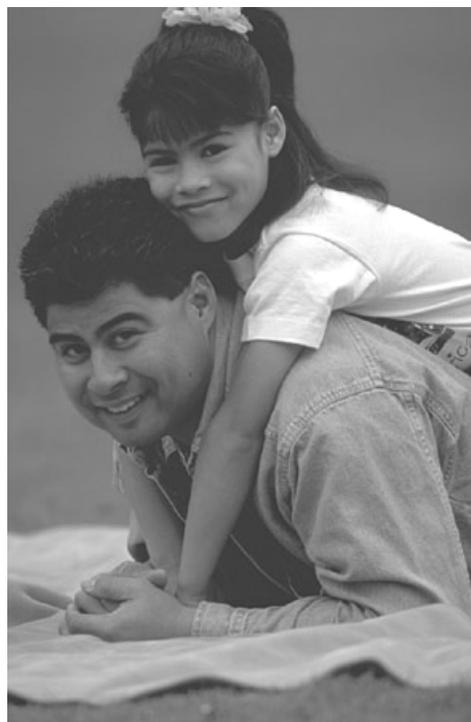
www.dhss.delaware.gov/dhss/dph/ss/vitalstats.html

The Power of Two

Is a video that helps to explain the importance of establishing paternity.

Watch it online:

<http://www.dhss.delaware.gov/dhss/main/mmedia/videos/>



"Establishing paternity gives a child born out-of-wedlock the same right to benefits as a child born to married parents."

The staff of medical facilities, the Office of Vital Statistics, and the Delaware Division of Child Support Enforcement cannot give legal advice. For legal advice - consult an attorney.

The information in this brochure is based on laws of Delaware's Uniform Parentage Act of 2004.

This handbook was published by:



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