

Paternity Matters

For you... AND your child!

Paternity Matters:

**A division of
The Office of
Recovery
Services/
Child Support
Services**

Volume 1, Issue 3
May/June, 2006

Three Ways to Establish Paternity In Utah

Usually, when you hear from Paternity Matters, you hear a lot about the Voluntary Declaration of Paternity (VDP) and how important it is to obtain that document at the time of birth. But why all of this emphasis on the VDP if there are other ways to establish paternity later?

All of the emphasis on the VDP is because it is the easiest and least expensive way for parents to establish paternity. In addition, research suggests that many fathers are still involved in the mothers' and babies' lives at the time of birth.

In "Fragile Families Research Brief: Dispelling Myths About Unmarried Fathers" published by Princeton and Columbia Universities in May 2000, researchers found that 75% of

unmarried mothers reported that the babies' fathers visited them at the hospital.

This information means that our hospital birth certificate specialists have a golden opportunity to work with both parents to establish paternity—an opportunity not likely to be so widely available at any other time in the child's life!

In the hospital survey conducted by the University of Utah, Social Research Institute in December 2005, 71% of our respondents indicated that they would like to know more about the

different ways that parents can establish paternity. This month, we'll start to answer this question by briefly explaining the administrative paternity establishment process used by the Office of Recovery Services. In a future edition, we'll include information about the judicial establishment process.

We hope this information will help you feel more informed as you answer questions for unwed parents who are considering their options. As always, you are welcome to contact us if you have questions!

**To read more about the
"Fragile Families and
Child Wellbeing Study,"**

go to:

<http://crcw.princeton.edu/ff.asp>

Inside this issue:

Utah's Administrative Process: Paternity as Simple as ABC & 123! 2

New Materials Available: Education about Paternity Establishment Options in Utah 3

Getting to Know You! Donna Walton, Salt Lake Regional Medical Center 4

Questions and Answers: —Rights of "Legal" fathers 5

—What is a "parent or legal guardian"?

—Options available to establish paternity for minor parents

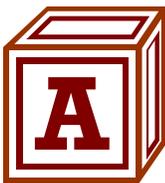
WANTED Your Hospital's Pre-Natal Educator 6

Utah's Administrative Process: Paternity As Simple as ABC & 123!

OK. It's not that simple, but somewhere between the short process of having both parents sign a Voluntary Declaration of Paternity (VDP) and the long process of appearing in court to obtain a judicial order of paternity, there is a third way to establish paternity in Utah: Administrative Paternity Orders issued by the Office of Recovery Services (ORS).

Like the VDP, administrative orders are a fairly easy, informal method to establish a legal father/child relationship without going to court. Like court orders, administrative orders establish paternity, child support amounts, and medical insurance obligations.

Here is a very brief overview (the "ABCs & 123s") of how Utah's Uniform Administrative Procedures Act (UAPA) ("the administrative process") is used by ORS to establish paternity:



A is for Application.

An application for child support services from either the father or the mother starts the entire paternity establishment process at ORS.



B is for Bring.

Bring the application and any other information about both parents (such as birth dates, Social Security numbers, addresses, photos, income information, previous support orders, etc.) to ORS. An intake caseworker will review all of the information provided and move on to . . .



C is for Case.

If the application includes all of the required information, a case will be opened for child

support services. If there is no child support or paternity order, an order establishment agent will begin Step 1.



1 Gather information about both parents.

Agents review all of the information on ORS's computer system and in the application. They need addresses for the mother and the father where legal papers can be served. They also need incomes for both parents in order to calculate possible child support amounts. The more information the parents provide, the faster this step goes!



2 Prepare a Notice of Agency Action and send it for service.

The agent prepares a Notice of Agency Action (NAA) based on all of the information they've gathered. An NAA is the legal document that starts the administrative process. It includes information such as:

- A proposed child support amount.
- Which parent(s) should carry medical insurance
- An appointment for genetic tests if paternity isn't established.
- Directions for who to call if they disagree with the information in the NAA.

The NAA must be served on each parent on the child support case.



3 Presiding Officer monitors responses to the NAA.

A Presiding Officer (P.O.) takes over after both parents have been served with the NAA. A



Some Presiding Officers from Salt Lake's ORS office (from back left): Carol Powell, June Kohles, April Conti, Bev Garcia and Margie Bsumek.

P.O. is the administrative version of the judge (only without black robes). The P.O. will work with the parents as they respond to the NAA and can arrange genetic tests, adjust the proposed child support amount if the parents provide more information, and answer questions about the administrative process.



4 Presiding Officer issues final order.

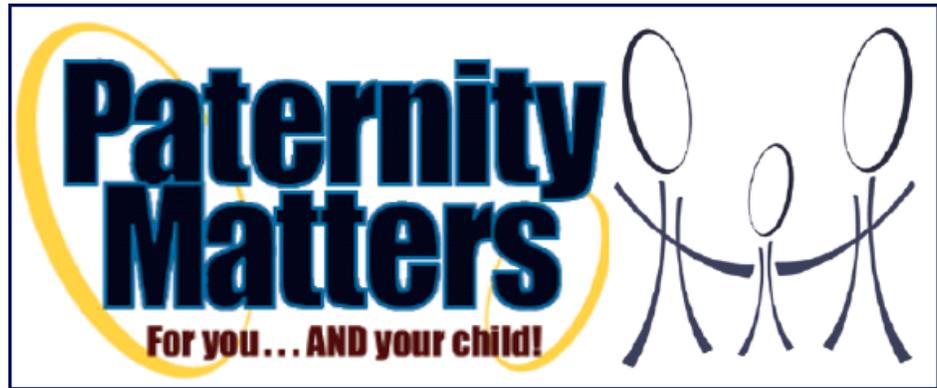
After allowing at least 30 days for responses, the P.O. reviews all information one more time. Once the P.O. makes any needed changes and ensures that all legal steps have been followed correctly, s/he issues the final order for paternity, child support, and medical support. At that time, the P.O. forwards the new information to the OVRs to add the father's name to the child's birth record.

It is the combined efforts of hospital, OVRs and ORS employees using non-judicial tools that make it possible for so many of Utah's children to enjoy the benefits of having paternity established. These processes affect large numbers of children that the courts could not easily handle alone!

New Materials: Education About Paternity

This month, we're excited to introduce one of our new brochures simply called "Paternity Matters."

This brochure briefly explains what "paternity" means and lists the benefits of establishing paternity. Inside, there is a chart that compares the three different methods of establishing paternity in Utah: the Voluntary Declaration of Paternity, Administrative Paternity Orders, and Judicial Paternity Orders.



For each method, we've provided a description of what the documents are and an overview of the process, including: where each method is available, how much each method will cost, and what issues can be resolved at the same time that paternity is legally established.

In hospitals, the Voluntary Declaration of Paternity should still be the main focus of your educational efforts because the VDP represents the fastest, easiest, and least expensive method for paternity establishment. But if the parents need more information about their alternatives, this brochure is available to assist you and to help parents make the best choices for themselves and their child.

There are three easy ways to establish paternity in Utah.

	What is this?	How does this work?	Where can I do this?	How much does this cost?	What issues can this solve?
Voluntary Declaration Of Paternity (VDP)	The VDP is a form that unmarried parents can sign to voluntarily say that a man is the biological father of the child.	The mother and the biological father sign the VDP in front of two witnesses. The signed VDP is filed with the Office of Vital Records and Statistics.	<ul style="list-style-type: none"> Hospitals or birth facilities (when a child is born) Office of Vital Records and Statistics All local health departments 	<ul style="list-style-type: none"> FREE, if filed by the healthcare facility with the birth certificate. \$15.00, if filed after the birth certificate, but within one year of the child's birth. \$20.00, if filed after the child's first year. 	<ul style="list-style-type: none"> Paternity Adds father's name to Utah birth certificates Can change the child's name before child's fifth birthday
Administrative Paternity Order	An administrative paternity order does not involve the judicial court system, but the order has the same effect as a judicial order.	One of the parents must apply for child support services. Both parents receive a Notice of Agency Action (NAA). After the parents have time to respond to the NAA, provide more information or request genetic tests, an order is issued.	Office of Recovery Services locations: <ul style="list-style-type: none"> Ogden Layton Salt Lake City Provo Richfield St. George 	<ul style="list-style-type: none"> Paternity and order establishment services are FREE. A schedule of fees charged for collection services is provided with the application. 	<ul style="list-style-type: none"> Paternity Adds father's name to Utah birth certificates Child Support Medical Insurance
Judicial Paternity Order	A judicial paternity order is the result of a court action in front of a judge or commissioner.	The parents may hire attorneys or represent themselves in court. Both parents receive court documents and can provide more information to the court. After all issues have been resolved, an order is established.	<ul style="list-style-type: none"> District Courts Juvenile Courts 	<ul style="list-style-type: none"> Filing fees set by the courts Attorney fees set by attorney Fees for a new birth certificate that includes the father's information set by the Office of Vital Records and Statistics 	<ul style="list-style-type: none"> Paternity Allows the father's name to be added to Utah birth certificates Child support Medical coverage Can change child's name Can address custody Can address parent-time (visitation)

How will you establish paternity for your child?

If you would like copies of the
Paternity Matters Brochure
in English or Spanish
or need any other supplies offered by Paternity Matters,
please e-mail your request to

orspaternitymatters@utah.gov

Getting to Know You!

Introducing: Donna Walton, Salt Lake Regional Medical Center

As far back as Paternity Matters has statistics, SLRMC has been successful in the VDP program. But so far this year, they have a cumulative percentage that is almost 10% above last year's figures. Emilee talked to Donna Walton to get to know her and to get the inside scoop on her secrets to success. Here is what she shared with us.

Donna Walton lives in Salt Lake City. She loves to travel ("anywhere that has a hotel"), and loves to participate in outdoor activities, like yard work, swimming, and walking. Most of all, she LOVES CHILDREN. Take one look at the wonderful children's photos and drawings that cover Donna's workspace, and you'll know that the feeling is mutual. While Donna does not have children of her own, she has played an important role in the lives of many children. Over the years, Donna has helped many single parents by caring for their children, maintaining friendships

with them throughout their childhoods and long after the childcare years have passed.

Donna says that the nurses at SLRMC are "amazing" in the way that they get involved with paternity establishment.

Paternity Matters knows that Donna has led the way!

Donna has been the birth certificate specialist at Salt Lake Regional Medical Center for the past 10 years, but she has worked for the same hospital for an amazing 38 years! Even with all of this experience behind her, she quickly shares the credit with many others for SLRMC's consistent VDP success.

She gives extra credit to the nurses she works with. She feels that they are "amazing" in the way they really get involved with paternity establishment. Even when Donna has gone home for the night or the weekend, the nursing staff continues to speak to the mothers about paternity. And when Donna is there, they notify her when there is a paternity issue for one of the patients.

But Donna doesn't just rely on the nurses for paternity leads. She personally visits every single patient, every single day. This gives Donna many opportunities to discuss paternity with patients, and she feels that this contributes to many signed VDPs.

Donna mentions the new format of the OVRs Birth Certificate Worksheet as a huge help with paternity. She says that having the paternity information explained in an easily understandable format on the first page means that this information is rarely overlooked or skipped by the patients. (Kudos to OVRs!)

Overall, Donna feels like trends are changing and that more and more parents WANT to get paternity established. She believes that parents are starting to see the importance of paternity establishment, and that they are being better educated about their options before delivery.



**Thank you, Donna,
for all of your hard work!**

Questions and Answers

Q. If a legal father will not sign the back of the Voluntary Declaration of Paternity, and he wants to be listed as the father on the birth certificate, should we list him as the father even if the mother doesn't name him? In our situation, the legal father's attorney told him that it was his right to be on the birth certificate because he was married to the mother at the time of birth.

A. It is true that "legal fathers" (now known as "presumed fathers" due to a recent change in Utah law) have some automatic "fatherhood" rights based on being married to the mother at the time of birth; otherwise, we would have to establish paternity for every single child that is born, whether the parents were married or not. However, the presumption of paternity that results from the mother being married to a man at the time of birth or in the 300 days preceding the time of birth only goes so far and can be legally rebutted (challenged) to allow the real biological father to assume the legal rights and responsibilities of fatherhood.

Utah laws protect the presumed father's rights until he denies those rights by signing the back of the VDP, or until he is legally found not to be the father. Therefore, this presumed father will still have the ability to work with his attorney to legally confirm whether he is or is not the father of the child, even though he is not listed as the father on the birth certificate. If the court determines that he is really the father of the child, the father's name can be added to the birth certificate at that time.

On the birth certificate worksheet, the mother has the ability to indicate that she is

married, but not to the father of the child. Follow the training that has been provided to you by the Office of Vital Records and Statistics concerning what you should enter on the birth certificate based on the mother's answers to these questions.

Thank you for these questions:

*Dixie Medical Center,
Castleview Hospital
&
Cottonwood Hospital!*

Do you have questions for us?

*E-mail your questions to:
orspaternitymatters@utah.gov*

Q. Who can sign a VDP with a minor father or mother? The form says "parent or legal guardian," but what if custody of the minor mother or father is an issue, or if the parents of the minor mother or father disagree about signing?

A. Utah code simply states:

"If either the birth mother or the declarant father is a minor, the voluntary declaration must also be signed by that minor's parent or legal guardian" [U.C.A. 78-45g-302(2)].

There is no reason to complicate which parents can sign with a minor mother or father by considering issues like custody. Just focus on whether the person signing is the minor's parent: If the person is the minor's parent, that parent can sign.

If the the person who wants to sign the VDP with the minor mother or father is not one of his/her parents, that person must

have been named as a legal guardian—someone who has authority to enter into legal obligations for that minor.

If the minor's parents do not agree with each other about signing the VDP, there may be too many unresolved questions for them to sign the VDP. It may be more appropriate to establish paternity using one of the other methods that are available so that those questions can be resolved at the same time. (The parents and the minors can apply for services at ORS, for example.)

Q. What if a minor mother or minor father does not have a parent or legal guardian available to sign the back of the Voluntary Declaration of Paternity, but the minor mother and minor father are willing to sign (for example, a young mother whose parents live in another country, but the mother lives in Utah with the baby's father)? Is there anything we can do for them? How can they establish paternity?

A. Unfortunately, there is no exception available that allows a minor father or minor mother to sign the Voluntary Declaration of Paternity when parents or legal guardians are not available to sign the document with them.

While the mother and/or father of the baby remain minors, the Office of Recovery Services does not use the administrative process (described inside this newsletter) to establish paternity. The only method of paternity establishment that is available to minor parents when their parents or legal guardians cannot (or will not) sign the VDP is a Judicial Paternity Order. The Judicial courts will also involve parents or legal guardians, taking precautions to protect the minor parent's rights.



Contact Your
Paternity Matters Staff

Phone:
Emilee Beers: 801-536-8177
Liesa Corbridge: 801-536-8986

Fax: 801-536-8833

E-mail: orspaternitymatters@utah.gov

"Paternity Matters" was formed by the Office of Recovery Services in 2005 to provide education about the paternity establishment process in Utah. Paternity Matters focuses on three main objectives:

- *Provide training, supplies and support to individuals who work with unwed parents on the Voluntary Declaration of Paternity process in the hospitals.*
- *Educate unwed parents about paternity establishment, methods of establishment, and benefits to the parents and children.*
- *Provide training and educational materials to community groups who work with unwed parents.*

Paternity establishment is important to our communities, to unwed parents, and most of all, to the children!



- WANTED -

Your Hospital's Pre-Natal Educator

(Or at least a name, phone number
& address where we can reach them!)



Paternity Matters wants to contact pre-natal class teachers

- to introduce ourselves,
- to ask them to offer the VDP pamphlet in their classes, and
- to ask them to make a short announcement in class that the VDP will be available at the hospital if the parents in class need that service.

There is a lot to teach, so we won't ask for too much class time.

- REWARD -

Small reward offered for those of you who go the "Extra" mile & provide this contact to us.

E-mail information to: orspaternitymatters@utah.gov