Iowa Department of Human Services

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Director

September 13, 2013

CIRCULAR LETTER NO. 56Z-616-FO

ISSUED BY: Bureau of Child Support Recovery
Division of Field Operations

SUBJECT: Comm. 107, "Establishing Paternity by Affidavit," revised.

Summary

Informational brochure Comm. 107, "Establishing Paternity by Affidavit," is revised to update the Child Support website and office addresses.

Effective Date

Upon receipt.

Material Superseded

This material replaces Circular Letter No. 56Z-610-FO, dated March 1, 2013.

Additional Information

Use up any existing supplies of this brochure. Order additional supplies of Comm. 107, dated 7/13, from Anamosa in the usual manner.

Refer questions about this circular letter to your regional collections administrator.

Establishing paternity benefits you and your child.

Policy Regarding Discrimination, Harassment, Affirmative Action, and Equal Employment Opportunity

It is the policy of the Iowa Department of Human Services (DHS) to provide equal treatment in employment and provision of services to applicants, employees, and clients without regard to race, color, national origin, sex, sexual orientation, gender identity, religion, age, disability, political belief, or veteran status.

If you feel DHS has discriminated against or harrassed you, please send a letter detailing your complaint to:

Iowa Department of Human Services,
Office of Human Resources, Hoover Building – 1st floor
1305 E. Walnut Street
Des Moines, IA 50319-0114
dhscontact@dhs.state.ia.us

Iowa Department of Human Services

Comm. 107 (Rev. 7/13)

ESTABLISHING PATERNITY BY AFFIDAVIT

Give your child a head start in life . . .

. . . establish paternity as soon as possible. It benefits you and your child.

ATTENTION!!! BEFORE COMPLETING AN AFFIDAVIT OF PATERNITY IT IS VERY IMPORTANT THAT YOU READ ALL OF THIS BOOKLET. THIS BOOKLET HAS INFORMATION THAT CAN GREATLY AFFECT YOUR DECISIONS IN THIS MATTER AS WELL AS YOUR FUTURE AND THAT OF THE CHILD(REN) INVOLVED.

The Iowa Department of Human Services prepared this booklet. Anyone who wants to complete a paternity affidavit must be given a copy of this booklet.

What is Paternity?

Paternity means fatherhood.

Is the child's biological father automatically the child's legal father?

No. At times the biological father is not automatically the legal father. This happens when the parents of a child were not married when the mother got pregnant, at any time during the pregnancy, or when the child was born. Then paternity must be legally established before the man is considered the legal father.

How is paternity legally established?

Under Iowa law there are four ways to establish paternity:

- By marriage. If the parents of a child were married to each other when the mother got pregnant, at any time during the pregnancy, or when the child was born, the husband is assumed to be the father. However, a court can find otherwise.
- By a court or administrative order. If a man denies he is the father, genetic testing may be done.
- When a man states and the mother agrees during a court hearing that he is the father.
- By both parents signing a paternity affidavit.

Why is it important to establish paternity?

Establishing paternity is important because:

Relationship Children benefit when they have a strong relationship with their dad.

Identity Both parents' names will be on the baby's birth certificate. Knowing both parents helps the child feel a sense of identity and belonging.

Medical Your child may inherit a health or medical problem. Getting medical information from both parents may save your child's life.

The Child Support Recovery Unit mailing address for your area is listed below.

ANKENY CSRU
1605 SE Delaware Ave Ste A
Ankeny IA 50021-4595
515-369-2800

BURLINGTON CSRU
409 N 4th St
PO Box 638
Burlington IA 52601-0638
319-753-6322

CARROLL CSRU
625 N West St
PO Box 937
Carroll IA 51401-0937
712-792-5691

CEDAR RAPIDS CSRU
411 - 3rd St SE Ste 200
Cedar Rapids IA 52401-1837
319-398-3619

CLINTON CSRU
121 6th Ave So
PO Box 1175
Clinton IA 52733-1175
563-243-8237

COUNCIL BLUFFS CSRU
300 W Broadway Ste 32
Council Bluffs IA 51503-9030
712-242-2358

CRESTON CSRU
215 W Adams
Creston IA 50801-3106
641-782-5844

DAVENPORT CSRU
3911 W Locust Street
Davenport IA 52804-3021
563-388-0409

DECORAH CSRU
317 Washington St Ste 2
Decorah IA 52101-1832
563-382-2666

DES MOINES NORTH CSRU
6200 Aurora Ave Ste 301E
Urbandale IA 50322-2865
515-369-2750

DES MOINES SOUTH CSRU
525 SW 5th Street, Ste H
Des Moines IA 50309-4501
515-369-2860

DUBUQUE CSRU
960 Main St.
PO Box 3068
Dubuque IA 52004-3068
563-557-7113

FORT DODGE CSRU
330 1st Ave N
Fort Dodge IA 50501-3718
515-955-5464

GRIMES CSRU
3560 SW Brookside Dr Ste E
Grimes IA 50111-5062
515-369-2850

INDIANOLA CSRU
1807 West 2nd Avenue
Indianola IA 50125-2145
515-962-5400

MARSHALLTOWN CSRU
204 1/2 W State St
Marshalltown IA 50158-5842
641-753-6408

MASON CITY CSRU
Mohawk Square
22 N Georgia Ave Ste 13
Mason City IA 50401-3435
641-424-1147

OTTUMWA CSRU
127 E Main Ste 100
Ottumwa IA 52501-2951
641-682-8802

PLEASANT HILL CSRU
1300 Metro East Drive Ste 114
Pleasant Hill IA 50327-8906
515-261-5870

SIOUX CITY CSRU
520 Nebraska St Ste 218
Sioux City IA 51101-1315
712-255-2749

SPENCER CSRU
20 W 6th St Ste 200
Spencer IA 51301-3907
712-262-1412

WATERLOO CSRU
501 Sycamore Ste 400
Waterloo IA 50703-4651
319-291-2646

For more information about establishing paternity by affidavit, or to ask for a form to complete, please contact:

Iowa Department of Public Health
Vital Records
Des Moines IA 50319-0075
(515) 281-4944

You may get information about child support services, including payment information, by calling the child support automated information line at 1-888-229-9223 (toll free nationwide). Calling this number can also assist you in identifying the local office phone number for your case. You may also visit our web site at: https://childsupport.ia.gov

For 24 hour child support payment information, call:
1-888-229-9223 (toll free in the United States)

Benefits Your child has a right to benefits from both parents. This may include social security, veterans, insurance, inheritance rights, and others. Unless paternity is established, your child may not be able to get these benefits.

Support Both parents owe their child both financial and emotional support. Even if parents don't live together, a child still needs their support. Child and medical support can make a difference.

What if we want to fill out a paternity affidavit?

BOTH PARENTS MUST SIGN A PATERNITY AFFIDAVIT from the Department of Public Health. You can get this form:

- At the hospital where your child is born.
- From the Department of Public Health.
- From your local Child Support Recovery Unit.
- From any County Recorder/County Registrar's Office.

You can also return the form to any of these agencies. The agencies will send the form to the Department of Public Health.

The affidavit can be used to establish paternity if:

- The mother was <u>not married to someone else</u> when she got pregnant, during her pregnancy, or when the child was born.
- She was married to someone else during this time, but there is a court order saying her husband is not the father of the child.

Note: The affidavit must be approved by the Department of Public Health.

Not sure about signing a paternity affidavit?

Don't fill out a paternity affidavit if you are not sure who the father is. If you aren't sure, ask for genetic tests. Ask the hospital staff if testing can be done before the mother and child go home.

Don't fill out a paternity affidavit if you know the man signing the affidavit is not the biological father of a child. This is because:

- When you fill out an affidavit, you swear that the man listed on the affidavit is the biological father. Giving false information could be considered perjury (punishment for lying).
- When a paternity affidavit is approved, it is like a court order establishing paternity.
- If the wrong person is established as the father, the child and actual father don't get their chance to exercise their rights. They don't get their chance to have a relationship with each other.

Note: You may want to talk to an attorney before you complete an affidavit. An attorney may help arrange genetic tests. An attorney may be able to answer legal questions about paternity and support.

What if we do not sign a paternity affidavit?

You may not want to establish paternity at the time of the child's birth. Or, the biological father may not be there when the child is born. Paternity can be established later by a court or administrative order. Contact the Child Support Recovery Unit (CSRU) in your area or a private attorney for more information about this process.

THE INFORMATION IN THIS BOOKLET DOES NOT TAKE THE PLACE OF LEGAL COUNSEL. FOR LEGAL ADVICE, CONTACT A PRIVATE ATTORNEY OF YOUR CHOICE.

What are the effects, rights and responsibilities of a paternity affidavit?

After the Department of Public Health approves a paternity affidavit:

- The man listed in the affidavit is the legal father of the child.
- For a child born in Iowa, the man's name on the paternity affidavit is added to the birth certificate as a legal father.

- The legal father may be able to take legal steps to get visitation or custody rights. Establishing paternity DOES NOT automatically give a father these rights.
- The legal father has a duty to help support the child financially. If the parents do not live together, the affidavit can be used to get an order for child and medical support. No further action of paternity is required.

What if we signed a paternity affidavit and we were wrong?

Either of you can stop a paternity affidavit by filling out a *Recision of Paternity Affidavit* form. You must fill out and return it to the Iowa Department of Public Health, Bureau of Vital Records, before the first of:

- 60 days after the last notarized signature on the paternity affidavit form, or
- Entry of a court order about the child.

The Bureau of Vital Records charges a fee for entering and filing the *Recision of Paternity Affidavit.*

When you fill out the form and return it by the deadline, it voids the original paternity affidavit. The man on the paternity affidavit is no longer the legal father. He is no longer listed as the child's father on the birth certificate.

After a paternity affidavit is withdrawn, you cannot fill out another paternity affidavit for the same mother, father, and child. However, the Child Support Recovery Unit or a private attorney may be able to legally establish paternity for this father through another way, such as a court order.

You can get a *Recision of Paternity Affidavit* form from the Bureau of Vital Records or your local Child Support Recovery Unit. Return the form and the fee to the Bureau of Vital Records.