

PATERNITY INFORMATION FOR OREGON

The content of this document is based on "You Owe it to Your Child/Paternity Information for Mother's and Father's" published by Department of Human Services Child Support Program, Revised August 2001

Having a child is a big responsibility. A child needs the love, care and financial support of both parents even if the parents are not married. Both parents must help support the children until the children become adults.

WHAT IS PATERNITY?

Paternity means legal fatherhood.

WHY IS IT IMPORTANT TO ESTABLISH PATERNITY?

Every child has the right to receive help and support from both parents. As a parent, you have certain legal rights and responsibilities.

IDENTITY It is important to all of us to know who our parents are.

MEDICAL Your child needs to know if he or she has inherited any special health problems. If your child developed a serious medical condition, it would be important to identify relatives with compatible blood or tissue types.

BENEFITS Your child has the right to benefits from both parents. These may include Social Security, health and life insurance benefits, inheritance rights, veterans and other benefits. Usually paternity must be established before a child can receive these benefits from the father.

MONEY Both parents are required by law to support their children. This is true even if the pregnancy was not planned or if the parent has other children. Children who are supported by only one parent often do not have enough money for their needs.

HOW IS PATERNITY ESTABLISHED?

Paternity can be established in several ways:

- **THE EASIEST WAY** is for both parents to sign a Voluntary Acknowledgment of Paternity at the hospital or birthing center when the baby is born. The hospital will make this form available to you. If both parents sign while the mother is still admitted, the father's name will be added to the birth certificate at no charge. You cannot use this form if the mother was married anytime between becoming pregnant and giving birth.
- **BY PATERNITY AFFIDAVIT.** If paternity was not established at the hospital, parents can still sign a similar form called a Paternity Affidavit. You can get this form from the County Vital Records office. There is a fee

charged to add the father's name to the birth certificate once the original birth certificate is filed with the State Vital Records. Office. If you are receiving any type of public assistance, the state will pay the fee.

The Paternity Affidavit cannot be used if the mother was married anytime between becoming pregnant and the time of birth.

- **IF THE FATHER OR THE MOTHER DOESN'T AGREE TO PATERNITY**, either parent can ask the Child Support Program for assistance. If your child receives public assistance (including Services to Children & Families (SCF) or Oregon Youth Authority (OYA)), your child support case should be referred to the Division of Child Support (DCS) automatically. If your child does not receive public assistance, you can apply for services with your local county District Attorney (DA). Either parent can consult with an attorney.

WHAT DOES THE CHILD SUPPORT OFFICE DO TO ESTABLISH PATERNITY?

DCS or the DA may serve the parties with legal papers naming the man as the alleged father. Those papers may also ask for:

- Monthly child support
- Health insurance coverage
- Birth expenses
- Attorney fees
- Welfare reimbursement
- Parentage test costs
- Past support
- Court costs

WHAT ARE PARENTAGE TESTS?

Parentage tests are tests which compare many different genetic (inherited) factors found in the mother, child and man named as the father. These tests are very strong indicators of paternity or non-paternity.

WHO PAYS FOR PARENTAGE TESTS?

If a child support office is handling the case, the State of Oregon may initially pay for the cost of the tests. If the man named is found to be the father, he may be required to repay the state for the tests. If he is found not to be the father of the child, he will not have to pay the cost of the tests.

WHAT NAME GOES ON THE VITAL STATISTICS BIRTH RECORD?

When the baby is born, the mother can give the child any last name she chooses. Usually, when both parents agree who the father is, they will agree on a last name. This is easiest

to do at the hospital when the child is born. If paternity is established after the mother leaves the hospital, the child's last name may be changed when completing the Paternity Affidavit. If the parents decide to change the last name after paternity is established, a court order may be required.

WILL THE FATHER HAVE TO PAY CHILD SUPPORT?

When the parents voluntarily sign a paternity form, there is no order for support or medical coverage. The DA or DCS can help you in obtaining a support order. The noncustodial parent is usually required to provide financial and medical support. State law sets the amount of support. It is based on the needs of the child and both parents' income and ability to pay.

HOW IS THE SUPPORT ORDER ENFORCED?

In Oregon, child support is collected in many ways. The most common are:

- Wage withholding
- Unemployment compensation withholding
- Workers' compensation withholding
- Social security withholding
- Income tax refund attachment
- Lottery garnishment
- Bank account garnishment
- Occupational license suspension
- Driver's license suspension

WHAT IF A PARENT IS IN ANOTHER STATE OR COUNTRY?

Agreements between other states and some countries cover establishment of paternity and support orders as well as enforcement of orders.

WHO PROVIDES MEDICAL INSURANCE?

The law requires parents to provide medical insurance for their children if insurance is available at a reasonable cost through their employer or union.

WHAT ABOUT LEGAL CUSTODY OF THE CHILD?

Oregon law says the parent who has physical custody when paternity is established or when legal action was taken to establish paternity has legal custody. Both parents have the right to ask the court for custody.

WHAT ABOUT VISITATION?

The mother and father may agree on visitation without court involvement. If there is a disagreement about visitation, or if either parent wants to clarify or enforce visitation rights, it must be done through the courts. In many counties the courts may be able to

provide mediation services, where disagreements may be resolved without formal court proceedings.

FREQUENTLY ASKED QUESTIONS

WHAT IF I AM NOT SURE WHO THE FATHER IS?

If the man named in the legal action does not agree he is the father, he may request parentage tests. If the mother of the child is not sure who the father is, she should give DCS or the DA the names of each man who could be the father. Parentage tests can help determine the correct man.

WHAT IF I AM NOT YET 18 YEARS OLD?

You can still be named as the father. You also can be ordered to provide support and medical coverage.

DO WE NEED TO ESTABLISH PATERNITY NOW IF THE FATHER AND I ARE GETTING ALONG?

Yes. Even if the father is helping support the baby, he may change his mind later. If he moves, it may become more difficult or impossible to locate him. If he should die, you may be unable to establish paternity or claim survivor's benefits for your baby.

MY CHILD'S FATHER HAS NO MONEY, SO WHY SHOULD I ESTABLISH PATERNITY?

The parent's income and circumstances are considered whenever the amount of support is set. The support amount may be changed if circumstances change. Your baby may have other rights and benefits in addition to money.

IF THE CUSTODIAL PARENT MARRIES SOMEONE ELSE, IS CHILD SUPPORT STILL OWED?

Yes. You will always have rights and responsibilities covered by your order. This is true unless the child is adopted.

WHAT IF I AM GOING TO MARRY SOMEONE ELSE AND HE IS GOING TO ADOPT MY CHILD?

Even when paternity has not been established, the natural father has the right to be notified in any adoption proceedings. Plans to marry sometimes change. Your child is entitled to child support and other benefits in the meantime.

IF I AM AFRAID OF THE FATHER, DO I HAVE TO NAME HIM?

No. If you believe that cooperating with establishing paternity will cause harm to you or your child, the Child Support Program will not try to establish paternity. However, there

are ways that the Child Support Program can help you establish paternity and still help keep you and your child safe. Ask the DCS office or the DA for a “Client Safety Packet”.

WHAT IF I BELIEVE I AM THE FATHER, BUT THE MOTHER HAS NOT NAMED ME?

A man may name himself as the father of the child. This is called a “*SELF ALLEGED FATHER*” Parentage tests usually will be performed at no charge. You should contact your local DCS or DA office for more information.

WHAT IF I SIGN AN ACKNOWLEDGMENT OF PATERNITY, BUT LATER I’M NOT SURE I REALLY AM THE FATHER?

Up to one year after filing the Voluntary Acknowledgement of Paternity form with the state Center for Health Statistics, either party can request parentage testing. Paternity established by DCS or the DA also can be reopened in the first year by requesting parentage tests if they were not done before. Contact your local DCS or DA office if you need more information. After one year, you must go to court.

PATERNITY & BIRTH CERTIFICATE RECORDS

The following office records information about birth certificates, voluntary acknowledgment of paternity, and paternity affidavits.

**Center for Health Statistics
Health Division
Portland State Office Building
800 NE Oregon, Suite 215
Portland, OR 97232
503.731.4495 – Establish Paternity
503.731.4108 – Order Birth Records
-or-
P.O. Box 14050
Portland, OR 97293**

DEPARTMENT OF JUSTICE – DCS BRANCH OFFICES

DIVISION OF CHILD SUPPORT (DCS) OFFICES provide support enforcement services for families who are receiving public assistance payments or who have received assistance in the past. The following branch offices establish paternity and establish or modify support orders.

ALBANY DCS
541.967.2028

BEND DCS
541.388.6141

EUGENE DCS
541.686.7833

MEDFORD DCS
541.776.6043

PENDLETON DCS
541.276.6932

PORTLAND DCS
503.229.5825

ROSEBURG DCS
541.440.3357

SALEM DCS
503.378.4489

DCS ADMINISTRATION
503.986.6090

DCS CENTRAL OPERATIONS REGION – 503.373.7300

Handles out-of-state cases:

Enforces action on cases where a support order already exists

Locates absent parents so a support order can be established

Your local County District Attorney establishes paternity and establishes and enforces child support orders for families who have never received public assistance. In some counties, the local Department of Justice, Division of Child Support (DCS) office handles this function.

Automated TTY Numbers:

Child Support Program – 503.945.5528

Department of Justice – 503.378.5938

24 Hour Telephone Payment Information

800.850.0228 Touchtone or 800.0294 Rotary

If you need assistance regarding any paternity issues, please do not hesitate to contact our firm at 503.693.6641.