



TWO PARENTS: GIVE YOUR CHILD HOPE (Hospital Opportunity for Paternity Establishment)

1. What does acknowledging paternity mean?

Acknowledging paternity means to establish a legal relationship between a biological father and his child when the biological father is not married to or in a civil union with the child's biological mother. One way to do this is to have the biological mother and biological father sign a Voluntary Acknowledgment of Paternity (VAP) and file it with the Illinois Department of Healthcare and Family Services (HFS). It is a simple way to establish paternity for the child. Establishing paternity creates certain legal rights and responsibilities for the child and the biological parents.

2. Why is it important to acknowledge paternity?

- ✓ Ensure a child's right to a legal relationship with his or her biological father.
- ✓ Add the biological father's name to the birth certificate.
- ✓ Protect the biological parent's rights.
- ✓ Enable access to family medical information.
- ✓ Secure the child's benefits such as financial and medical support, social security, veteran's benefits and inheritance.

3. How can I acknowledge paternity at the hospital?

When the baby is born, hospital staff will ask you for information to complete the baby's birth certificate. They will provide and explain the VAP to both the biological mother and biological father so both may sign and have the form witnessed and filed with HFS. To hear your rights and responsibilities in English and Spanish, you may call 1-800-447-4278. A hospital staff person or other adult may serve as a witness when you sign the VAP. The form is a legal document and must be filled out accurately and filed with HFS. Hospital staff will mail the VAPs to HFS for filing. Any information you do not have or know should be completed with a dash or write in "Do Not Know."

4. Will the biological father's name be on the birth certificate?

Once the biological mother and the biological father sign the VAP at the hospital when the baby is born, the hospital staff will add the biological father's name to the birth certificate by electronic submission to the Department of Public Health, Division of Vital Records.

If the biological mother and biological father do not sign the VAP at the hospital, by law, the biological father's name cannot be placed on the birth certificate. If the biological mother and biological father sign the VAP after the biological mother and child leave the hospital, the biological father's name may be added after the completed form is received by the Division of Vital Records.

5. What if the biological mother is or was married or in a civil union but that person is not the biological father of the child?

If the biological mother was married or in a civil union when the baby was born or within 300 days before the baby was born, but the presumed parent is not the biological father of the child, the presumed parent and the biological mother may sign the Denial of Parentage (Denial) saying that the other person is not the biological father of the child. Then the biological mother of the child and the biological father may sign the VAP. When the forms are signed and witnessed, the hospital staff will add the biological father's name to the birth certificate by electronic submission to the Department of Public Health, Division of Vital Records. If the presumed parent and biological mother do not sign the Denial, the biological mother and biological father cannot sign the VAP and the presumed parent's name, **by law**, must be put on the birth certificate.

6. Can the biological mother and biological father sign the Voluntary Acknowledgment of Paternity if they are under eighteen years old?

Yes.

7. What should we do if we are not sure who is the biological father of the child?

If you are not sure who the biological father is, you should not sign the VAP. You may contact the Division of Child Support Services (DCSS) for assistance in determining paternity of the child.

8. How can we request a genetic test?

If you are receiving cash or medical assistance from the Department of Human Services or assistance from HFS' Division of Child Support Services (DCSS), DCSS will help you complete the appropriate forms and schedule genetic testing. If you do not receive services from either department at this time, you may complete a Request for Child Support Services (HFS 3416) or call the Customer Service Call Center at 1-800-447-4278. You may also seek legal advice from an attorney of your choice.

9. What can we do if we did not sign the Voluntary Acknowledgment of Paternity form at the hospital?

If the biological mother and biological father did not sign the VAP while the biological mother and child were at the hospital, they may take the form, complete it and sign it and file it with HFS later. The biological mother and biological father must sign the VAP in front of an adult witness and follow the mailing instructions on the back of the form to file it with HFS. To hear your rights and responsibilities in English and Spanish, you may call the Child Support Customer Service Call Center at 1-800-447-4278.

You may also obtain a VAP from any state or local registrar, county clerk, the Illinois Department of Human Services, Healthcare and Family Services, Division of Child Support Services at www.childsupport.illinois.gov, Chicago WIC Food Centers, or by writing or contacting the Illinois Department of Public Health, Division of Vital Records, 925 E. Ridgely Ave., Springfield, Illinois 62702.

10. Does the biological mother, biological father, and, if applicable, the presumed parent have to live in Illinois to acknowledge or deny paternity?

No. The VAP form or the Denial form can be mailed to the biological mother, biological father, or presumed parent to be signed. Both parties must sign the appropriate form(s) in front of an adult witness and follow the mailing instructions on the back of the form to file it with HFS.

11. Should the biological mother and biological father sign the Voluntary Acknowledgment of Paternity form if they are living together or plan to be married?

Yes. The living arrangement of the unmarried biological mother and the biological father does not establish paternity. Correctly completing, signing, and filing the VAP with HFS will establish legal paternity.

12. What happens if the biological mother or biological father later want to withdraw the establishment of paternity?

The Voluntary Acknowledgment of Paternity may be rescinded (withdrawn) if one of the parents signs a Rescission of Voluntary Acknowledgment of Paternity or Rescission of Denial of Parentage (HFS 3416E), has it witnessed, and filed with HFS within 60 days of the effective date of the Voluntary Acknowledgment of Paternity or the date of a proceeding relating to the child, whichever occurs earlier.

After the time period for rescinding the VAP has expired, a signed VAP may **be changed by entry of an order in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party.**

13. What about custody, visitation and child support?

HFS' Division of Child Support Services cannot determine custody and visitation. Only the court can grant such requests. However, by signing the VAP the biological father has established paternity and may ask the court to establish visitation or custody.

If the biological mother or biological father requests child support services from HFS, DCSS will assist with establishing a child support and/or medical order. The Illinois mandatory child support guidelines require both parents' financial information to calculate the child support obligation. Either parent may be ordered to provide child support and/or medical coverage. However, only one parent will be ordered to pay child support to the other parent.

NOTICE: THIS IS NOT AN OFFICIAL DOCUMENT STATING A PERSON'S INDIVIDUAL RIGHTS OR DUTIES UNDER THE LAW. STAFF AT HOSPITALS, DEPARTMENTS OF HEALTHCARE AND FAMILY SERVICES, HUMAN SERVICES AND PUBLIC HEALTH, STATE AND LOCAL REGISTRARS, COUNTY CLERKS OR CHICAGO WIC FOOD CENTERS MAY ONLY PROVIDE INFORMATION. YOU MUST CONSULT AN ATTORNEY FOR LEGAL ADVICE. TO HEAR YOUR RIGHTS AND RESPONSIBILITIES IN ENGLISH OR SPANISH, CALL 1-800-447-4278.

If you have questions regarding the VAP process or Child Support Services, please call the Child Support Customer Service Call Center at 1-800-447-4278. If you are using a teletypewriter (TTY), please call 1-800-526-5812.

Questions about the birth certificate must be directed to the Illinois Department of Public Health, Division of Vital Records, at www.idph.state.il.us/vitalrecords or 217-782-6554.