**Acknowledgement of Paternity Affidavit**

***Where can I go to complete an Affidavit?***

At the time of birth, the parents may complete the Affidavit at the hospital or birthing facility. Afterwards, the Affidavit can be completed at the health department or the local child support office.

***The father is out of state and won’t be able to sign the Affidavit. Can I send it to him?***

Yes. After he completes his section, shows proper identification and has his signature notarized, he can mail the Affidavit directly to the Office of Vital Statistics.

***What happens if the father does not sign the Affidavit?***

At the hospital, both parents may complete and sign the Affidavit to establish paternity for a child born to an unmarried mother. If both parents do not sign the Affidavit, the father’s name will not be on the birth certificate and the child has no legal father at that time. As the Affidavit must be signed by both biological parents, if either one chooses not to, paternity cannot be established by this method. However, the parents may choose to establish paternity at a later time.
 ***What if I change my mind after I sign the Affidavit?***

The Voluntary Acknowledgement of Paternity form is considered a “legal document” in the State of Kentucky from the time that it is notarized. Even if the birth clerk has not yet filed it with the State Office of Vital Statistics, it is considered a “legal document.” If a parent changes their mind within 60 days, they can rescind (cancel) the signature. This process removes the man as the legal father of the child.

Rescission forms are available through the local health department. They can be completed and signed in front of any notary public. Once a rescission is filed by the Office of Vital Statistics, if the requirements of the rescission are met and filed, the Office of Vital Statistics will track the rescission for 60 days and remove the father’s name from the child’s birth certificate at that time.

Upon the expiration of the 60-day rescission period, a verified voluntary acknowledgement of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger.
 ***Can the parents complete an Affidavit if neither one is a U.S. citizen?***

Yes, as long as the child was born in Kentucky the parents can sign an Affidavit of Paternity. However, parents will still be required to show proper identification to complete the Affidavit.
 ***If the parents sign the Affidavit, does the father have the right to take the child away from the mother?***

If a child is born to an unmarried mother, the mother is the sole custodial parent and legal guardian of the child unless a court order is issued stating otherwise. After paternity is established, the father may petition the court for visitation rights or for custody. If you have additional questions, please seek the counsel of an attorney.
 ***If the parents sign the Affidavit, will the Child Support Office start to collect support?***

Both parents have a duty to provide support for their child. If either parent requests a child support order, or if the custodial parent is receiving certain types of public assistance, a child support order will be established.
 ***How do I get proof we signed an Affidavit until the new birth certificate is ready?***

You may request a copy of the Affidavit at the time you sign the form. Otherwise, copies will NOT be issued.
 ***I, or the father of my child, is under the age of 18. Can we sign the Affidavit?***

Kentucky law does allow minor parents to complete the Acknowledgement of Paternity Affidavit at the local Health Department; however, courts will not recognize the Acknowledgement of Paternity Affidavit as a valid establishment of paternity. When establishing paternity involving a minor parent(s), it is best to pursue the matter through the court.
 **Genetic Testing**

***How do I get genetic testing?***

Unmarried parents interested in child support services may obtain genetic testing through the local Child Enforcement Support Office. Parents may request child support services in either the county where the alleged father resides or owns property or in the county where the mother resides. (If the father is applying, he can do so in his county of residence). After getting the results of the genetic tests, the child support office will take steps to petition the court to issue a paternity order.

If you are not interested in child support enforcement services, you can contact a Private Genetic Testing Company for more information about genetic testing.
 ***How much does genetic testing cost?***

When a parent applies for Child Support Enforcement services and paternity has not been established, the Child Support Enforcement Office takes steps to establish paternity. After the parties have signed an agreed order for genetic testing or the Court enters an order for testing, the time, date and collection site are scheduled by the child support worker. The Child Support Enforcement program pays for the cost of genetic testing.

***We’re not sure if he’s the father, but he wants to be on the birth certificate. What should we do?***

If either parent is unsure if a man is the father of the child, they should consider pursuing genetic testing. The Affidavit should not be used unless both parents are certain that the man is the biological father.
 ***How old does my child need to be to have genetic testing?***

Genetic testing can be performed on newborns. All of Kentucky’s Child Support Enforcement Offices can perform buccal swab testing, which takes a sample from the inside of the cheek instead of using a blood sample.
 ***The father is out of state. How can we get genetic testing?***

The mother may contact the Child Support Enforcement Office in her county for assistance in obtaining genetic testing when the father lives out of state.

**Special Situations**

***The father is taking care of the child but has not been legally established as the father. The mother is not available to sign an Acknowledgement of Paternity Affidavit. How can he establish paternity?***

The Affidavit is a voluntary form to be completed by both biological parents. If either parent is unavailable or unwilling to sign the Affidavit, the other parent may pursue paternity establishment through genetic testing at the Child Support Enforcement Office.
 ***The father is deceased. How can I prove that he is the father?***

You may contact your local Child Support Enforcement Office to see if they can assist you. You may need to pursue the matter through court.

***I am legally married but my husband is not the biological father. The biological father is here and he wants to be on the birth certificate. What do we do?***

In Kentucky, when a woman is married at the time of the child’s birth or conception, or any time in between, the law considers her husband to be the father – even if he is not the biological father. The husband is the “presumed father,” and his information must be included on the child’s birth certificate as part of the birth registration process at the hospital. The only exception to this is if the mother has been separated from her husband for 10 months or more prior to the child’s birth.

If all three parties (mother, husband and child’s father) are willing, they may complete a Three-Way Paternity Affidavit (VS-8C). This form allows the husband to deny that he is the father of the child and then allows the mother and the child’s biological father to acknowledge paternity. All three individuals must complete the form, and their signatures must be notarized. Parents who wish to establish paternity in this way must contact the Office of Vital Statistics.
 ***We want to change the child’s name. How can we do that?***

If the parents are establishing paternity using the Voluntary Acknowledgement of Paternity Affidavit, they may change the child’s name on the Affidavit. Parents should enter the child’s name exactly as they would like it to read on the “Child’s Name Should Read” line (Please note: This form can only be used if the parents have not already established paternity through any method).

If parents already completed a paternity affidavit and now wish to change the child’s name, they may go to their local probate court to pursue a legal name change.