

## VAP: QUICK FACTS

**What is a Voluntary Acknowledgment of Parentage (VAP)?**

When two unmarried parents - same gender or not - wish to acknowledge a child and be listed as the legal parents of a child and take full responsibility for that child, they would sign a VAP.

**What paperwork would be completed?**

At the hospital, the parents would first read the "Notice Regarding Legal Rights and Responsibilities Resulting from Acknowledging Parentage of a Child" and then complete a VAP acknowledging they have read the notice.

**What does the hospital do with the VAP?**

The hospital staff will electronically send the VAP to the Center for Vital Records. You can then obtain a certified copy of the VAP and a birth certificate for your child.

**Could our VAP be rejected?**

Yes, it could be if someone else:

- Was found by a court to be the child's parent
- Has a valid VAP on file, OR
- Is presumed to be a parent under the law - unless they file a Denial of Parentage (DOP) at the same time you file your VAP
- If there exists an "intended" parent under the law

**What if the birth parent was married to someone else?**

If the birth parent was married/civilly joined to someone else and the child was born during the marriage or not later than 300 days after the marriage was terminated, then the spouse/former spouse is a presumed parent and must file a Denial at the same time you file your VAP.

**Is a VAP legally binding?**

Yes. A validly signed VAP is equal to a court determination of parentage. A challenge is only allowed in limited circumstances.

- You have the right to talk to a lawyer before you sign, and you also have the right to have genetic testing done if genetic testing is appropriate.
- Once you file your VAP and it is accepted, you will be legally responsible for financially supporting the child.

**Can I rescind a VAP/DOP?**


Yes, you can rescind or take it back by:

- Filing a Rescission Petition with the Rhode Island Family Court — within 60 days of the effective date Or
- Participating in a court hearing involving the child, whichever is earlier.

## GET HELP

Rhode Island's parentage law can be straightforward or complicated, depending on the circumstances.

Contact the Office of Child Support Services if you need help establishing parentage for the purpose of child support.

 (401) 458 - 4400

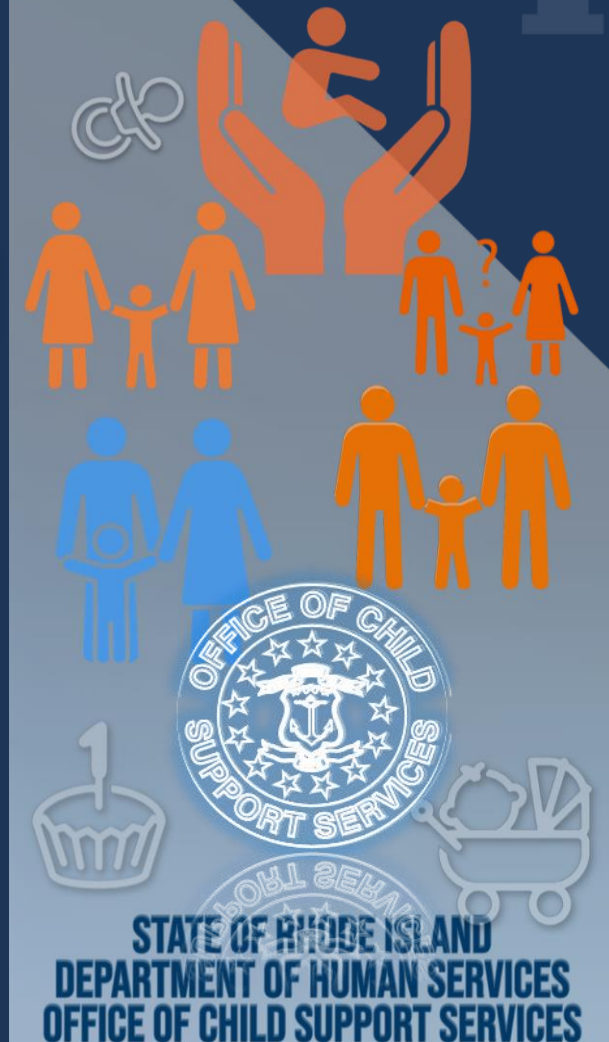
 [www.cse.ri.gov](http://www.cse.ri.gov)



## INFORMATIONAL GUIDE

### ESTABLISHING PARENTAGE

#### VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE



# ESTABLISHING PARENTAGE

The Rhode Island Parentage Act was recently passed in RI with an effective date of January 1, 2021.

The passage of the Act has brought about many significant changes in the parentage process, most notably the Voluntary Acknowledgment of Parentage (VAP) process.

This simple informational pamphlet is provided by the RI Office of Child Support Services to provide answers to common questions about establishing parentage for your child.

The method you use will depend on the circumstances of your child's conception or birth.

Please continue reading to learn more about establishing parentage for your child and the VAP process.

## ESTABLISHING PARENTAGE: Through Marriage / Civil Union

If you are married when your child is born, or your child was born within 300 days of the termination of your marriage:

- You do not need to do anything to establish parentage.
- The law presumes both spouses are the parents (presumed parents).
- The hospital staff will add both parents' names to the birth certificate and send it to the Center for Vital Records (CVR).

If you want to ensure you have a document that is equivalent to a court decree of parentage, you can also sign a VAP form.

## Through Assisted Reproduction

If your child will be conceived with the help of assisted reproduction:

- You may complete & file the Voluntary Acknowledgment of Parentage (VAP) form. OR
- You may seek an adjudication of parentage in the Rhode Island Family Court.

## Through Surrogacy

If your child will be born through a gestational carrier (surrogate):

- Hire an attorney to execute a "Gestational Carrier Agreement" before the child is conceived and to ensure that you comply with the law. This will establish you as the intended parents.
- With the help of an attorney, seek an order of parentage from the Rhode Island Family Court (*either before or after the child is born*) or Superior Court (*before the child is born*).

You cannot sign a VAP in this scenario.

## Through Voluntary Acknowledgment

If you are unmarried parents - same gender or not - when your child is born, and you want both your names to be listed as the child's parents:

- Complete the Voluntary Acknowledgment of Parentage (VAP) form with hospital staff.
- Sign it in front of a witness who is at least 18 years old. Usually this will be completed in the presence of the hospital staff.
- Hospital Staff will file it with the Center for Vital Records.

### If you complete it at birth:

Hospital staff will add both names to your child's birth certificate and send your VAP to the Center for Vital Records.

### If you wish to complete it later:

You can make an appointment with the Center for Vital records to complete a VAP. In this case, CVR staff will witness the signatures. Both parents' names will be listed on the child's birth certificate. Please note: If the VAP is completed after the birth, you will not be able to change the child's name without a court order.

### What makes a VAP valid?

- It's signed and dated by both parents who are eligible to sign. AND
- It's signed/dated by a witness who is at least 18.
- It's filed with the Center for Vital Records, at:  
Rhode Island Department of Health  
Center for Vital Records  
3 Capitol Hill, Room 101  
Providence, Rhode Island, 02908  
Phone: 401-222-2813