



STATE OF RHODE ISLAND
DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHILD SUPPORT SERVICES

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PARENTAGE



QUESTIONS & ANSWERS

Mission

To enhance the well-being of children by assuring that assistance in obtaining support, including financial and medical, is available to children through locating parents, establishing parentage, establishing support obligations and monitoring and enforcing those obligations.

Contact Us

**State of Rhode Island
Department of Human Services
Office of Child Support Services
77 Dorrance Street
Providence, RI 02903
(401) 401-458-4400
www.cse.ri.gov**



WHY DOES A CHILD NEED TWO LEGAL PARENTS? WHAT IS THE BIG DEAL?

The raising of a child involves a lot of hard work, commitment and responsibility! Even though the parents are not married, providing a child the emotional and financial support they need from both parents is critical for the successful future of the child.



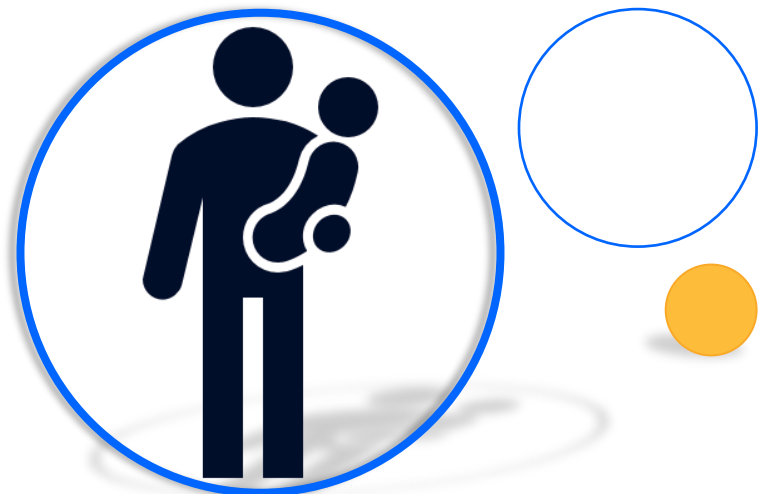
Please Note

The staff at the hospital, and staff from both the Rhode Island Department of Health Center for Vital Records (CVR) and the Office of Child Support Services (OCSS) can give you general information, but they CANNOT give you legal advice. The attorneys with the Office of Child Support Services do not represent either party.

For legal advice, you should consult a private attorney.

Updated Information

The information in this booklet is based on laws in effect in the State of Rhode Island as of January 1, 2021.





WHAT IS PARENTAGE?

ESTABLISHMENT OF PARENTAGE means establishing a legal parent/child relationship. In Rhode Island, there are different ways parentage may be established:

MARRIAGE:

If parents are married when a child is born, whether same gender or not, the law presumes that they are the child's legal parents.

Unmarried parents can agree to sign a **Voluntary Acknowledgment of Parentage** to establish parentage immediately following the birth of a child at the birthing hospital. Hospital records staff are trained and can explain: the voluntary process, the parents' rights and responsibilities, provide informational pamphlets, and provide answers to questions parents may have. Signing the **Voluntary Acknowledgment of Parentage** declares both parents acknowledge that they are the child's parents. It will ensure the acknowledge parents' names will be listed on the child's birth certificate.

A parent may rescind the acknowledgment by commencing a court challenge before the earlier of sixty (60) days after it is signed, or the date of the first court hearing related to the child for which the person who signed the acknowledgment is a party.

Married parents can also sign a **Voluntary Acknowledgment of Parentage** if they would like to have a legal document that is the equivalent of a court decree of parentage.



WHAT IF THE OTHER PARENT IS STILL IN SCHOOL FULLTIME AND DOES NOT HAVE A JOB?

A parent has the responsibility to support the child. If the other parent is still in high school, the court may require the other parent to get a part-time job so that the parent can contribute to the child's support. It is important to the child to know that both parents contribute to their support.



WHAT IF THERE IS AN ISSUE OF DOMESTIC VIOLENCE?

If an applicant will be applying to receive RI Works (cash) benefits from the State, Child Care Benefits, or Rite Care, they will be asked to cooperate and name the other parent of the child. BUT, if they are afraid that he/she will cause harm to them or their child, they may be eligible for a good cause finding which may excuse them from cooperating to pursue a court order from the other parent. The eligibility technician must be advised of this when the application for cash benefits or medical benefits is submitted.



WILL THE OTHER PARENT HAVE VISITATION AND CUSTODY RIGHTS IF PARENTAGE IS ESTABLISHED?

Not automatically. The other parent will not be guaranteed visitation and custody rights just because parentage has been established. Hopefully, parents will agree on their own about visitation and custody. However, if there is no agreement, but parentage has already been established, the other parent has the right to go to court and ask for visitation and custody. The Family Court decides issues of visitation and custody and will choose what is in the best interest of the child. OCSS cannot assist you with this process.



WHAT IF THE OTHER PARENT REFUSES TO PAY CHILD SUPPORT?

The Office of Child Support Services uses many administrative enforcement actions to collect past due support. The OCSS may:

- ⊗ Place a lien on a bank account, real estate, or on other assets.
- ⊗ Intercept tax refunds.
- ⊗ Report child support delinquencies to national credit bureaus. This information can negatively affect a person's ability to get a loan, and it may also be used for employment screening.
- ⊗ Suspend Driver's License.
- ⊗ Place a hold on Lottery winnings.
- ⊗ Prevent the individual from getting a passport or renewing expired passport.
- ⊗ Place a hold on a personal injury settlement.



COURT ORDER

If parentage was not voluntarily established by signing the **Voluntary Acknowledgment of Parentage** form, and at any time, if the State is providing benefits to your child through the Rhode Island Works Program (RI Works), Child Care Assistance Program (CCAP), or medical assistance through Rite Care, then the State will establish parentage by filing a Complaint for Parentage and Child Support.

If the parent is the alleged father, and he denies parentage, the State will schedule DNA testing. DNA testing can exclude a father as the parent **OR** show a high probability that the individual is the biological parent of the child.

If the DNA tests show a high probability of parentage, then the Court will likely establish parentage through a Court order.

If RI Works is not being provided to the child, the parent can fill out an application to obtain the services of the OCSS. Upon receipt of a completed application for services, the OCSS will proceed to legally establish parentage. If or when the case goes to Court, the Court can order DNA testing (if appropriate) for the parents and child in order to determine the biological parenthood of the child. DNA testing is highly accurate. If the test finds that he is the parent, he will most likely be ordered by the Court to pay child support and provide health insurance for the child, if it is available at a reasonable cost.



WHAT IS SO IMPORTANT ABOUT ESTABLISHING PARENTAGE?

Establishing Parentage for the child is extremely important, allowing the child and parent an opportunity to develop, enjoy and grow in this relationship. The child has the right to all the benefits that come with establishing parentage:

- ⊗ The child may be entitled to benefits such as health insurance, social security, pensions, veterans' benefits and child support.

- ⊗ The child may obtain information about the child's medical background.
- ⊗ The child may have the right to an inheritance.
- ⊗ The child will have a sense of identity and belonging.

VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

Pursuant to the Rhode Island Uniform Parentage Act, the parents, whether married or not, same gender or not, may complete a form called the **Voluntary Acknowledgment of Parentage**. Completing the **Voluntary Acknowledgment of Parentage** form establishes your child's parentage. You also have the option of contacting the CVR to schedule an appointment to complete the required paperwork.

Rhode Island Department of Health
 Center for Vital Records
 3 Capitol Hill, Room 101
 Providence, Rhode Island, 02909
 Phone: 401-222-2813

VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

PARENT 1	1. Parent's Current Legal Name (First, Middle, Last, Suffix)		
	2. Social Security Number	3. Date of Birth (mm/dd/yyyy)	4. Birthplace (State, Territory or Foreign Country)
	5. Residence Address (Street and Number, City/Town, State, Zip Code)		
PARENT 2	6. Parent's Current Legal Name (First, Middle, Last, Suffix)		
	7. Social Security Number	8. Date of Birth (mm/dd/yyyy)	9. Birthplace (State, Territory or Foreign Country)
	10. Residence Address (Street and Number, City/Town, State, Zip Code)		
CERTIFICATION	11. Hispanic Origin <input type="checkbox"/> Yes <input type="checkbox"/> No	12. Race	13. Education
	14. ID Type	15. ID #	16. EXP.
	We understand that Rhode Island law provides a penalty of \$1,000 or a one (1) year imprisonment, or both, for furnishing false information to the Center for Vital Records. Being aware of this penalty, we hereby declare the following to be true and correct: <i>(Please check one of the following blocks and complete any spaces where information is requested.)</i>		
	The marital status of _____ is as follows: <input type="checkbox"/> NEVER MARRIED (Parent's Name) _____ <input type="checkbox"/> WIDOWED (Date and Place of Spouse's Death) _____ <input type="checkbox"/> Divorced/Separated (The Divorce/Separation became final on _____ in _____) (Date of Final Decree) (Name of State) <input type="checkbox"/> MARRIED WITH DENIAL		
	We are the parents of _____ child born on _____ at _____ (place of birth) located in _____ (city, town) _____ (County) in Rhode Island and wish the Child Name to appear as _____ * Please note: Once the last name is selected, court action is required to change name. (Print, Middle Last)		
	This affidavit will authorize the entry of the parent's name on the child's birth certificate.		
	<input type="checkbox"/> We agree that we are both the parents of the child who is named in the above Certification. Accordingly, as the parents, we request that our names appear on the birth certificate as the parents of said child and have furnished the identification information listed herein.		
	<input type="checkbox"/> We have read or have had read to us the Notice Regarding the Legal Rights and Responsibilities resulting from signing the Voluntary Acknowledgment of Parentage provided to you in a separate document. We declare the above to be true and correct.		
	(Signature of Parent 1) _____ (Date) _____ (Signature of Parent 2) _____ (Date) _____		
	WITNESS CERTIFICATION I, _____ (Printed name) understand that I am swearing or affirming under oath to the truthfulness of the claims made in this acknowledgment and that the punishment for knowingly making a false statement includes fines and/or imprisonment. It is my understanding that the individuals who signed this document are either the individual who gave birth to the child, or the individual that is seeking to establish a parent-child relationship. Printed Witness Name _____ Witness Signature _____ Date _____		



IF THE OTHER PARENT IS ALREADY PAYING CHILD SUPPORT, WHY IS ESTABLISHING PARENTAGE SO IMPORTANT?

Even if the other parent agrees to voluntarily help support the child now circumstances may change. If the person agrees to support the child, there are still other benefits such as social security, veterans and insurance benefits that are only available if parentage is established.





IS THE OTHER PARENT FINANCIALLY RESPONSIBLE FOR THE CHILD ONCE PARENTAGE HAS BEEN ESTABLISHED?

YES. First, if the child was born during a marriage, parentage is legally presumed, and the spouse is financially responsible for supporting the child and providing health insurance.

Second, parentage can be established by Court Order and the parent would be financially responsible for supporting the child and for health care.

Third, parentage can be established by signing the **Voluntary Acknowledgment of Parentage** form. By signing, the parent is saying that they are the child's parent and as the parent, they are legally responsible for supporting the child and providing health insurance for the child.

Financial responsibility attaches only if the parents do not live together. The amount of child support the parent will have to pay is determined by the Family Court and is based on the gross income of both parents and a child support guideline chart that is currently in effect.

Other factors taken into consideration to determine the child support amount are: childcare costs, medical expenses and other child support orders the person is already paying. The Court may also determine that the other parent is unable to pay if the person is disabled or collecting SSI.



WILL THE OTHER PARENT HAVE TO PAY CHILD SUPPORT IF THEY DO NOT LIVE IN THE SAME STATE AS THE CHILD?

YES. All states have an agreement to collect child support payments from a parent who lives in a different state than the child.



WHERE DO I OBTAIN A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE FORM?

Voluntary Acknowledgment of Parentage forms are available at the hospital immediately after the birth of the child, or, at the Center for Vital Records after the parents and child leave the hospital. The parents must complete the form with a representative from the hospital or CVR.



WHO CAN ANSWER QUESTIONS ABOUT THE FORM OR ABOUT THE "PARENTAGE PROCESS"?

The hospital staff can assist in completing the **Voluntary Acknowledgment of Parentage** form and can answer your questions. Also, staff are available at CVR or the OCSS and can assist if you have any questions about parentage, after you have left the hospital.





WHAT IF THE BIRTH PARENT OF THE CHILD WAS MARRIED AT THE TIME OF THE CHILD'S BIRTH?

Per the Rhode Island Uniform Parentage Act, if a birth parent is married at the time of the child's birth, the spouse is presumed to be the legal parent of the child. Under the Act, if there is another person who is the parent, the spouse may sign a **Denial of Parentage** form at the hospital so that a **Voluntary Acknowledgment of Parentage** form can be executed by that other parent.

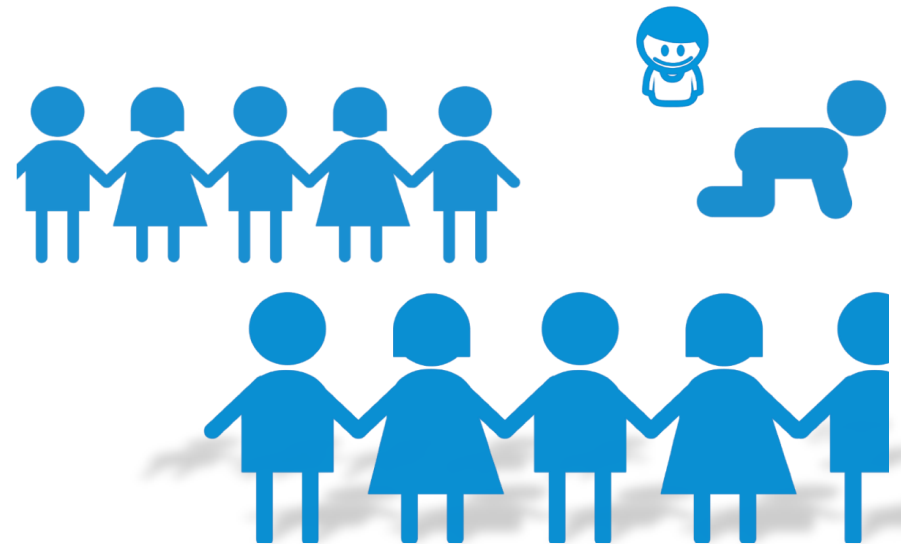
If the child was born during a same-sex marriage the child is presumed to be the legal child of that same-sex spouse. Therefore, the full name of the spouse must be added to the child's birth certificate unless the **Denial of Parentage** form is signed.



IF THE COURT ORDERS DNA TESTING, WHO WILL BE RESPONSIBLE FOR PAYING THE TESTING FEE?



The state pays for the test initially. If the father requests the DNA test, the Court may order the parent to reimburse the State if the person is determined to be the parent.



ESTABLISHING PARENTAGE FOR AN OLDER CHILD

If you have not yet established parentage for an older brother and sister of your new baby, you and the child's parent can sign a **Voluntary Acknowledgment of Parentage** form at any time for the other child(ren). Remember, it is just as important for older children to have their parentage established as it is for babies.

Hospital staff cannot complete a **Voluntary Acknowledgment of Parentage** form for your older child the way they can for your new baby. You may establish parentage for the older child by completing a **Voluntary Acknowledgment of Parentage** form at the CVR. You may also contact the Office of Child Support Services to complete the paperwork necessary to bring your case to Court.

If you are a RI Works or Medical Assistance (MA) recipient, your case will be referred and this service will be provided to you free of charge. If you are not on RI Works assistance, you must complete an application for child support services.

If one of your children was born in another state, the OCSS can assist you in establishing parentage in another state.



WHAT ABOUT MY CHILD'S LAST NAME?

When a **Voluntary Acknowledgment of Parentage** form is completed at the hospital, the parents may agree on the child's first, middle and last name. Remember, if the **Voluntary Acknowledgment of Parentage** forms are signed after the birth of your child at CVR the child's last name cannot be changed without a court order. In order to change the child's last name, a Petition for a Name Change must be filed at the Rhode Island Family Court.

The OCSS cannot assist you with a name change if that is the only service requested.



WILL THE OTHER PARENTS NAME GO ON THE CHILD'S BIRTH CERTIFICATE?

Yes. If the child was born of a marriage, whether that marriage was a same-sex marriage or not, the other parent's name must be added to the child's birth certificate. The spouse in that case is presumed to be the legal parent of the child unless a Denial Form has been signed.

If the child is born to unmarried parents, the second parent's name, date and place of birth will go on the child's birth certificate but only if both parents sign a **Voluntary Acknowledgment of Parentage** or the Court has declared that person to be the parent per court order. The information on the **Voluntary Acknowledgment of Parentage** form will be used to complete the child's birth certificate.



CAN A PARENT WHO IS NOT YET 18 YEARS OLD ACKNOWLEDGE PARENTAGE?

Yes. If the parent is a minor and financially independent, the **Affidavit for Minor Under 18 Acknowledging Parentage of a Child (VS-42C)** must be completed before signing the **Voluntary Acknowledgment of Parentage**. In the alternative, in a case of a minor financially dependent on their parents the **Parental Consent for Minor to Sign a Voluntary Acknowledgment of Parentage (VS-42D)** must be completed by the legal parent before the minor may sign the **Voluntary Acknowledgment of Parentage**.

Prior to completing the VS-42D form, hospital staff should obtain a government-issued picture ID from the parent and determine whether the parents of the minor parent are still married to one another. If they are married, either parent of the minor may give consent. If the minor's parents are divorced, the parents will need to provide a certified copy of the divorce decree. If the parents have JOINT custody, either parent may give consent. If one of the parents has SOLE custody, only the parent with sole custody may give consent for the minor parent to sign the **Voluntary Acknowledgment of Parentage** form. If the parents were never married to one another AND the parent's name is listed on the birth certificate of the minor parent, either parent may give consent.



WHY IS THE BIRTH CERTIFICATE SO IMPORTANT?

The child's birth certificate is a legal document that reflects who the child's legal parents are. The **Voluntary Acknowledgment of Parentage** is also an important legal document used to establish legal parentage and is equivalent to a court order. It is important that the information provided is as correct and complete as possible. Remember, your child's birth certificate will be used throughout your child's life. It is the document most often used to prove the child's full given name, place of birth and date of birth. It also gives information about names and other personal items of identification needed to prove citizenship, to get a passport and to allow someone to inherit when a parent dies. It is also needed for admission to school, to enter the armed service and to get a work permit, driver's license, employment, marriage license, public assistance benefits, retirement pensions and social security benefits.



CAN A VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE FORM GET SIGNED AFTER THE HOSPITAL STAY?



YES. The parents can sign a **Voluntary Acknowledgment of Parentage**, at any time, and a new birth certificate will be prepared for the child that will include the parent's information. An appointment to complete the **Voluntary Acknowledgment of Parentage** form can be scheduled at the CVR.