

Establishing Paternity at Birth Gives Children Solid Start



By Greg Abbott
Attorney General of Texas

The birth of a child is one of the most joyous events in a couple's life — a wonderful fact of life balanced by the stark reality that about one in every three births in Texas involves parents who aren't married. One of the most important jobs my office's Child Support Division performs is establishing paternity for children born to single mothers, guaranteeing a legal relationship between the father and his child.

Under Texas law, a child born to a man and woman who are not married has no legal father. Voluntary acknowledgment of paternity (AOP) is one way to establish legal fatherhood so that children are eligible for child support and benefits such as Social Security, veteran's survivor benefits and health insurance. Legal paternity also guarantees a father's rights as a parent, such as making it easier to visit his children.

Not long ago, my office was contacted regarding a new, unmarried father who, tragically, was dying from a brain tumor. He hadn't yet completed an AOP, but he wanted to do so before he passed away so that his children could receive his benefits. My office contacted the parents and gave them an explanation of the rights and responsibilities associated with paternity establishment. The father was very ill. Several weeks later, we heard from the child's mother, who said that the father had passed away

but had signed an AOP before he died. She said she wanted to thank us because the child's father was comforted to know that as a result of his signed AOP, his child was going to get his Social Security benefits.

This story poignantly illustrates how important an AOP can be in getting children the benefits they need. The best place and time to sign an AOP is usually at the hospital when the baby is born. The child's mother and father are most likely to be present together at that time, and they are willing to do what is necessary for their child's well-being.

Most parents come to the hospital planning to put the father's name on the birth certificate. In Texas, however, a man who isn't married to the child's mother has to sign the AOP before his name can go on the birth certificate. Hospitals are required to provide unmarried parents with the opportunity to establish paternity, and with information about the rights and responsibilities of establishing paternity. Because the Acknowledgment of Paternity becomes a legal finding of paternity when it is filed with the Bureau of Vital Statistics (BVS), it is very important that parents understand the responsibility to which they are committing. For example, a man should not voluntarily acknowledge paternity unless he is absolutely sure he is the father of the child, and the mother agrees. If the parents are certain of the child's paternity, however, the father can sign the AOP at the hospital at the time of birth and the hospital will file the form with BVS free of charge.

I am committed to seeing as many babies as possible go home from the

hospital with their paternity established. My office's Child Support Division has developed a Paternity Opportunity Program (POP) that trains and certifies employees of hospitals and birthing centers to assist parents with the AOP process while the mother and child are still in the hospital. POP provides hospitals with brochures and a video that discuss the benefits and responsibilities of paternity establishment. Hospital staff, in turn, give this information to unmarried parents while they are at the hospital. Parents can also call 1-800-252-8014, option 4, to receive verbal information about paternity establishment in English or Spanish.

When fathers can't be present at the hospital for their child's birth, the Attorney General's office is happy to work with them to facilitate the AOP process. For example, a military father can obtain and sign an AOP from my office during the mother's pregnancy, in case he is deployed before the baby is born. If he is deployed, the mother can take the AOP to the hospital when she delivers the baby, so the father's name can appear on the birth certificate. Not only does the certified copy of the AOP help set that child on a firm foundation, but both mom and dad also can rest in the knowledge that if the unthinkable happens, the serviceman's child will be entitled to full veteran's benefits.

Together, we are giving the children of Texas a sound start in life. If you would like more information about AOPs, please contact my office at 1-800-252-8014.

POINTS TO REMEMBER

ESTABLISHING PATERNITY

The Acknowledgment of Paternity (AOP) form is available at all hospitals, birthing facilities, and child support offices, free of charge. The AOP is for unmarried fathers who voluntarily acknowledge paternity, when the mother agrees. The AOP should be sent to:

The Bureau of Vital Statistics
1100 W. 49th Street
Austin, TX 78756-3191

Benefits of Establishing Paternity:

- Establishes legal fatherhood
- Makes the child eligible for child support and benefits such as Social Security, veteran's survivor benefits and health insurance
- Guarantees a father's rights as a parent
- Encourages a father's involvement in his child's life

Unmarried parents can apply for free child support services by contacting the Office of the Attorney General at:

Child Support Division
Office of the Attorney General
P.O. Box 12017
Austin, TX 78711-2017
(800) 252-8014



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Information on this and other topics is available on the Attorney General's Web site at www.oag.state.tx.us.