

Texas Administrative Code

<u>TITLE 1</u>	ADMINISTRATION
<u>PART 3</u>	OFFICE OF THE ATTORNEY GENERAL
<u>CHAPTER 55</u>	CHILD SUPPORT ENFORCEMENT
<u>SUBCHAPTER J</u>	VOLUNTARY PATERNITY ACKNOWLEDGMENT PROCESS
<u>RULE §55.404</u>	Voluntarily Acknowledging Paternity

- (a) A man claiming to be the biological father and the mother may establish paternity before or after the birth of their child by voluntarily acknowledging paternity through a certified entity providing such services. The mother and father must read the Acknowledgment of Paternity form. In addition, both must listen to or view a video presentation of the rights and responsibilities of a parent, and alternatives to and legal consequences of acknowledging or denying paternity. Both the mother and father, separately or together, must then:
- (1) complete an Acknowledgment of Paternity form;
 - (2) return the form to a certified entity.
- (b) Both mother and father must present to the certified entity a valid driver license or another document (preferably a photo I.D.) to verify identity.
- (c) The certified entity is responsible for filing the Acknowledgment of Paternity form with the Texas Department of State Health Services, Vital Statistics Unit, and providing all signatories with a copy of the form.

Source Note: The provisions of this §55.404 adopted to be effective April 23, 2000, 25 TexReg 3232; amended to be effective July 25, 2002, 27 TexReg 6501; amended to be effective March 5, 2008, 33 TexReg 1761

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<u>RULE §55.405</u>	Denial of Paternity Form

If the mother declares in the Acknowledgment of Paternity form that there is a presumed father of the child, the acknowledgment must be accompanied by a Denial of Paternity form signed by the mother and the presumed father, unless the presumed father is the man who is acknowledging paternity. The Denial of Paternity is signed using the same procedures as the Acknowledgment of Paternity outlined in §55.404 of this title. The Acknowledgment of Paternity form and the Denial of Paternity form may be filed with the Texas Department of State Health Services, Vital Statistics Unit separately or simultaneously. If the acknowledgment and denial are both necessary, neither document is valid until both documents are filed.

Source Note: The provisions of this §55.405 adopted to be effective April 23, 2000, 25 TexReg 3232; amended to be effective July 25, 2002, 27 TexReg 6501; amended to be effective March 5, 2008, 33 TexReg 1761

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<u>RULE §55.406</u>	Entities Providing Paternity Establishment Services

- (a) The following entities must provide voluntary paternity establishment services after being certified by the Office of the Attorney General:
- (1) all public and private birthing hospitals;
 - (2) all birthing centers;
 - (3) the Texas Department of State Health Services, Vital Statistics Unit; and
 - (4) a registered nurse working in a partnership program funded through the nurse-family partnership competitive grant program under Chapter 531, Subchapter M, Texas Government Code.
- (b) The following entities may provide voluntary paternity establishment services at their option, but only after being certified by the Office of the Attorney General:
- (1) local birth registrars;
 - (2) public health clinics;
 - (3) private health care providers;
 - (4) certified nurse midwives;
 - (5) licensed midwives;
 - (6) agencies providing assistance or services under Title IV, Part A of the Social Security Act, agencies providing food stamp eligibility service, and agencies providing child support enforcement (IV-D) services;
 - (7) Head Start, child care facilities, and individual child care providers;
 - (8) community action agencies and community action programs;
 - (9) secondary education schools;
 - (10) legal aid agencies;
 - (11) private attorneys; and
 - (12) any public or private health, welfare or social services organization.

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<u>RULE §55.407</u>	Certification

All birthing hospitals, all birthing centers, the Texas Department of State Health Services, Vital Statistics Unit, a registered nurse working in a partnership program funded through the nurse-family partnership competitive grant program, and each certified entity must have staff who:

1. provide the mother and father the opportunity to voluntarily acknowledge paternity;
2. provide the mother and father an opportunity to speak, either by telephone or in person, with staff who are trained to clarify information and answer questions about paternity establishment;
3. receive training from the Office of the Attorney General at least once yearly on the requirements for voluntarily establishing paternity. (The training is not to exceed eight (8) hours at locations throughout the state established by the Office of the Attorney General and the Texas Department of State Health Services, Vital Statistics Unit.
4. use only the Acknowledgment of Paternity and Denial of Paternity forms promulgated by the Texas Department of State Health Services, Vital Statistics Unit.
5. use the brochures and training manuals, including the oral and written information, provided by the Office of the Attorney General and the Texas Department of State Health Services, Vital Statistics Unit, are periodically evaluated by the Office of the Attorney General

Source Note: The provisions of this §55.407 adopted to be effective April 23, 2000, 25 TexReg 3232; amended to be effective July 25, 2002, 27 TexReg 6501; amended to be effective March 5, 2008, 33 TexReg 1761

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<u>RULE §55.408</u>	Parent Survey

- (a) Each certified entity must provide the parents (and presumed father, if applicable,) with the opportunity to complete and sign the Parent Survey if the parent was provided the opportunity to voluntarily acknowledge paternity.
 - (b) If the parents or presumed father do not wish to complete the Survey, the certified entity must note this on the form.
 - (c) The certified entity must retain the Parent Survey in its files.
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Source Note: The provisions of this §55.408 adopted to be effective March 5, 2008, 33 TexReg 1762