

HOSPITAL PATERNITY ACKNOWLEDGMENT GUIDE



m i c h i g a n
child support



Revised June 6, 2024

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Paternity Establishment

What Is Paternity Establishment?

- Paternity means legal fatherhood.
- Paternity establishment is the legal process of determining fatherhood through an acknowledgment, a court order, or another method provided under state law.
- Paternity establishment is needed when a child is born to an unmarried mother and a legal father has not been determined.
- Establishing paternity provides the child with a legal connection to both parents.

Why Is Paternity Establishment Important?

Establishing paternity:

- Gives a child born to unmarried parents the same rights and benefits as a child whose parents are married;
- Increases the chances of children receiving support from both parents. Each parent can contribute to their child's financial security because both parents are legally and financially responsible for the child;
- Helps a child become eligible for many types of benefits from both parents. These benefits may include child support, medical insurance, Social Security and veterans' benefits, and inheritance, as well as pensions and life insurance; and
- Gives children the chance to know both parents, their family history, and their medical history for a sense of identity and family belonging, and for important health information.

Why Should Hospital Staff Help With Paternity Establishment?

Not everyone understands the paternity establishment process like you do. Explaining the process to parents is important and legally required. Federal¹ and state² legislation require hospitals to:

- Participate in the voluntary acknowledgment of paternity process, which includes the completion of the *Affidavit of Parentage* (AOP). This allows unmarried parents to legally establish paternity for their child without going to court; and
- Give notice to parents (verbally and in writing) of their rights and responsibilities in signing the AOP, the alternatives to signing it, and the legal consequences of signing it.

This guide helps hospital staff comply with the statutory requirements for the voluntary acknowledgment of paternity process.

How Do Unmarried Parents Establish Paternity Voluntarily at the Hospital?

Parents can do this by completing the *Affidavit of Parentage* (AOP).³ The AOP is a legal document that explains the parents' rights and responsibilities. Hospital staff must go over this information verbally with parents and give them a chance to ask questions before signing the AOP. It is important that parents understand what they are agreeing to before they sign. The AOP states that:

- The mother has initial custody of the child until otherwise determined by the court or agreed upon by the parents in writing and acknowledged by the court; and
- Either parent may file a claim for parenting time or custody with the court.

By signing the AOP, the parents waive their right to:

- Determine the biological father through genetic testing or a trial; and
- Use a court-appointed lawyer in a court action to determine the biological father.

¹ Section 466(a)(5)(C) of the Social Security Act; [45 Code of Federal Regulations \(CFR\) 303.5\(g\)](#)

² [Michigan Compiled Law \(MCL\) 333.21532](#)

³ See the [Acknowledgment of Parentage Act \(Act 305 of 1996\)](#) for more information.

Paternity Establishment Percentage (PEP)

- The Paternity Establishment Percentage (PEP) is a child support performance factor by which the federal government evaluates states and their child support agencies. PEP is the percentage of non-marital births with paternity established.
- If a state establishes paternity in at least **90 percent** of non-marital births, it earns 100 percent of incentive money for this performance factor and avoids federal penalties.
- The data to measure the PEP is obtained from many participants in the paternity establishment process, including hospitals, midwives, county clerks, and courts. The hospital's role in PEP is to submit the witnessed or notarized AOP to the State Vital Records office within five days of the birth.
- The goal for hospitals is to achieve and maintain a 75 percent PEP rate. This, combined with court determinations, will help keep Michigan's PEP rate at 90 percent or above!

Roles in the Paternity Acknowledgment Process

Hospitals play a crucial and appreciated role in the paternity acknowledgment process. They collect birth information, process birth records and help parents complete AOPs. The roles of hospital workers are listed below, along with the roles of Vital Records staff and MDHHS Office of Child Support workers.

Hospital Workers

- Give unmarried parents the opportunity to acknowledge paternity voluntarily when their child is born.
- Provide informational materials to help parents understand what paternity acknowledgment means.
- Explain parents' rights and responsibilities outlined on the AOP.
- Ensure the AOP is completed and processed correctly and timely so that the father's information can be entered on the child's birth certificate.
- Witness the signing of the AOP.
- Forward completed AOPs to the State Vital Records office.

Vital Records Staff

- Maintain the original AOPs submitted by hospitals, clinics, parents, and other agencies.
- Audit paternity documents to ensure that paternity for each child is properly recorded.
- Maintain a highly secured central database of paternity and birth information.
- Provide data regarding paternity.

MDHHS Office of Child Support Workers

- Oversee the voluntary acknowledgment of paternity process, including outreach, training, and support to partners in the community.
- Support birthing hospital staff by educating unmarried parents on the benefits of acknowledging paternity.
- Develop and maintain paternity information and brochures for hospital staff and parents.
- Help achieve federal performance measures.

The Paternity Acknowledgment Process for Hospital Staff

Determine Whether Parents Can Use the AOP

There are certain situations in which parents can use the *Affidavit of Parentage* (AOP) to voluntarily establish paternity. Ask the following questions to determine whether parents can use the AOP.

| 1. Is the mother married? | | |
|--|-----|--|
| Is the mother married to the biological father of the child? | Yes | Parents CANNOT complete the AOP. The spouse is the child's legal parent. |
| | No | Parents CAN complete the AOP. |
| Is the mother married to someone other than the biological father? | Yes | Parents CANNOT complete the AOP. The spouse is the legal parent. The court must rule that the legal father is excluded before the biological father can complete the AOP. |
| | No | Parents CAN complete the AOP. |
| 2. Is the mother divorced? | | |
| Has the mother been divorced within the last 10 months? | Yes | Parents CANNOT complete the AOP. By law, the child is considered a product of that marriage (the ex-spouse is the legal parent). |
| | No | Parents CAN complete the AOP. |
| 3. Are the parents a same-sex couple? | | |
| Is the mother married in a same-sex union? | Yes | Parents CANNOT complete the AOP. The spouse is the child's legal parent. |
| | No | Parents CANNOT complete the AOP. The AOP process does not apply to unmarried same-sex couples at this time. The parents will need a court order, an adoption order, or an affidavit from another state to have parentage established. |
| Are the parents both men? | Yes | Parents CANNOT complete the AOP. Men in a same-sex couple will need a court order, an adoption order, or an affidavit from another state to have parentage established. |

Steps for Providing the AOP and Information to Parents

1. Gather information from the parent(s), enter it on the AOP, then print the AOP.

✓ Ensure the information on the AOP matches exactly the information on the birth record in the Vital Events Registration Application (VERA).

2. Inform parents of their option to establish paternity voluntarily, and give them the following publications:

- [*What Every Parent Should Know About Establishing Paternity* \(DHS-Pub-780\)](#)
- [*Fatherhood – Give Your Child the Dadvantage* \(DHS-Pub-806\)](#)
- [*DNA Paternity Testing* \(DHS-Pub-865\)](#).⁴

✓ Provide paternity establishment informational brochures in birthing areas or OB/GYN offices to help parents learn the process prior to the birth of their child.

3. Tell parents their rights and responsibilities listed on the AOP and give them an opportunity to ask any questions (see Appendix B for a sample script). Be sure to offer translation services if needed. See [question 11](#) for more information.

✓ See if the parents need more time to talk about this decision with each other. If they would like more time, make a plan with them to follow up later.

4. Ask parents if they want to sign the AOP.

- If they say no, you can offer them one of the following options:
 - Give them the AOP to complete later. There is no statute of limitations on when they can complete the AOP. You can also give them a sample of a completed AOP (see Appendix A). **If the parents decide to take the AOP home, they must have the signatures witnessed or notarized, and they must mail the completed AOP to the State Vital Records office.**

⁴ These publications are available on the [MDHHS-OCS website](#) and may be ordered using the [Publication Order List](#).

OR

- Ask them if they want to return to the hospital to complete the AOP. However, **this must be done within five days of the birth.** (See [question 7](#) in the Frequently Asked Questions for more information.) Make an appointment for the parents to return to the hospital within five days.
- If they say yes, continue with the next step.

- ✓ Minor parents may sign the AOP. A guardian's signature is not required.
- ✓ If one or both parents seem hesitant to sign the AOP, attempt to talk with them separately. A parent might want to ask about genetic testing, or there might be issues of abuse. Remember, this is a voluntary process, so if the parents are unsure, or would like genetic testing, you can refer them to the Office of Child Support.

5. Witness the parents signing the AOP. It must be signed in the presence of a qualified witness or notary (as defined in the instructions on page 2 of the AOP). Both parents must show a valid photo ID to verify their identity.

- ✓ Ensure both parents sign the AOP in front of a qualified witness or notary. Both parents do not need to be present to sign the AOP. They do not need to sign it at the same time.

6. Ensure the AOP is complete, and no information is missing.
7. Make two copies of the signed AOP and give one to each parent.
8. Mail the original hard-copy version of the AOP to the State Vital Records office. It is recommended that you also scan the AOP and upload it into VERA as an attachment.

Most Common Reasons AOPs Are Rejected by Vital Records

- Missing signatures or photocopied signature(s).
- Missing or incomplete dates.
- Missing one or both parents' place of birth.
- Unacceptable "corrections" showing a manual change from what was originally entered, such as using white-out.

Frequently Asked Questions

1. [What if domestic violence is suspected or confirmed?](#)
2. [What if the parents seem unsure about signing the *Affidavit of Parentage* \(AOP\)?](#)
3. [What if the biological parent is not the spouse?](#)
4. [What if the father is in prison or jail?](#)
5. [What if the father is in the military?](#)
6. [What if the father does not come to the hospital for the child's birth?](#)
7. [How much time do parents have to complete the AOP?](#)
8. [What if the parents are an unmarried same-sex couple?](#)
9. [Is there a fee to complete the AOP in locations other than the hospital?](#)
10. [How do parents ensure the father's name is added to a birth certificate?](#)
11. [What if the parents need translation services?](#)
12. [What if either parent wants a DNA test?](#)
13. [Who should parents ask for questions regarding paternity, child support, or custody?](#)

1. What if domestic violence is suspected or confirmed?

If a woman fears for her safety due to violence or potential violence from the child's father or from another individual, or otherwise does not want to voluntarily acknowledge paternity, she does not have to name the child's father. It is important to remember that signing the AOP is voluntary, and mothers should never be pressured into naming the father or establishing paternity.

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2. What if the parents seem unsure about signing the *Affidavit of Parentage* (AOP)?

If one or both parents seem unsure, try to talk to them separately. A parent might want to ask about DNA testing, or there may be safety concerns. Signing the AOP is a voluntary process for people who are sure who the father is, and who are sure that they want to use the AOP process. If either parent wants genetic testing, refer them to the Office of Child Support. If either parent seems unsure or worried, they should not sign the AOP.

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3. What if the biological parent is not the spouse?

If the mother was married at the time of the child's birth or at the time of conception, the law⁵ presumes her spouse (or ex-spouse) to be the child's legal parent. The spouse's information will be placed on the birth certificate. The mother and biological parent cannot sign the AOP. However, if a court determined the child was not a product of the marriage, parents should call the Office of Child Support at **866-540-0008** for next steps.

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4. What if the father is in prison or jail?

You can determine the prison or jail location for the alleged father and send a letter to that prison or jail. (To request a template letter, contact the PEP Liaison at MDHHS-OCS-PEP@michigan.gov.) Along with the letter, include the AOP and a self-addressed stamped envelope that can be used to mail the AOP back to the hospital. When mailing these materials to the prison or jail, address them to the Warden's Administrative Assistant/Jail Administrator. This process has been approved by the Michigan Prison Wardens and Sheriffs.

When the Warden's Administrative Assistant/Jail Administrator receives the AOP, (s)he will present it to the incarcerated alleged father and review it with him. The alleged father will choose whether to sign the AOP.

- If he signs the AOP, the Warden's Administrative Assistant/Jail Administrator will:
 - Witness the signature. (Employees of a county jail or state prison are considered qualified witnesses for signing the AOP.)
 - Send the signed AOP to the hospital in the envelope provided.
- If he does not sign the AOP, the Warden's Administrative Assistant/Jail Administrator will send the unsigned AOP to the hospital indicating the alleged father declined to sign it.

When you receive the AOP from the prison or jail, file the completed AOP with the State Vital Records office. **This must be completed within 10 calendar days of the child's birth.**

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⁵ [MCL 333.2824](#)

5. What if the father is in the military?

When the father is in the military, you can witness the mother's signature on the AOP at the hospital. The mother can then seek the father's signature on the AOP by doing one of the following:

- Mailing a letter and the AOP to the father or to the father's commanding officer and asking for completion of the AOP. You can help the mother mail these materials if she has the father's contact information.

The commanding officer can witness the father's signature on the AOP, and (s)he can mail it back to the mother. The mother can return to the hospital to have it filed if it is within the five days of the child's birth. If it is more than five days since the child's birth, the mother can mail the AOP to Vital Records at the address listed on the form.

OR

- Calling **866-540-0008** to apply for child support services.

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6. What if the father does not come to the hospital for the child's birth?

If the father does not come to the hospital for the birth of the child, but he and the mother would like him to sign the AOP, you can set up an appointment with him to come at another time to sign it. This may be done after hours, if needed. If the father is unfamiliar with the AOP process, you may offer to help the mother talk to him about what is being asked regarding signing the AOP and establishing paternity.

If the mother does not know the location of the father, she can call **866-540-0008** to apply for child support. A child support worker will help locate the father.

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7. How much time do parents have to complete the AOP?

There is no statute of limitations for completing the AOP; parents can return it at any time in their child's life. However, to establish the legal father and give their child the same rights as children born to married parents as soon as possible, they should complete it soon after the birth of the child.

If the parents want the father's name to go on the child's original birth record, they must complete the AOP **within five calendar days of the birth**. They may do this at the hospital after the birth, or if they are leaving the hospital, they can make an appointment to complete the AOP and file it through the hospital within five calendar days.

Parents can choose to complete the AOP beyond five days after the child's birth. This will identify the man as the child's legal father; however, the father's name will not be added to the child's birth record. To add the father's name to the birth record, the parents will need to complete an [Application to Add a Father on a Michigan Birth Record](#) and mail it to Vital Records, along with a fee.

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8. What if the parents are an unmarried same-sex couple?

Currently, the AOP process in Michigan does not apply to unmarried same-sex couples or those using artificial insemination or donor sperm/eggs. It is only for unmarried opposite-sex couples.

Married same-sex women will follow the same rules as married opposite-sex couples to establish paternity. Married same-sex men will need a court order, an adoption order, or an affidavit from another state to establish paternity.

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9. Is there a fee to complete the AOP in locations other than the hospital?

There is no fee to complete the AOP in the hospital and no fee to complete it at other locations.

However, if parents complete the AOP after they leave the hospital and do not file it through the hospital within five days after the child's birth, they must pay a fee to add the father's name to the birth record. See [question 7](#) for more information.

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10. How do parents ensure the father's name is added to a birth certificate?

If both parents have signed the AOP and it is filed through the hospital within five days of the birth, the father's name will appear on the birth record.

However, if parents do not sign the AOP and have it filed through the hospital within five days of the child's birth, they will need to pay a fee to have the father's name added to the birth record. See question 7 for more information.

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11. What if the parents need translation services?

Given the legal implications of signing an AOP, it is critical that parents understand the importance of the document. Be sure to use the hospital's translation services whenever needed. Also, instructions for the AOP are available in Spanish and Arabic, and can be ordered from Vital Records by emailing MDHHS-VR-Registration@michigan.gov.

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12. What if either parent wants a DNA test?

If either parent wants DNA testing to determine the biological father, they should not sign the AOP. Parents can contact the Office of Child Support to ask for DNA testing. At-home paternity test results, or results from an unapproved lab, cannot be used to determine the biological father. For more information, give parents the publications [What Every Parent Should Know About Establishing Paternity \(DHS Pub-780\)](#) and [DNA Paternity Testing \(DHS-Pub-865\)](#).⁶

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13. Who should parents ask questions regarding paternity, child support, or custody?

Parents can contact the Office of Child Support at **866-540-0008**.

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⁶ These publications are available on the [MDHHS-OCS Hospital website](#) and may be ordered using the [Publication Order List](#).

Paternity Establishment Program Contact Information

Renee Boucher - PEP Liaison
313-456-0333
MDHHS-OCS-PEP@michigan.gov

Websites/Links for Further Information

Affidavit of Parentage (AOP)

[Michigan.gov/documents/Parentage_10872_7.pdf](https://michigan.gov/documents/Parentage_10872_7.pdf)

Hospital Resources (michigan.gov)

[Michigan.gov/mdhhs/adult-child-serv/child-sup/resources/hospital](https://michigan.gov/mdhhs/adult-child-serv/child-sup/resources/hospital)

This page includes resources specific to birth hospitals and paternity establishment.

Publication Order List

[Michigan.gov/mdhhs/-/media/Project/Websites/mdhhs/Folder1/Folder80/DHS-1454.DOT](https://michigan.gov/mdhhs/-/media/Project/Websites/mdhhs/Folder1/Folder80/DHS-1454.DOT)

Use this form to order paternity publications and other Office of Child Support publications.

Vital Records

[Michiganvera.org/](https://michiganvera.org/)

Appendix A: Sample Completed AOP



AFFIDAVIT OF PARENTAGE

Michigan Department of Health and Human Services
Division for Vital Records and Health Statistics

2016123456789

State File Number

AOP Number

We affirm under penalty of perjury that we are the natural parents of:

| | | | |
|--|---------------|--------------|----------------------|
| Marie | Angela | Jones | |
| First | Middle | Last | Suffix |
| who was born in General Hospital, Anytown, Ingham, Michigan | | | on 09/01/2016 |
| Hospital Name, City, County, State | | | Date of Birth |

and that we sign this affidavit to establish the paternity for this child. We hereby consent that the name of the natural father may be included on the certificate of birth for the child. We wish the child's name to be recorded as:

| | | | |
|--------------|---------------|--------------|--------|
| Marie | Angela | Jones | |
| First | Middle | Last | Suffix |

In signing this form, we understand that:

- | | |
|--|--|
| <p>(a) This is a legal document.</p> <p>(b) Completion of the affidavit is voluntary.</p> <p>(c) The mother has initial custody of the child, without prejudice to the determination of either parent's custodial rights, until otherwise determined by the court or agreed upon by the parties in writing and acknowledged by the court. This grant of initial custody to the mother shall not, by itself, affect the rights of either parent in a proceeding to seek a court order for custody or parenting time.</p> <p>(d) Either parent may assert a claim in court for parenting time or custody.</p> <p>(e) Both parents have a right to notice and a hearing regarding the adoption of the child.</p> <p>(f) Both parents have the responsibility to support the child and to comply with a court or administrative order for the child's support.</p> <p>Further, the mother states that she was not married when this child was born or conceived; or that this child, though born or conceived during a marriage, is not an issue of that marriage as determined by a court of law.</p> | <p>(g) By signing this affidavit, we waive the following:</p> <p>(i) The right to blood or genetic tests to determine if the man is the biological father of the child.</p> <p>(ii) Any right to a court-appointed attorney, including the Prosecuting Attorney, to represent either party in a court action to determine if the man is the biological father of the child.</p> <p>(iii) The right to a trial to determine if the man is the biological father of the child.</p> <p>(h) In order to revoke the Affidavit of Parentage, an individual must file a claim as provided under the Revocation of Paternity Act (Michigan Compiled Law [MCL] 722.1437).</p> |
|--|--|

FATHER'S INFORMATION

| | | |
|---|---|--|
| First Name Anthony | | |
| Middle Name Michael | | |
| Last Name Smith | | |
| Date of Birth: (MM/DD/YYYY) 04/29/1992 | Place of Birth: (State or Country) MI | Social Security Number 374-12-3456 |
| Current Address (Street, Apt. No., City, State, Zip) 456 Elm St. Somecity, MI 48888 | | |

To the best of my knowledge, the above information is true:

Anthony Michael Smith 9/2/2016
Father's Signature Date

MOTHER'S INFORMATION

| | | |
|---|---|--|
| First Name Lena | | |
| Middle Name Rose | | |
| Last Name Jones | | |
| Date of Birth: (MM/DD/YYYY) 09/23/1992 | Place of Birth: (State or Country) MI | Social Security Number 382-65-4321 |
| Current Address (Street, Apt. No., City, State, Zip) 123 Oak Ave. Anytown, MI 48999 | | |

To the best of my knowledge, the above information is true:

Lena Rose Jones 9/1/2016
Mother's Signature Date

NOTARY SECTION

| | |
|---|---------------------------------|
| Notary Public in and for <u>Ingham</u> County, Michigan | |
| Acting in the county of <u>Ingham</u> | |
| Signature <u>Sean Wilson</u> | Printed Name <u>Sean Wilson</u> |
| Signature and sworn to before me this <u>2nd</u> day of <u>Sept.</u> 20 <u>16</u> | |
| Commission expiration date <u>2/20/2020</u> | |

| | |
|---|--------------------|
| Notary Public in and for _____ County, Michigan | |
| Acting in the county of _____ | |
| Signature _____ | Printed Name _____ |
| Signature and sworn to before me this _____ day of _____ 20 _____ | |
| Commission expiration date _____ | |

QUALIFIED WITNESS SECTION – Facility Use Only (if not notarized, complete as defined on reverse of form)

| | |
|---|-------------------------|
| Signature of Father's Witness | Printed Name of Witness |
| Witness Place of Employment | |
| Witness Work Address (Street, City, State, Zip) | |

| | |
|--|--|
| Signature of Mother's Witness <u>Dana Davis</u> | Printed Name of Witness Dana Davis |
| Witness Place of Employment General Hospital | |
| Witness Work Address (Street, City, State, Zip) 789 Pine Lane, Anytown, MI 48111 | |

Appendix B: Sample Script for Talking With Unmarried Parents About the AOP

Hello! Congratulations on the birth of your new baby. I am here to talk with you about establishing paternity for your baby. When you establish paternity, your baby gets the same rights and benefits as babies born to married parents. Some of those rights and benefits are health insurance, life insurance, Social Security, and financial support.

Here at the hospital, we have a voluntary process that you can complete to legally establish paternity for your baby. This process is free and it means you can establish paternity without having to go to court.

- [To the mother:] If you were unmarried at the time of conception and are unmarried now, and both of you are sure who the baby's biological father is, you both can sign a document called the *Affidavit of Parentage*, or AOP.
- If either of you are not sure who the biological father is, you should not sign the AOP. You can ask the Office of Child Support for a DNA test to find out who the biological father is.

You will need a valid photo ID when you sign the AOP, and then I will sign it as a witness. I will then file it with the State Vital Records office, and I will give each of you a copy of it.

It is required that I tell you what your rights and responsibilities are – these are also listed on the AOP:

1. The AOP is a legal document, and signing it is voluntary.
2. The mother has initial custody of the child, which means that the baby will live with the mother unless a court or both parents agree on something else in writing.
3. Either parent can ask the local family court for help with parenting time or custody.

4. Both parents will be notified if one parent wants the child to be adopted by someone else.
5. Both parents must support their child. If child support is ordered by the court, you must follow the order.
6. In signing the AOP, both parents establish the legal father. This means you give up the right to:
 - Get a DNA test from the State of Michigan.
 - Have a court-appointed lawyer represent either parent regarding paternity.
 - Go to court to determine the biological father.
7. To revoke or undo the AOP after you sign it, you will need to file a claim with the local family court.
8. In the box at the top of the AOP, the last statement confirms that the mother was not married when the child was born or when she became pregnant. Or, if the mother was married, she has a court order showing that the husband is not the legal father of the baby. It is against the law to sign the AOP if the mother was married when her child was born or when she became pregnant.