

Acknowledgement of Parentage

Hotline 1-509-363-4943 (Spokane Field Office)

Provider Orders: www.dshs.wa.gov/esa/parentage-materials-order-form

3 ways to establish parentage:

Presumption, Adjudication, Acknowledgement
marriage, RegDomPrtnr court Acknowledgement of Parentage

An Acknowledgement of Parentage (AOP) is a legal document that is designed to allow unmarried parents to acknowledge parentage without going to court.

Importance for the Family

The child can know who both parents are. The child can receive financial and medical support from both parents. The child may be eligible for benefits (Social Security, Insurance, Inheritance, Veteran's Benefits). Healthcare professionals have the opportunity to access both parents' health histories. Both parents can have access to the process to set custody & visitation.

Parents should sign the form only if they are sure that the person is the only legal parent of the child.

Federal regulation and state law **require** physicians, midwives, hospitals and birth record agencies to provide unmarried parents the opportunity to sign an Acknowledgement.

AOPs must be presented in writing and orally. Presenting the document to the parent fulfills the written obligation. The Provider has three choices to fulfill the oral obligation: **read** the Statement of Rights and Responsibilities on the back (verbatim); **present** the DVD; **refer** the parents to the 800 number (800-356-0463).

Important Points

Carries the same weight as a court order

May be Signed Prior to Birth

Minors are held to the same standards as adults

Rescission- thru DOH within 60 days of the filing; minors have until their 19th birthday

Challenge Period- court- after 60 days, but before 4 years, from filing; only on the basis of fraud, duress, material mistake of fact.

Parenting Plan- after 60 days, court- serves as a cause of action

Denial- can be signed by the presumed parent or the Registered Domestic Partner

Child now 18+ - child doesn't need to sign

Notaries & Witnesses

Notaries must determine the person signing before them is the person in the document (RCW 42.44.080).

The only part of the document that a Notary is responsible for is the "Certification" of signatures and not the veracity of the statements made in the form (RCW 42.44.160).

Witnesses may need to testify/verify additional points and must not be related to any of the parties.

Cautions

Do not give legal advice. They can contact the Hotline (for more information) or seek advice from an attorney.

Failure to provide the AOP could constitute a Denial of Rights; the father, mother, and even the child can bring suit against any party related to the action.

It is a gross misdemeanor to provide false information or make false statements in the document.

Every person who fails, neglects, or refuses to comply with this law is guilty of a misdemeanor (max \$250 & 90 days per incident).

INSTRUCTIONS FOR ACKNOWLEDGMENT OF PARENTAGE FORM

Each parent should carefully read instructions before completing and signing the Acknowledgment of Parentage (AOP) form. The AOP must be either notarized or witnessed, not both, to be filed with the Department of Health, Center for Health Statistics. **We cannot file forms with missing information and will return the forms to the birth parent.**

Instructions for completing the AOP:

- Each parent must sign page 1 in the presence of a notary or witness.
- The notary or witness must sign on page 1.
- Submit completed AOP with a **non-refundable \$18** check or money order payable to DOH. No payment is required when AOP is submitted by the hospital within 5 days of birth.
- If you want to order a birth certificate with both parents listed, you must submit a Certificate Order Form with a \$20 check or money order payable to DOH.
- Send all forms and payments to:

Department of Health
Center for Health Statistics
PO Box 9709
Olympia, WA 98507

What is an AOP? An AOP is a legal form used to add a second parent to a child's birth certificate. By filing this form, you establish a parent – child relationship or "parentage."

When can an AOP be used? An AOP can only be used if:

- Everyone agrees,
- No other person claims to be the parent of the child.

Who can Sign an AOP? An AOP must be signed by the mother/birth parent and the second parent of the child. You and the mother/birth parent of the child can use the AOP form if any of the following situations apply:

- If you are the genetic father/parent of the child, but have never married the mother/birth parent.
- If you are or were married to the mother/birth parent anytime during the pregnancy, but are not listed on the birth certificate.
- If you married the mother/birth parent after the child was born.
- If you lived in the same household with the child for the first 4 years of their life and consider the child as your own.
- If you and the mother/birth parent conceived the child through assisted reproduction.

Do I need a notary or a witness? Yes. Each parent must choose to sign the AOP in front of either a notary OR a witness. The notary or witness must also complete the signature block. Common notary locations include hospitals, local banks, title companies, and attorneys/county clerks. A person signing the witnessed statement must be at least 18 years of age and not related by blood or marriage to the individuals who sign an AOP form. The local child support offices will serve as witnesses. Center for Health Statistics staff will not serve as witnesses.

When is a Denial of Parentage (DOP) Required? A DOP must be submitted if:

- The mother/birth parent is or was married and the spouse or ex-spouse will not be the parent listed on the child's birth certificate.
- A person who is genetically related to the child and is revoking their right to be a parent listed on the child's birth certificate.
- The DOP is removing the second parent from the child's birth certificate. An AOP form must be submitted to replace the second parent being removed.

The AOP and DOP can be filed separately or at the same time, but neither is valid unless both are filed with the Department of Health, Center for Health Statistics. If you choose to send the forms together, only one non-refundable filing fee of \$18 is required. Otherwise, two non-refundable \$18 filing fees are required.

How do I change my child's last name? You have 1 year from the date the AOP is filed to submit an Affidavit for Correction form to change your child's last name. You can change it to either parents' name on the AOP, any combination of either parents' last names or hyphenated. You can only make this change once. Both parents listed on the AOP must sign the form. You can send the Affidavit for Correction form separately or together with an AOP form to the Department of Health. There is no additional fee. If the child is 18 years or older, a court order is required to change the child's name.

Definitions

- "Alleged genetic parent" means an individual who is alleged to be, or alleges that the individual is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother (RCW 26.26A.010(3)).
- "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse (RCW 26.26A.010(4)).
- "Intended parents" means an individual, married or unmarried, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction (RCW 26.26A.010(13)).
- "Presumed parent" means an individual who is presumed to be a parent of a child, unless the presumption is overcome in a judicial proceeding, a valid denial of parentage, or a court adjudicates the individual to be a parent (RCW 26.26A.010(17)). A person is presumed to be the parent of the child if:
 - o The individual and birth parent were married to or in a state registered domestic partnership with each other and the child was born during the marriage or partnership; or
 - o The individual and birth parent were married or in a state registered domestic partnership with each other and the child is born within 300 days after the marriage is terminated by death, annulment, divorce, dissolution or declaration of invalidity; or
 - o The individual and birth parent were married or entered into a state registered domestic partnership with each other after the birth of the child and filed an assertion with the Department of Health; or
 - o The individual and birth parent were married or entered into a state registered domestic partnership with each other after the birth of the child and agreed to be named as a parent of the child on the birth certificate; or
 - o The individual seeking to establish parentage resided in the same household with the child for the first four years of life of the child, including any period of temporary absence, and openly held out the child as the individual's child (RCW 26.26A.115).
- "Witnessed" means at least one individual who is authorized to sign has signed a record to verify that the individual personally observed a signatory sign the record (RCW 26.26A.010(23)). A person signing the witnessed statement must be at least 18 years of age and not related by blood or marriage to the individuals who sign a voluntary acknowledgment of parentage, denial of parentage, or rescission of parentage form.
- "Notarial officer" means a notary public or other individual authorized to perform a notarial act (RCW 42.42.010(9)).

If you need help understanding your rights and responsibilities as parents and the alternatives to, and consequences of, signing this form, call the Division of Child Support at 1-800-442-5437.

ACKNOWLEDGMENT OF PARENTAGE

THIS IS A LEGAL DOCUMENT. READ THE INSTRUCTIONS CAREFULLY ON PAGES 3 & 4.

CHILD	1. Child's First Name	2. Middle Name	3. Last Name	
	4. Date of Birth (MM/DD/YYYY)		5. City or County of Birth	
	6. Place of Birth – Name of hospital or location where child was born			

7. Is a Denial of Parentage (DOP) required? (If you are not sure, see instructions on page 3.) Yes No

8. Do you prefer Parent / Parent Labels on Birth Certificate? (Default labels are Mother / Father) Yes No

BIRTH PARENT	9. Birth Parent's First Name	10. Middle Name	11. Last Name as it appears on your birth certificate	
	12. Date of Birth (MM/DD/YYYY)		13. Birthplace (City, State, or Territory/Foreign Country)	
	14. Telephone ()		15. Email	
	16. Street Address		17. City	18. State

PARENT	20. Parent's First Name	21. Middle Name	22. Current Legal Last Name	
	23. Date of Birth (MM/DD/YYYY)		24. Birthplace (City, State, or Territory/Foreign Country)	
	26. Telephone ()		27. Email	
	28. Street Address		29. City	30. State

Each party must sign this acknowledgment in the presence of either a notarial officer OR witness, not both.

Each party declares under penalty of perjury under the laws of the state of Washington that they have been provided with and understand the rights and responsibilities, as written on the back of this form, and that the information they have provided is true and correct. Each party affirms that no other individual can legally claim parentage of the child and accepts the responsibility to provide child support as determined by applicable law.

Birth parent's signature _____

Signed and sworn to me before me on _____ by _____
Date Print Birth parent's name

Place notary seal here

Signature of Notarial Officer or Witness
 _____ My appointment expires _____
Print Notarial Officer or Witness Name Notary Use Only

Parent's signature _____

Signed and sworn to me before me on _____ by _____
Date Print Parent's name

Place notary seal here

Signature of Notarial Officer or Witness
 _____ My appointment expires _____
Print Notarial Officer or Witness Name Notary Use Only

Vital Records Office Use Only

Date Filed: _____

STATEMENTS OF ACKNOWLEDGMENT

By signing this form, you declare under penalty of perjury under the laws of Washington State that you understand the following:

- The Acknowledgment of Parentage (AOP) is a legally binding form. The legal basis for this form are chapters 26.26A and 26.26B of the Revised Code of Washington (RCW).
- This form is voluntary and does not require a court proceeding. Alternatively, you may choose to establish parentage through state or tribal court.
- You have the right to talk with an attorney before signing this form. If you do not understand this information or have further questions, you should talk to an attorney.
- You have received oral information about your rights and responsibilities by doing one of the following: (1) watched a video, (2) listened to a phone message by calling 1-800-356-0463, or (3) speaking with a hospital employee or attorney.
- Once the AOP is signed and filed with Department of Health, Center for Health Statistics, the parent's name will be added to the child's birth record (RCW 26.26A.200 and 26.26A.215).
- Once the AOP is signed, both parents will be legally responsible for financially supporting this child.
- If you are not sure that you are the parent of the child and the child resides in Washington State, you may open a child support case with the Division of Child Support (DCS). In most cases, you will be required to submit to genetic tests to decide parentage. The genetic parent may be responsible for the costs of the test. To locate the DCS office nearest to you, call 1-800-442-5437. You can find additional information about parentage establishment in the booklet entitled "Establish Parentage for Your Child's Sake." It is available at hospitals, birthing centers, and DCS offices (RCW 26.26A.300 through 26.26A.515).
- Any individual who signed an AOP or Denial of Parentage (DOP) may change their mind and rescind (which means to revoke or cancel). To rescind, a Rescission of Parentage form must be filed with the Department of Health, Center for Health Statistics within a maximum of **60 days** after the AOP or DOP is filed or before the first court proceeding, which ever happens first (RCW 26.26A.235).
- A challenge to either an AOP or a DOP after the period for rescission has passed is permitted only for limited reasons including fraud, duress, or factual mistake. It must be brought to Superior Court and the challenger has the burden of proof. A challenge must be brought within 4 years from the date the AOP is filed with the Department of Health, Center for Health Statistics (RCW 26.26A.235 through 26.26A.245).
- Only a court may determine custody and visitation issues for the child. Either parent may ask Superior Court to make residential provisions or a parenting plan after the 60-day rescission period has elapsed. The court may require the parent to pay costs (RCW 26.26A.400 through 26.26A.515).
- For the purpose of this form, "witnessed" means at least one individual who is authorized to sign has signed a record to verify that the individual personally observed a signatory sign the record (RCW 26.26A.010(23)). A person signing the witnessed statement must be at least 18 years of age and not related by blood or marriage to the individuals who sign a voluntary acknowledgment of parentage, denial of parentage, or rescission of parentage form.
- "Notarial officer" means a notary public or other individual authorized to perform a notarial act (RCW 42.42.010(9)).