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**TABLE OF
CONTENTS**

Why is establishing paternity important?	2
How to establish paternity	2
Rights & Responsibilities	3
Undoing Paternity Acknowledgement	3
How to get services	4

Paternity Guide

What you need to know about paternity

PUT YOUR CHILD FIRST

A child born to unmarried parents does not automatically have a legal father. Legal fatherhood can mean a lot to your child and to you as parents. Children with two parents involved in their lives are more likely to succeed in a variety of ways. This guide will tell you how you can make this important commitment to your child and where to get help doing it.

Establish paternity for your child's sake. Both parents should contribute to the needs of their child.

Every child deserves to have a legal father; to know who that father is, and to claim rights and benefits that come with the knowledge.

Establishing legal fatherhood is an important way for a mother and father to show love and commitment to their child. This legal bond is important to families, even when parents do not live together.



**Establish Legal Fatherhood
for the benefit of your
child.**

What is paternity?

Paternity means legal fatherhood. If you and your child's other parent are not married to each other, you can establish paternity by:

- 1) Signing an Acknowledgement of Paternity Affidavit form, or
- 2) Asking a court to establish paternity.

Otherwise, your child will have no legal father.



Establish paternity for your child's sake.

“There are three ways to establish paternity: Marriage, Paternity Affidavit, and Court.”

Tribal Court Building



Why is it important to establish paternity?

IDENTITY: When parents establish paternity for a child, they both say “Yes, this is my child.” This gives a child a sense of identity and connection with both sides of the family. Knowing both parents can improve a child’s chance of success in life.

HEALTH: Medical research shows how important it is to know about any diseases or physical problems or characteristics that may have been passed down from both sides of someone’s family. Knowledge of both parents’ family medical history will help doctors treat or even prevent medical problems that a child might have inherited.

FINANCIAL SUPPORT: Families with children who are supported by two parents are more likely to have enough money to meet their needs than children with one parent. By establishing paternity, both parents make a commitment to their child.

BENEFITS: When parents establish paternity, they make their child eligible for coverage under either parent’s health insurance. If anything should happen to the father, the child may also be entitled to receive Social Security, pension, veteran’s and inheritance benefits.

PUBLIC ASSISTANCE: If a parent receives public assistance, he/she is required to cooperate with the Child Support Enforcement Program to establish paternity and a child support order. If the parent does not cooperate, his/her benefits will be effected.

How do I establish paternity for my child?

There are three ways to establish paternity.

Marriage

When a child’s parents are married to each other, the mother’s husband is automatically considered the child’s father. However, if the husband is not the biological father of the child, steps need to be taken in order for the biological father to be recognized as the legal father. The husband will have to sign the Acknowledgement of Paternity Affidavit form to state that he is not the “legal and biological father” and sign away his parental rights to the child. The biological father needs to sign the same form to affirm that he is the legal and biological father of the child.

Paternity Affidavit

When a child is born to parents out of wedlock, no legal bond exist between the child and father until legal fatherhood or paternity is established. The easiest way to establish paternity is by signing an Acknowledgement of Paternity Affidavit form. It needs to be signed by both parents, notarized and filed with the State’s Vital Records. Once this happens, the man becomes the legal father of the child and his name goes on the birth certificate. No one has to go to court.

Court

If no man will step forward or refuses to sign the Acknowledgement of Paternity Affidavit, then a court will decide if a man is the father of a child. To do this, the court usually requires a genetic test of the mother, father, and the child.

Rights & Responsibilities

When a man signs the acknowledgement of paternity affidavit form, federal law says that he must receive both written and verbal information about his rights and responsibilities. The form has a statement of the rights and responsibilities on the back of the form.

Men should only sign the affidavit if he want to freely state that he is the biological father of the child and want to establish legal fatherhood and if no one has pressured him to say or sign as the biological father. Men, DO NOT sign the affidavit if:

- You are unsure the child is your biological offspring or want a DNA test.
- You do not understand the legal rights and responsibilities
- You have questions about any part of the affidavit
- You want to talk to an attorney

If a man signs this affidavit, he will automatically be identified as the legal father and will be responsible in providing for the child. A judge may order him to pay child support and medical insurance whether the child is or is not on any state public assistance. The father may have to pay for hospital costs for the birth. He may have to go to court for visitation or shared custody. Child Support Enforcement Program or Vital Records can not help with visitation or custody matters. When the affidavit is signed, the father gives Vital Records permission to list as the father on the child's birth certificate and also gives them permission to list the date and place of his birth on the child's birth certificate.

Undoing a Paternity Acknowledgement



If you signed the Paternity Acknowledgement Affidavit form, and later believe you should not have done so, you may rescind or cancel the affidavit. You have 60 days from the date the affidavit was filed with Vital Records to rescind it.

In order to rescind paternity, you must do it in one of the following ways.

1) You can rescind this affidavit at a court proceeding relating to the child (such as a proceeding to establish a support order), or

2) You can sign a rescission from within 60 days from the

day this affidavit was filed with Vital Records. Forms to rescind an affidavit of paternity are available from any regional Health and Welfare office.

3) You must rescind your affidavit at whichever action listed above happens first.

If you rescind the affidavit

- 1) The other person who signed the affidavit may still want to establish a legal father/child relationship. He or she can ask a judge to decide who should be named as the child's legal father; and
- 2) If the child receives public assistance money, Health and Welfare may want to establish a legal father/child relationship. They can ask a judge to decide who should be named as the child's legal father.
- 3) The father's name will remain on the child's birth certificate. If you want the name removed, you will need to go to court. A judge must sign an order stating that the man named on the child's birth certificate is not the child's legal father.

“You have 60 days from the date the affidavit was filed with Vital Records to rescind it.”



Child Support enforcement Program

PO Box 365
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Phone: 208-843-7362
Fax: 208-843-7388
www.nezperce.org

Putting Children First

Children are seen as gifts from the Creator. They represent the future of the Tribe and a link to the value of our culture. Each child is the center of a circle with deep relationships to their biological parents, blood relations and fellow tribal members. Adults must put children first to ensure they are properly nurtured and developed.

CSEP's goals is to protect the welfare of children through the establishment and enforcement of child support. By assuring that financial support is provided for these children we believe that a cycle of non-support will be broken and future generations of children will be provided for by their parents without intervention.

WE'RE ON THE WEB

<http://www.nezperce.org/official/mainpage/csep/default.html>

How to get services from CSEP

If you are the child's parents, legal guardian and the child you are seeking services for is under 18 or is attending high school, you are eligible for child support services.

CSEP services include finding a noncustodial parent, establishing paternity, establishing child support orders, and collection of child support payments and arrears.

To apply for services, you can pick up an application from the CSEP office located in the Tribal Court building in Lapwai, request the CSEP office to mail one to you or you may download the application off the tribal website at www.nezperce.org (tribal departments, child support enforcement page)

Please include with your application the following:

- Court documents relating to child custody or divorce decree
- Certified copies of any child support orders or modifications you already have
- A certified copy of birth certificate for each child and if you have the Acknowledgement of Paternity, a copy of that too
- Proof of health care coverage in place for the child
- Certified copy of all child support payments previously made by the other parent. Please include a listing of all payments you received directly
- Social Security cards for you and children
- Copy of tribal enrollment card or Certification of Indian Blood



JOIN US AT FACEBOOK

NPT-Child Support Enforcement Program