

AFFIDAVIT OF PARENTAGE INSTRUCTIONS FOR COMPLETION

The Michigan Department of Community Health (MDCH) designed the Affidavit of Parentage (AOP) form (DCH-0682) to permit establishing the paternity of a child. By using this form, unmarried parents can voluntarily and legally establish a child's paternity. When parents properly complete and file the form with the state registrar the child's parentage is established and DCH creates a permanent record of the acknowledgment in the Central Paternity Registry (CPR). There is no fee for filing the affidavit; however, there is a charge to obtain certified copies of the filed form. In Michigan, the MDCH Vital Records Division must receive proof of an acknowledgment of paternity before they can list the father's name on the certificate of birth for the child born to unmarried parents.

Completing the affidavit is generally quite simple. MDCH intends these instructions to clarify how parents are to complete the items on the form and any special considerations of importance in completing the form. It is most important that parents fully complete the form and that the form be legibly printed or typed. MDCH recommends using black ink as this is required by some courts.

Parents must not cross-out or alter items on the affidavit. MDCH will not accept affidavits for filing that have not been properly completed.

Forward completed affidavits to:

Central Paternity Registry
Vital Records & Health Data Development Section
Michigan Department of Community Health
P.O. Box 30691
201 Townsend Street
Lansing, Michigan 48913

REVISED PROCEDURES

The procedures for filing affidavits of Parentage changed on June 1, 1997 when Act 305 of 1996 took effect. This new law, called the Acknowledgment of Parentage Act, shifted the filing of the affidavit from the probate court to the Michigan Department of Community Health (MDCH). All affidavits that will be filed on and after June 1, 1997 must be sent to the MDCH Central Paternity Registry for filing. The following paragraph contains some important points relative to this change.

The historical filings of paternity acknowledgments within the probate court will remain within the court. To obtain a certified copy of the affidavit, use the filing date and not the date of a child's birth to order the form – if filed after June 1, 1997 contact MDCH, if prior to June 1, 1997 contact the county probate court. If the parents did not file the AOP form with the child's birth certificate, there is a charge to have the father's name added to the birth certificate. Application to change a birth certificate is a procedure that requires a separate application form and a fee. The reverse side of the Affidavit of Parentage form

explains the procedure for adding a father's name to a child's birth certificate. The statute requires that the person notarizing the form provide the parents with a copy of the completed affidavit.

STATEMENTS TO BE AFFIRMED

The upper portion of the affidavit contains the statements which the parents indicate are true. It is important to emphasize that **each** parent is attesting to the following facts:

- They are the child's parents,
- They acknowledge the child's paternity,
- They wish to have the father listed on the certificate of birth for the child,
- They consent to the filing of the affidavit with the state registrar,
- The mother was **unwed** at the conception and birth of the child or, if married, a court judgment has determined her husband to **not** be the father,
- The parents are stipulating the child's name as they wish it listed on the certificate of birth for the child.

The form lists seven points relative to the acknowledgment the parents are completing. Their signatures indicate the parents understand the following facts:

- The affidavit is a legal document,
- Completion of the form is voluntary,
- 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 parenting time or custody,
- Either parent may assert a claim for parenting time or custody,
- Both parents have a right to notice and a hearing regarding the adoption of the child,
- Both parents have the responsibility to support the child and to comply with a court or administrative order for the child's support,

- The right to blood testing, the right to an attorney and the right to a trial to determine the biological father of the child are waived by signing the acknowledgment.
- To revoke an acknowledgment of parentage, an individual must file a claim as provided under Michigan Compiled Law 722.1011.

PROPER COMPLETION OF THE FORM

It is important to complete the form as fully as possible and to insure the accuracy of the information recorded. Type or print legibly. Black ink is preferred. For items that are unknown, enter "unknown" rather than leave the item blank.

The form requires reporting information about the child within a section that also affirms that the act of signing the form is attesting to the parentage of the identified child. To complete the affirmation section, enter:

Name of Child at Birth

It is important to record the name given the child when first born. This will clearly indicate the relation between the child as named when the birth was first recorded and as named following acknowledging parentage. When parents complete the form in the hospital and at the time of birth, these names are generally the same.

Be sure to enter the full first, middle and last names for the child. If the child is a newborn that the parents have not yet named, enter the last name preceded by baby boy or baby girl.

Place of Birth

The place of birth should be the hospital name, city, county and state. If not precisely known, entering the city but not county, county but not city, or perhaps, just the state of birth is acceptable. Parents must complete this item for MDCH to accept the affidavit for filing.

Date of Birth

Enter the month, day and the year that the child was born. Parents must complete this item accurately. It is best to spell the month of birth.

Parents must complete this item for MDCH to accept the affidavit for filing.

Child's Name on the Birth Certificate

List the full name of the child exactly as the parents wish it to appear on the child's birth certificate. It is important that parents properly indicate the first name, middle name and

the last name so it appears correctly on the birth certificate. If the child will have a surname suffix include this with the last name.

Note: Parents may complete and file the Affidavit of Parentage, with the MDCH Central Paternity Registry at any time during the child's life, but if the parents file the affidavit after the hospital files the original birth certificate, this will not change the certificate of birth for the child. Parents can request changes to registered birth records based upon a properly completed affidavit and an Application to Add a Father on a Michigan Birth Record. Parents can request a change to reflect a father – listed on the affidavit - if no other man is recorded as the child's father on the birth certificate. Should a conflict exist, a court determination of paternity may become necessary.

To file the affidavit and request a copy and/or to change the birth record, mail the completed affidavit, the required fee, and a completed Application to Add a Father on a Michigan Birth Record (form DCH 0848) to:

VITAL RECORDS CHANGES
P.O. Box 30721
Lansing, Michigan 48909

An application to correct a birth certificate is available from the office of the county clerk, and the State Vital Records office recorded message (517) 335-8656 or parents can download the form from the Michigan Department of Community Health Web site at: www.michigan.gov/documents/add_dad_6589_7.pdf

Information on the Parents

This section records key information on each parent. Though the form can be signed and notarized separately by the mother and the father, it is very important to complete the information on each parent before either signs the form.

Name

Parents must list their full legal names as of the date they are completing the affidavit. It is important for parents to list their first, middle and last name along with any surname suffix.

This information identifies the parents and is also used for listing the father on the child's birth certificate. Parents must list their names for MDCH to accept the affidavit for filing.

Current Address

Parents must list their street name and number, city, state and zip code address for each parent.

The information in this section identifies the parents specifically.

Date of Birth

Parents must enter their date of birth. Supply the month, day and year. It is best to spell the month of birth.

The information further identifies the parents and, in the case of the father, MDCH will use this in preparing the certificate of birth for the child, as appropriate.

Place of Birth

Parent's must enter their state of birth. If either parent was not born within the US, enter their country of birth.

Parents must complete this information for MDCH to accept the affidavit for filing.

Social Security Number

Each parent must provide their Social Security Number.

Parents without a social security number should enter the word "none" In the identifier field

Parents, who are foreign citizens, should not enter an equivalent number from outside the USA.

Signature of Father and Mother

Parents must properly enter their signature, the signature must be original and in ink. MDCH recommends using black ink. MDCH cannot accept the affidavit for filing without the original signature of each parent.

Parents may sign separately, but a notary must independently notarize each parent's signature.

NOTARIZATION SECTION

This section is critical to the form having legal effectiveness. The purpose of notarization is to comply with the requirements of law relative to establishing paternity. Michigan Compiled Law clearly intends the requirements to insure the proper identity of each parent and the authenticity of each signature. Errors in notarization will generally necessitate that the Vital Records and Health Data Development Section of MDCH to refuse to file the form. In such cases, parents must complete a new affidavit for filing.

Note that under the Acknowledgment of Parentage Act, the person notarizing the affidavit must provide the mother and father with a copy of the completed acknowledgment at the time of signing.

Name

The person notarizing the affidavit must enter their name exactly as it appears on his or her application for commission as a notary public.

Date Signed

Parents must enter the date they sign the affidavit as the day, followed by the month and then the year. MDCH recommends entering words for the date rather than numbers, for example: the 20th day of January 2004.

County

The person notarizing the affidavit must list the name of the county within which they were appointed.

If performing a notarial act in a county other than the county of commission, the person notarizing the affidavit must complete the statement the statement:

"Acting in the County of _____."

Notary Signature

A duly authorized and appointed notary public must sign the affidavit. The signature will indicate that the notary public personally witnessed the parent sign the form and that the notary has identified the parent as the individual listed on the form.

The notary must perform the notarial process for each parent's signature, Parents may sign separately, but a notary must independently notarize each parent's signature.

Commission Expiration

The notary must enter that date that their current commission expires, the expiration date is supplied by the Secretary of State's Office. MDCH recommends entering words for the date rather than numbers, for example:

"My commission expires the 20th day of January 2004".