

TEXAS ADMINISTRATIVE CODE

SUBCHAPTER J. VOLUNTARY PATERNITY ESTABLISHMENT

55.401. Scope.

All fathers and mothers who wish to voluntarily establish paternity for their child may do so through any local child support office of the Office of the Attorney General, Child Support Division; the state Bureau of Vital Statistics; a local birthing hospital or birthing center; or any entity certified by the Office of the Attorney General to provide such services. The Acknowledgment of Paternity must be executed according to the rules contained herein and under the Texas Family Code, Chapter 160, Subchapter C, Acknowledgment or Denial of Paternity.

55.402 Definitions

Acknowledgment of Paternity form - An agreement affirming parentage for a child signed by both the man claiming to be the father and the mother, that is executed on a form prescribed by the state. The mother and father may sign separate acknowledgments before or after the birth of the child.

Rescission - A cancellation of an Acknowledgment of Paternity that occurs prior to:

- (1) the 61st day after the date the acknowledgment of paternity or denial of paternity is filed with the Bureau of Vital Statistics, or
- (2) the date of the first hearing before a court on an issue related to the child to which the person seeking to rescind is a party, including a proceeding that establishes support, whichever occurs earlier.

Denial of Paternity form - A statement executed by a presumed father denying parentage of the child of whom he is presumed to be the father, on a form prescribed by the state.

Certified entity - An agency, organization, or individual that is certified by the Office of the Attorney General to perform voluntary paternity establishment services. The certified entity must comply with all rules established for such certification.

Presumed father - A man is presumed to be the father of the child if the criteria found under Texas Family Code, § 151.002 are met.

55.403 Forms

The certified entities offering voluntary paternity establishment services may obtain the prescribed Acknowledgment of Paternity and Denial of Paternity forms by contacting the Bureau of Vital Statistics.

55.404 Voluntarily Acknowledging Paternity

A man claiming to be the 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 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.

The mother and father must then:

- (1) complete an Acknowledgment of Paternity form;
- (2) sign it before a witness;
- (3) return the form to a certified entity.

All of the above must be done by both the mother and father, separately or together.

The certified entity is responsible for filing the Acknowledgment of Paternity form.

55.405 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 presumed father, unless the presumed father is the man who is acknowledging paternity. The Bureau of Vital Statistics will not accept the Acknowledgment of Paternity form for filing without the Denial of Paternity form, unless the presumed father is the man who has signed the Acknowledgment of Paternity form.

55.406 Rescission of the Acknowledgment of Paternity Form or Denial of Paternity Form

Any party signing an Acknowledgment of Paternity form or a Denial of Paternity form may rescind either before the 61st day after the document is filed with the Bureau of Vital Statistics, or prior to the date of the first hearing before a tribunal on an issue related to the child to which the person seeking to rescind is a party, whichever occurs earlier. Any attempt to rescind the acknowledgment must follow procedures described under the Texas Family Code § 160.206.

55.407 Entities that May Provide Paternity Establishment Services.

All public and private birthing hospitals, all birthing centers, and the state Bureau of Vital Statistics are required to provide voluntary paternity establishment services, but only after being certified by the Office of the Attorney General. 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) documented 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.

55.408 Certification

All birthing hospitals, all birthing centers, the state Bureau of Vital Statistics, 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) are trained by Office of the Attorney General staff 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 Bureau of Vital Statistics.)
- (4) use only the Acknowledgment of Paternity and Denial of Paternity forms promulgated by the Bureau of Vital Statistics.
- (5) use the brochures and training manuals, including the oral and written information, provided by the Office of the Attorney General and the Bureau of Vital Statistics.
- (6) are periodically evaluated by the Office of the Attorney General.