

WISCONSIN VOLUNTARY PATERNITY ACKNOWLEDGMENT

This form has important legal information for the baby's mother and father. You have a choice whether or not to sign this form. *If you do not understand this form, ask for help before signing it.*

Este formulario contiene información legal que es importante para la madre y el padre del niño. Ud. puede escoger firmar el formulario o no. *Si no entiende este formulario, pida ayuda antes de firmar.*

Daim ntawv no muaj ntsiab lus tseem ceeb heev txog kev cai plaub ntug rau tus me ntuam niam thiab txiv. Koj muaj cai xaiv yuav kos tsis kos lub npe rau daim ntawv no. *Yog koj tsis to taub qhov twg, yuav tau thov kev pab ua ntej koj yuav kos koj lub npe rau diam ntawv.*

PURPOSE: This form may be used by biological parents who were not married to each other at the time of their child's birth. If the mother was married to another man at any time from conception to the birth of this child, this form may not be used to establish paternity. Signing and filing this form makes the man the legal father of the child and places his name on the birth certificate as the father. It also gives the child the right to support and inheritance from the father.

Instructions to Parents: Please read this entire form before signing it, and carefully follow the "Instructions for completing the Voluntary Paternity Acknowledgment" on page 2 of the actual form. The State Vital Records Office can only accept the form when it is completed correctly. Your signatures are legal only if a "Notary Public" actually sees you sign. (A Notary is someone specially licensed by a state to witness signatures.)

Penalties: Any person who willfully and knowingly supplies any false information with the intent that the information be used in preparation of a birth certificate is guilty of a Class I felony [punishable by a fine of not more than \$10,000 or imprisonment of not more than three years and six months or both, per s. 69.24(1), Wis. Stats.].

Wisconsin "Voluntary Paternity Acknowledgment" Rights and Responsibilities

"Paternity" means legal fatherhood. For parents who are not married, the father has no legal relationship to the child until paternity is established. When you sign and file this Acknowledgment, you establish your child's paternity.

You **may not use this form if the mother was married at the time the child was conceived or born**, unless there is a court order stating that the husband is not the father.

You **SHOULD NOT SIGN** this form...

- *If you are not completely sure who the biological father is. You should ask your local child support agency for genetic tests first.*
- *If you do not think it is in your child's best interest to establish paternity.*
- *If another person could harm you or the child or the child's caregivers because you establish paternity.*
- *If the child was conceived as a result of rape or incest.*
- *If you are under age 18 you may not sign this form.*

Custody and placement. This form does not give the father legal custody (the legal right to make decisions for the child) or physical placement (visitation). If the father wants to share legal rights to custody or placement, he will need a court order.

Child Support. Both parents are required to support the child until the child is an adult. If a formal support order is necessary, the obligation will be set by court order, and may include providing health insurance and paying for the child's health expenses not covered by insurance.

Genetic Testing. Under an order from the child support agency or the court, DNA samples are collected from the mother, child, and possible father(s), either using a swab test or a blood sample. By comparing the samples, a lab can tell whether the man is *not* the father, or whether there is at least a 99% probability that he *is* the father. It takes a few weeks to get results.

If you sign this form, either parent or the child support agency may bring a court action for custody, physical placement rights, and/or child support.

If you do not sign this form, the mother, the child, a man who may be the father of the child, or the child support agency may ask the *court* to decide the paternity of the child. In a paternity case, the court will enter an order for legal custody and physical placement and may enter orders for child support, birth expenses, genetic test costs, and other costs.

By signing this form, you give up the following rights regarding paternity establishment:

- The right to genetic tests.
- The right to claim that you did not have sexual intercourse with each other during the time the child was conceived (8-10 months before the birth).
- The right to claim that the mother had sexual intercourse with another man during the time the child was conceived.
- The right to claim that the man was sterile or impotent during the time the child was conceived.
- The right to have a court determine whether the man is the father.
- The right to an attorney or to a jury trial.

If you change your mind about using Voluntary Paternity Acknowledgment:

- You would have to file the "Request to Withdraw Voluntary Paternity Acknowledgment" with the State Vital Records Office **within 60 days of filing the original Acknowledgment.** (This form is sometimes called a "rescission form.") A rescission cannot be filed if a family court has made an order involving the father and child named on the form.
- The "Request to Withdraw Voluntary Paternity Acknowledgment" is available from the hospital where the child was born, from a child support agency, or from the State Vital Records Office.
- If you change your mind about a paternity acknowledgment after 60 days, you will need to ask the court to void the paternity. You will need to prove that there was fraud, duress, or a serious mistake that caused you to sign the form.

THIS IS A LEGAL DOCUMENT. DO NOT SIGN IT IF YOU DO NOT FULLY UNDERSTAND WHAT IT MEANS. You might want to talk to a lawyer before signing this form, but having an attorney is not required. The actual text of state statutes is printed inside this form.

If you have questions about these rights and responsibilities, call the State Child Support Office toll-free number: 1-888-643-7284.

If you have questions about completing the form itself, call the State Vital Records Office: (608) 266-1373.

Wisconsin Statute § 69.15(3)(b)3, requires that you be notified of the following provisions under Wisconsin law.

s. 767.805 Voluntary acknowledgment of paternity.

(1) CONCLUSIVE DETERMINATION OF PATERNITY. A statement acknowledging paternity that is on file with the state registrar under s. 69.15 (3) (b) 3. after the last day on which a person may timely rescind the statement, as specified in s. 69.15 (3m), is a conclusive determination, which shall be of the same effect as a judgment, of paternity.

(1m) MINOR PARENT MAY NOT SIGN. A minor may not sign a statement acknowledging paternity.

(2) RESCISSION OF ACKNOWLEDGMENT. (a) A statement acknowledging paternity that is filed with the state registrar under s. 69.15 (3) (b) 3. may be rescinded as provided in s. 69.15 (3m) by a person who signed the statement as a parent of the child who is the subject of the statement.

(b) If a statement acknowledging paternity is timely rescinded as provided in s. 69.15 (3m), a court may not enter an order specified in sub. (4) with respect to the male who signed the statement as the father of the child unless the male is adjudicated the child's father using the procedures set forth in this subchapter, except for this section.

(3) ACTIONS WHEN PATERNITY ACKNOWLEDGED. (a) Unless the statement acknowledging paternity has been rescinded, an action affecting the family concerning custody, child support or physical placement rights may be brought with respect to persons who, with respect to a child, jointly signed and filed with the state registrar under s. 69.15 (3) (b) 3. as parents of the child a statement acknowledging paternity.

(b) Except as provided in s. 767.407, in an action specified in par. (a) the court may appoint a guardian ad litem for the child and shall appoint a guardian ad litem for a party who is a minor, unless the minor party is represented by an attorney.

(4) ORDERS WHEN PATERNITY ACKNOWLEDGED. In an action under sub. (3) (a), if the persons who signed and filed the statement acknowledging paternity as parents of the child had notice of the hearing, the court shall make an order that contains all of the following provisions:

(a) Orders for the legal custody of and periods of physical placement with the child, determined in accordance with s. 767.41.

(b) An order requiring either or both of the parents to contribute to the support of any child of the parties who is less than 18 years old, or any child of the parties who is less than 19 years old if the child is pursuing an accredited course of instruction leading to the acquisition of a high school diploma or its equivalent, determined in accordance with s. 767.511.

(c) A determination as to which parent, if eligible, shall have the right to claim the child as an exemption for federal tax purposes under 26 USC 151 (c) (1) (B), or as an exemption for state tax purposes under s. 71.07 (8) (b).

(d) 1. An order establishing the amount of the father's obligation to pay or contribute to the reasonable expenses of the mother's pregnancy and the child's birth. The amount established may not exceed one-half of the total actual and reasonable pregnancy and birth expenses. The order also shall specify the court's findings as to whether the father's income is at or below the poverty line established under 42 USC 9902 (2), and shall specify whether periodic payments are due on the obligation, based on the father's ability to pay or contribute to those expenses.

2. If the order does not require periodic payments because the father has no present ability to pay or contribute to the expenses, the court may modify the judgment or order at a later date to require periodic payments if the father has the ability to pay at that time.

(e) An order requiring either or both parties to pay or contribute to the costs of the guardian ad litem fees and other costs.

(f) An order requiring either party to pay or contribute to the attorney fees of the other party.

(4m) LIABILITY FOR PAST SUPPORT. (a) Subject to par. (b), liability for past support of the child shall be limited to support for the period after the day on which the petition, motion or order to show cause requesting support is filed in the action for support under sub. (3) (a), unless a party shows, to the satisfaction of the court, all of the following:

1. That he or she was induced to delay commencing the action by any of the following:

a. Duress or threats.

b. Actions, promises or representations by the other party upon which the party relied.

c. Actions taken by the other party to evade proceedings under sub. (3) (a).

2. That, after the inducement ceased to operate, he or she did not unreasonably delay in commencing the action.

(b) In no event may liability for past support of the child be imposed for any period before the birth of the child.

(5) VOIDING DETERMINATION. (a) A determination of paternity that arises under this section may be voided at any time upon a motion or petition stating facts that show fraud, duress or a mistake of fact. Except for good cause shown, any orders entered under sub. (4) shall remain in effect during the pendency of a proceeding under this paragraph.

(b) If a court in a proceeding under par. (a) determines that the male is not the father of the child, the court shall vacate any order entered under sub. (4) with respect to the male. The court or the county child support agency under s. 59.53 (5) shall notify the state registrar, in the manner provided in s. 69.15 (1) (b), to remove the male's name as the father of the child from the child's birth certificate.

No paternity action may thereafter be brought against the male with respect to the child.

(6) APPLICABILITY. (a) This section does not apply unless all of the following apply to the statement acknowledging paternity:

1. The statement is made on a form prescribed by the state registrar for use beginning on April 1, 1998.

2. The statement was signed and filed on or after April 1, 1998.

3. The statement contains an attestation clause showing that both parties, before signing the statement, received oral and written notice of the legal consequences of, the rights and responsibilities arising from and the alternatives to, signing the statement.
- (b) Parties who signed and filed a statement acknowledging paternity before April 1, 1998, may sign and file a new statement that fulfills the requirements under par. (a). The new statement supersedes any statement previously filed with the state registrar and has the effects specified in this section.
- (c) The notice requirements under s. 69.15 (3) (b) 3. apply to this section beginning with forms for the acknowledgment of paternity that are prescribed by the state registrar on April 1, 1998.

Pursuant to Wis. Stat. § 767.813(5g), the court in a paternity action is required to inform the parties that:

1. You are a party to a petition for paternity. A judgment of paternity legally designates the child in the case to be a child of the man found to be the father. It creates a legally recognized parent–child relationship between the man and the child. It creates the right of inheritance for the child, and obligates the man to support the child until the child reaches the age of 18, or the age of 19 if the child is enrolled full–time in high school or its equivalent. The failure by either parent to pay court–ordered support is punishable by imprisonment as a contempt of court or as a criminal violation.
2. A party to a paternity case has the right to be represented by an attorney. If you are unable to afford an attorney and you are a man who is named as the possible father of a child in a paternity case, the court will appoint an attorney for you only if the results of one or more genetic tests show that you are not excluded as the father and that the statistical probability of your being the father is less than 99.0 percent. In order to determine whether you are entitled to have an attorney appointed for you, you may contact your local child support agency or Clerk of Court.
3. The petitioner in this case has the burden of proving by a clear and satisfactory preponderance of the evidence whether the man named as the possible father is the father. However, if genetic tests show that the man named is not excluded as the father, and show that the statistical probability that the man is the father is 99.0 percent or higher, that man is rebuttably presumed to be the father.
4. You may request genetic tests which will indicate the probability that the man named as the possible father is or is not the father of the child. The court will order genetic tests on a request by you, the state, or any other party. Any person who refuses to take court–ordered genetic tests may be punished for contempt of court.
5. The following defenses are available in a paternity case: (a) The man named as a possible father of the child may claim that he was sterile or impotent at the time of conception. (b) The mother may claim that she, or the man named as a possible father may claim that he, did not have sexual intercourse with the other party during the conceptive period (generally the period 8 to 10 months before the birth of the child). (c) The mother or the man named as a possible father may claim that another man had sexual intercourse with the mother during the conceptive period.
6. You have the right to request a jury trial on the issue of whether the named man is the father.
7. If you fail to appear at any stage of the proceeding, including a scheduled court–ordered genetic test, the court may enter a default judgment finding the man claimed to be the father as the father.
8. You must keep the clerk of court and child support agency informed of your current address at all times.

Sec. 69.15 Changes of fact on birth certificates.

69.15(3)(b)3 ... If the state registrar receives a statement acknowledging paternity on a form prescribed by the state registrar and signed by both parents ... along with the fee under s. 69.22, the state registrar shall insert the name of the father under subd. 1. ... The form shall be available to the department of children and families or a county child support agency under ... s. 49.22 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the form for the acknowledgment the information in s. 767.805 and the items in s. 767.813 (5g).

(3m) RESCISSION OF STATEMENT ACKNOWLEDGING PATERNITY. (a) A statement acknowledging paternity that is filed with the state registrar ... may be rescinded by either person who signed the statement as a parent of the registrant if all of the following apply:

1. The statement was signed and filed on or after April 1, 1998.
2. The person rescinding the statement files with the state registrar a document prescribed by the state registrar for rescinding a statement acknowledging paternity ...
3. ... the person rescinding the statement files the document under subd. 2 before the day on which a court or circuit court commissioner makes an order in an action affecting the family involving the man who signed the statement and the child who is subject of the statement or before 60 days elapse after the statement was filed, whichever occurs first.
4. ... (b) If the state registrar, within the time required under par. (a) 3. ... receives a document prescribed by the state registrar for rescinding a statement acknowledging paternity ... along with the proper fee ... the state registrar shall prepare under sub. (6) a new certificate omitting the father's name if it was inserted under sub. (3)(b).

**VOLUNTARY PATERNITY
 ACKNOWLEDGMENT**

Type or print in **BLACK INK**. No cross-outs, erasures or correction fluid allowed.
 Follow instructions on the reverse side.

VITAL RECORDS OFFICE USE ONLY	Date Filed	Certificate Number
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SECTION I

Child's Name - First		Middle	Last - (As it now appears on the birth certificate)		Suffix (e.g., Jr.)	Sex of Child <input type="checkbox"/> Male <input type="checkbox"/> Female
Child's Age	Child's Birth Date (MM/DD/YYYY)		Child's Birthplace - City, Village or Township		Child's Birthplace - County	
Mother's BIRTH Name - First		Middle	Last		Suffix (e.g., Jr.)	Mother's Social Security No.
Mother's Current Legal Name - First		Middle	Last		Suffix (e.g., Jr.)	Birth Date (MM/DD/YYYY)
Mother's Mailing Address (Street Address / City / State / ZIP Code)					Mother's Age	Mother's Daytime Telephone No. ()
Father's BIRTH Name - First		Middle	Last		Suffix (e.g., Jr.)	Father's Social Security No.
Father's Current Legal Name - First		Middle	Last		Suffix (e.g., Jr.)	Birth Date (MM/DD/YYYY)
Father's Mailing Address (Street Address / City / State / ZIP Code)					Father's Age	Father's State of Birth (If not in U.S.A., name of country)

SECTION II Is this child's name to be changed? Yes No If yes, use the blocked area below to show the complete new name. FOR REQUESTS TO CHANGE THE CHILD'S NAME: If the child is age 7 through 17 when this form is received by the State Vital Records Office, the certificate will show the old and new names. This form may not be used to change a child's name if the child is age 18 or older.

We want our child's name changed to:

First	Middle	Last	Suffix (e.g., Jr.)
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SECTION III Each parent must sign this form, either separately or together, in the presence of a Notary Public.

If you have **ANY** questions about the legal impact of signing this form, seek legal advice and **DO NOT SIGN** this document.

MOTHER'S STATEMENT

I swear or affirm all of the following:

- I have received an oral explanation of the Rights and Responsibilities Statement on the cover sheet of this form. This statement includes the legal consequences and alternatives to signing this form.
- I have read and understand the Rights and Responsibilities Statement on the cover sheet of this form.
- I understand that I may not sign this form if I am under age 18.
- To the best of my knowledge, all of the above information is true and correct.
- I am the biological mother of the child named on this form.
- I understand that I may request genetic tests to determine paternity for my child before signing this form.
- The man named on this form is the biological father of the child named on this form.

**Check one of the following:
 (See reverse side for fees)**

I was NOT married to another man at any time between conception or the birth of the child named on this form.

OR

I was married to another man at some time between conception and birth of this child, but am attaching a **CERTIFIED** court order stating that the man that I was married to is not the father of the child named on this form.

FATHER'S STATEMENT

I swear or affirm all of the following:

- I have received an oral explanation of the Rights and Responsibilities Statement on the cover sheet of this form. This statement includes the legal consequences and alternatives to signing this form.
- I have read and understand the Rights and Responsibilities Statement on the cover sheet of this form.
- I understand that I may not sign this form if I am under age 18.
- To the best of my knowledge, all of the above information is true and correct.
- I understand that I may request genetic tests to determine whether I am the father of this child prior to signing this form.
- I am the biological father of the child on this form.
- I understand that the mother has sole legal custody until a court orders otherwise.
- I understand that this is a legally binding document and that, by signing this form, I accept the legal responsibilities (including financial support) listed on the cover sheet of this form.

➤ **SIGNATURE - Mother (Must be signed)** _____ Date Signed (MM/DD/YYYY) _____

➤ **SIGNATURE - Father (Must be signed)** _____ Date Signed (MM/DD/YYYY) _____

CERTIFICATE OF NOTARY PUBLIC

NOTARY SEAL
 (MANDATORY)

Subscribed and sworn before me this _____ day of

Month Year

➤ **SIGNATURE** _____, Notary

of _____ county, state of _____.

My Commission expires _____.

Printed Name of Notary _____

CERTIFICATE OF NOTARY PUBLIC

NOTARY SEAL
 (MANDATORY)

Subscribed and sworn before me this _____ day of

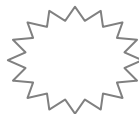
Month Year

➤ **SIGNATURE** _____, Notary

of _____ county, state of _____.

My Commission expires _____.

Printed Name of Notary _____



GENERAL INFORMATION

Filing a completed Voluntary Paternity Acknowledgment with the Department of Health Services Vital Records Office (State Registrar) establishes legal paternity. Read the attached statement of rights before signing this form. If you have questions concerning the legal impact of signing this document or if you do not understand your legal rights and obligations in this matter, seek legal advice and do not sign this form. You may keep the attached sheet for future reference. If you have questions on how to fill out this form, please call the State Vital Records Office at (608) 266-1373.

USE OF THIS FORM

A Voluntary Paternity Acknowledgment may be filed after the birth of the child if:

- (1) no other Voluntary Paternity Acknowledgment or court determination of paternity exists for the child, and
- (2) the mother was not married to anyone from the time of conception to the birth of the child. If the mother was married to another man at any time from conception to the birth of the child, this form may only be filed after the mother's husband has been declared by a court not to be the child's biological father.
- (3) The biological father may sign this form even if he is married to someone else.

Only the State Vital Records Office, after receiving this form, may enter the father's name and information on the birth certificate. **The hospital may not enter the father's name and information on the birth certificate.**

If the parents have married each other since the birth of the child, parents should follow the "Acknowledgment of Marital Child" process rather than file a Voluntary Paternity Acknowledgment. Call (608) 266-1373, write to the address listed below, or email DHSVitalRecords@wi.gov for information on the Acknowledgment of Marital Child process.

If a court order establishing paternity has been filed adding a father's name to the birth certificate, this Voluntary Paternity Acknowledgment may not be used since paternity has already been legally established. If a court order establishing paternity was filed but you now wish to change the child's name, this form may not be used for that purpose. You will need a new court order. You may want to contact an attorney for legal assistance.

INSTRUCTIONS FOR COMPLETING THE VOLUNTARY PATERNITY ACKNOWLEDGMENT [S. 69.15(3)(b)3]

SECTION I

- Complete each item in this section or the form will be returned as unacceptable.
- Enter the name of the child as it now appears on the birth certificate.
- When completing the father's information, enter the father's COMPLETE legal name as it should read on the child's birth certificate.
- If the mother and father have been assigned a Social Security number, they are required to provide it for the birth certificate. Social Security numbers may only be released to Child Support Agencies to conduct child support enforcement programs per 42 USC 405 (C)(2).
- Complete a separate form for each child of a multiple birth.

SECTION II

- You do not have to change your child's name. Your child's name MAY be changed by checking the box "Yes" and entering the child's new name in the boxes provided. If your child is **under 7 years of age** when this form is received by the Vital Records Office, and the name is changed, the certificate will not show the old name. If your child is age **7 through 17** when this form is received by the State Vital Records Office, and the name is changed, the certificate will show the old and new names. This form may not be used to change a child's name if the child is age 18 or older.

SECTION III

- Each parent must sign this form in the presence of a Notary Public. The mother and father do not need to be together at the time each signs the form, and each may use a different Notary Public.
- Make sure the Notary Public is a witness to all required signatures and that the Notary signs and completes the Notary information on both the mother and the father areas of this form. **The Notary Seal must be present in both designated areas.** (A Notary Public is someone specially licensed by a state government to witness legal signatures. Notaries can be found at banks, courthouses and hospitals.)

IMPORTANT FEE AMOUNTS AND PAYMENT INFORMATION

A filing fee is required and does not include any copies of the birth certificate.

- Filing fee to add the father if no other man is currently listed on the birth certificate \$ 10.00 _____
- Filing fee to add the father and remove a husband listed on the birth certificate \$ 20.00 _____
(must submit a certified court order to remove the husband)
- One certified copy of the new birth certificate \$ 20.00 _____
- Each additional copy of the new certificate _____ X \$ 3.00 _____
Number of Additional Copies

TOTAL _____

- Certified copies of the birth certificate will be sent to the mother's address unless this box is checked: **Send to father's address.**
Father's Telephone No. (_____) _____
- Your check or money order for fees should be made payable to: **State of Wis. Vital Records**
- AFTER THE BIRTH of the child, forward the completed form and the check or money order to:

**State Vital Records Office
ATTN: VPA
P.O. Box 309
Madison, WI 53701-0309**

ADMINISTRATIVE USE ONLY	DOCUMENT SOURCE (Check one.) <input type="checkbox"/> Child Support Office _____ <input type="checkbox"/> Hospital _____
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