



## What You as a Parent must know before Signing the Paternity Acknowledgement by Natural Parents

**RIGHTS, RESPONSIBILITIES AND DUTIES:** When both parents sign the Paternity Acknowledgement by Natural Parents, they attest they are the natural parents of this child. After signing, either parent has the right to cancel the effect of the acknowledgment within 60 days unless there has been a court hearing regarding that parent and the child. If there is no court hearing within 60 days of when the acknowledgment is signed, paternity is legally established under the laws of Florida. Once both parents sign the acknowledgment, the name of the father is placed on the child's birth record. Even if the acknowledgment is canceled within 60 days, the birth record can only be amended and the father's name removed by a court order.

After paternity is legally established, paternity can only be challenged by proving in court that the parent(s) signature on the acknowledgment was obtained through fraud, under duress, or there was a material mistake in fact. The court will decide whether the name can be removed.

**WHAT ARE YOU AGREEING TO DO?** If you are the mother, you are agreeing that the person signing as the child's father is, in fact, the biological father of your child. If you are the father, you are agreeing that you are the biological father of the child and you and the mother will be responsible for the child's financial and medical support until he or she is an adult. This usually means until the child is eighteen years of age. *Do not sign the acknowledgment if you are not certain you are the child's father.*

**CAN I SIGN IF I AM LESS THAN EIGHTEEN YEARS OF AGE?** Minors are encouraged to obtain the consent of their legal guardian before signing the acknowledgment. However, under Florida law, a minor can sign the acknowledgment provided the Notary Public feels the minor understands the acknowledgment is a sworn document that must be truthful, and the minor has had his or her rights and responsibilities regarding establishing paternity clearly explained.

**CONSEQUENCES:** By signing this acknowledgment, you declare that the mother was unwed at the time of her child's birth and that you are the child's parents and both of you are undertaking the responsibility for this child as provided by law. The designated birthing facility or child support staff are required to explain and clarify the acknowledgment and paternity establishment to both mother and father and to inform each of you of your rights and give each of you the opportunity to voluntarily acknowledge paternity. Original signatures are required. After both of you sign the acknowledgment and it is notarized or witnessed, a birth record listing both parents will be placed on file.

If you have any questions, now is the time to ask. If you do not understand the acknowledgment, *do not sign it.*

**ALTERNATIVES TO SIGNING:** Under Florida law, if the natural, biological father does not sign this consent acknowledgment, paternity may be established by other legal processes. The mother, the natural father, the child and/or the state, on behalf of the child, may file a paternity action if the child is a recipient of public assistance. All costs, including genetic tests, will be billed to the man found to be the legal father. These costs are in addition to court ordered child support that the legal father may be required to pay. If the father or mother in this case wishes to establish paternity without the cooperation of the other party, he or she should contact the local Child Support Enforcement Office or a private attorney.

**Section 742.10(1), Florida Statutes states in part that: "If no adjudicatory proceeding was held, a voluntary acknowledgement of paternity shall create a rebuttable presumption, as defined by s. 90.304, F.S. of paternity and is subject to the right of any signatory to rescind the acknowledgement within 60 days of the date of the acknowledgment was signed or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order, in which the signatory is a party, whichever is earlier. Both parents are required to provide their social security numbers on any acknowledgement of paternity, consent affidavit, or stipulation of paternity. Section 742.10(4), Florida Statutes states: After the 60-day period referred to in paragraph (1), a signed voluntary acknowledgment of paternity shall constitute an establishment of paternity and may be challenged in court only on the basis of fraud, duress or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities, including child support obligations of any signatory arising from the acknowledgment may not be suspended during the challenge, except upon a finding of good cause by the court."**