

## **RIGHTS AND RESPONSIBILITIES**

1. **The Affidavit of Parentage is a legal document and constitutes a legal finding of paternity.** No further legal action is required to establish paternity. The father's name will be placed on the child's birth certificate.
2. Completion of the Affidavit of Parentage is voluntary. Do not complete this Affidavit until you have read and have been orally given your rights and responsibilities regarding this document.
3. You have a right to obtain genetic testing. If you have any doubts as to the paternity of this child, you should request genetic testing before signing the Affidavit. If you would like more information about genetic testing, please call the Maryland Child Support Enforcement Administration at 1(800)332-6347.
4. If you are under the age of eighteen (18), you may complete the Affidavit without the permission of an adult or legal guardian. You may want to seek the advice of a parent or legal guardian before signing this form.
5. The legal parents of the minor child are the joint natural guardians of their minor child. This means that both parents are jointly responsible for the support of their child. It also means that the child will be able to benefit from the parents' health care coverage, receive inheritance, or receive social security or veterans' dependent or survivor benefits, if eligible.
6. Once this Affidavit is signed by both parties, the father will have equal rights to custody of the child. If a dispute arises concerning issues of custody, visitation and child support, a court may use this Affidavit to resolve the dispute.
7. It may be beneficial to talk to a lawyer before signing the Affidavit.
8. The personal information requested is required to establish paternity and /or enable the Division of Vital Records to contact a parent in the event that the information provided on the Affidavit is insufficient.
  - a. The Affidavit will be filed with the Division of Vital Records, and will be available upon request to the parents, the legal guardian, and the Child Support Enforcement Administration. The information provided in the Affidavit may be used by the Child Support Enforcement Administration to

assist in providing child support services to either parent.

- b. The legal finding of paternity, established by completion of the Affidavit, can be reversed only if:
  - i. Within 60 days of signing, either party named in the Affidavit signs a written rescission. You may obtain a rescission from by calling the Maryland Department of Health and Mental Hygiene, Division of Vital Records at (410)764-3182;
  - ii. Within 60 days of signing, either party named in the Affidavit appears in court in a proceeding related to the child and informs the court of his or her decision to rescind; or
  - iii. After the expiration of the 60 day period, a court orders a rescission after the party challenging the affidavit proves fraud, duress, or material mistake of fact.
- c. Rescission of the Affidavit will terminate the father/child relationship, but court action will be necessary to remove the man's name from the birth certificate.
- d. If you challenge the Affidavit in court after the 60 day period, your legal responsibilities for the child, including child support obligations, will continue unless and until a court relieves you of those responsibilities.

#### **INSTRUCTIONS FOR COMPLETIONS OF AFFIDAVIT OF PARENTAGE**

1. Press firmly with a ballpoint pen and print all information except your signatures.
2. Each parent must sign and date the form in the presence of a witness.
3. This form must be witnessed or notarized. If you complete the form in the hospital, the hospital staff may act as your witness. Each parent must sign the Affidavit in the presence of a notary public if you take the form home.
4. An incomplete Affidavit may prevent paternity being established by means of the Affidavit.
5. The parents may sign the Affidavit on different dates and need not have the same witness/notary.