

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



August 25, 1998

ALL-COUNTY INFORMATION NOTICE I-50-98

TO: ALL PUBLIC AND PRIVATE ADOPTION
AGENCIES
ALL ADOPTION SERVICE PROVIDERS
ALL CDSS ADOPTION DISTRICT OFFICES

REASON FOR TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: **VOLUNTARY DECLARATION OF PATERNITY**

This notice is to inform you of the Voluntary Declaration of Paternity process. We strongly recommend that this information be shared with birth parents.

In situations where the birth mother is unmarried, the filing of a voluntary declaration by the biological father legally establishes paternity, and the declaration has the same force and effect as a judgment of paternity issued by a court of competent jurisdiction. [Family Code (FC) Sections 7573 and 7644 (b)] If the parents are not married to each other, the father's name cannot be listed on the birth certificate unless he signs a voluntary declaration of paternity at the hospital before the birth certificate is prepared. [Health and Safety Code Section 102425 (a)(4)]

The hospital where the child was born is responsible for filing with the State Office of Vital Records a declaration document signed at the hospital, together with the child's birth certificate. [FC Section 7571(a)] If the declaration is not registered by the hospital, it instead may be completed by the parents, notarized, and mailed to the State Office of Vital Records at any time after the child's birth. [FC Section 7571 (d)] Copies of the filed declaration are available only to the parents, the child, the district attorney, the county welfare department, the county counsel and the California Department of Social Services. [FC Section 7571 (i)]

In an independent adoption proceeding where the birth mother is unmarried, it is very important to ask whether any possible father signed, or plans to sign, a declaration at the hospital or whether any possible father signed, or plans to sign, a declaration later. This information is used in determining an alleged natural father's status and the process for dealing with his parental rights in the proposed adoption.

If you have any questions regarding this notice, please call the Adoptions Policy Bureau at (916) 322-4228, e-mail to Maria.Barriga@dss.ca.gov, or write to the above address.

***Original Document Signed By
Patric B. Ashby for Marjorie Kelly on 8/20/98***

MARJORIE KELLY
Deputy Director
Children and Family Services Division