

Appendix 4A

Worksheet: Determining When Paternity Is an Issue in the Abuse, Neglect, or Dependency Proceeding

Purpose: This worksheet is designed to assist the court in its determination of whether paternity is an issue. By using this worksheet, the court will be able to determine if and how a child's father has been named. The court will be able to identify if the father's status is a result of a marital presumption of legitimacy, an admission of the parties, or a court adjudication of paternity. If there was a court adjudication, the court may find it useful to list the parties that were involved in the prior action in the event that the court also must decide whether collateral estoppel applies to the party in the abuse, neglect, or dependency proceeding who is raising paternity or non-paternity as an issue. Although this worksheet is designed with the court determination in mind, the parties may find it useful when deciding whether to raise paternity as an issue in the abuse, neglect, or dependency proceeding.

Child's Name: _____

Birth Certificate

Father **Is Not** Named on Original Birth Certificate

Father **Is** Named on Original Birth Certificate: _____

Basis for Name on Birth Certificate

Marital Presumption (Rebuttable by Clear, Cogent, and Convincing Evidence)

AOP Executed within 10 Days of Child's Birth:

Mother: Date Signed: ___ / ___ / _____

Father: Date Signed: ___ / ___ / _____

[Note: If Executed before 12/12/2005: Presumption of Paternity Applies.]

Certified Copy May Be Admitted as Evidence of Paternity (Admission by Signatories)

Court Order

Amended Birth Certificate

Date of Amendment: ___ / ___ / _____

Basis of Amendment: _____

Name of Father: _____

Name of Father Removed (if Applicable): _____

[Note: It is possible that a legitimation by marriage or court order declaring the child's legitimacy or adjudicating paternity or non-paternity occurred without an accompanying amendment to the child's birth certificate. The husband and wife may not have filed a

request to amend the child's birth certificate with an accompanying affidavit and a certified copy of the marriage certificate with the State Registrar. The clerk of court may not have notified or sent a certified copy of a court order determining different parentage to the State Registrar.]

Legitimation

- Legitimation by Marriage, Proof: _____ Date of Marriage: ____ / ____ / ____
- Court Order of Legitimation, Case Name: _____
Court and Docket Number: _____ Date of Order: ____ / ____ / ____
- Parties:
Putative Father: _____
Mother: _____
Child: _____
Child's Rule 17 GAL: _____
Husband (if Applicable): _____
- Child Is Legitimated Child Is NOT Legitimated

Judicial Determinations Addressing Paternity

- Court Order of Paternity**, Case Name: _____
Court and Docket Number: _____ Date of Order: ____ / ____ / ____
- Order of Paternity Set Aside Date ____ / ____ / ____
- Parties:
Putative Father: _____
Mother: _____
Child (if Applicable): _____
Child's Rule 17 GAL (if Applicable): _____
Child Services Agency (if Applicable): _____
Husband (if Applicable): _____
- Paternity Adjudicated Non-Paternity Adjudicated
- Criminal Nonsupport Action**, Case Name: _____
Court and Docket Number: _____
- Parties:
Prosecuting Party: _____
Named Defendant: _____
- Convicted Acquitted Date: ____ / ____ / ____
- Declaratory Judgment**, Case Name: _____
Court and Docket Number: _____ Date of Order: ____ / ____ / ____
- Parties:
Plaintiff: _____

Defendant: _____

Other: _____

Declared the Father Declared NOT the Father

Divorce, Case Name: _____

Court and Docket Number: Date of Order: ____ / ____ / _____

Parties:

Plaintiff: _____

Defendant: _____

Paternity Decided Yes No

Incorporated Separation Agreement Includes Child Support or Custody

Provision for Child Custody or Support in the Divorce Judgment

Finding Husband Is the Father Is NOT the Father

Evidence of That Finding: _____

Child Custody, Case Name: _____

Court and Docket Number: _____ Date of Order: ____ / ____ / _____

Parties:

Plaintiff: _____

Defendant: _____

Intervenor (if Applicable): _____

GAL for Child (if Applicable): _____

Finding of Fact Determining Paternity Yes No

Child Support

Court Order Establishing Child Support, Case Name: _____

Court and Docket Number: _____ Date of Order: ____ / ____ / _____

Parties:

Mother: _____

Father: _____

Child (if Applicable): _____

Child's Guardian (if Applicable): _____

Child Support Services Agency (if Applicable): _____

Child Support Order Terminated after Order of Non-Paternity (G.S. 50-13.13)

Date: ____ / ____ / _____

Affidavit of Parentage (AOP) for Child Support Purposes

[Note: Adjudication of paternity is for child support purposes only; AOP is evidence of paternity in non-child support action.]

Mother: Date Signed: ____ / ____ / _____

Father: Date Signed: ____ / ____ / _____

AOP Rescinded

[Note: Must be rescinded within 60 days of execution or before an entry of an order establishing paternity or child support, whichever occurs first.]

Court Order on Rescission of AOP, Case Name: _____

Court and Docket Number: _____

Granted Denied Date: ____ / ____ / ____

Parties:

Mother: _____

Father: _____

Child Support Services Agency: _____

AOP Set Aside by Court Order, Case Name: _____

Court and Docket Number: _____

Granted Denied Date: ____ / ____ / ____

Parties:

Mother: Moving Party

Father: Moving Party

Child Support Services Agency: _____

Voluntary Support Agreement (VSA)

Parties:

Mother: Date Signed: ____ / ____ / ____

Father: Date Signed: ____ / ____ / ____

Child Support Services Agency: _____

Date Filed ____ / ____ / ____

Court: _____ Date Approved ____ / ____ / ____

Basis of VSA: AOP Marital Presumption Court Order of Paternity

Other: _____