

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 718

*An Act to amend the Code of Virginia by adding in Chapter 3.1 of Title 20 a section numbered 20-49.9, relating to hospital paternity establishment programs.*

[H 837]

Approved April 10, 1994

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 3.1 of Title 20 a section numbered 20-49.9 as follows:**

*§ 20-49.9. Hospital paternity establishment programs.*

*On and after January 1, 1995, each public and private birthing hospital in the Commonwealth shall provide unwed parents the opportunity to legally establish the paternity of a child prior to the child's discharge from the hospital following birth, by means of a voluntary acknowledgment of paternity signed by the mother and the father, under oath.*

*Birthing hospitals are defined as hospitals with licensed obstetric-care units, hospitals licensed to provide obstetric services, or licensed birthing centers associated with a hospital. Birthing centers are facilities outside hospitals that provide maternity services.*

*Designated staff members of such hospitals shall provide to both the mother and the alleged father, if he is present at the hospital, (i) written materials regarding paternity establishment, (ii) the forms necessary to voluntarily acknowledge paternity, (iii) a written description of the rights and responsibilities of acknowledging paternity, and (iv) the opportunity, prior to the child's discharge from the hospital, to speak with staff who are trained to provide information and answer questions about paternity establishment. The provision by designated hospital staff members of the information required by this section, consistent with federal regulations, shall not constitute the unauthorized practice of law pursuant to Chapter 39 (§ 54.1-3900 et seq.) of Title 54.1.*

*Hospitals shall send the original acknowledgment of paternity containing the social security numbers, if available, of both parents, with the information required by § 32.1-257 et seq., to the State Registrar of Vital Records so that the birth certificate issued includes the name of the legal father of the child.*

*The Department of Social Services shall (i) provide to birthing hospitals all necessary materials and forms, and a written description of the rights and responsibilities related to voluntary acknowledgment of paternity; (ii) provide the necessary training, guidance and written instructions regarding voluntary acknowledgment of paternity; (iii) annually assess each birthing hospital's paternity establishment program; (iv) pay to each hospital an amount determined by regulation of the State Board of Social Services for each acknowledgment of paternity signed under oath by both parents; and (v) determine if a voluntary acknowledgment has been filed with the State Registrar of Vital Records in cases applying for paternity establishment services.*