



## NAVIGATING PARENTAGE IN RHODE ISLAND — HOW TO CONFIRM LEGAL PARENTHOOD OF A NON-BIRTHING PARENT

### WHAT IS “PARENTAGE” AND WHY DOES IT MATTER?

Parentage is a fancy word that describes the legal relationship between a child and a parent. It is more inclusive than “paternity,” which traditionally refers to a child’s mother or father. As a concept, “paternity” does not take into account the many ways that families come together. For example, every day children are born to married people and unmarried people, to heterosexual couples and same-sex couples, to people who are not (or no longer) in a relationship, and to biological parents who are married to a non-biological parent.

Much of American family law treats married, heterosexual couples as the norm. When a family structure doesn’t fit into that historical framework, the non-birthing parent has to **navigate a specific legal process to be named on the child’s birth certificate and have rights as the child’s lawful parent.** Establishing parentage can benefit a child by helping to ensure that both parents support the child financially (via **child support and other benefits** like Social Security, a pension, and health insurance), as well as giving the child a fuller sense of identity and connection to both sides of their family.

Care teams can use this tool to educate families about parentage processes to support them in **making informed decisions about their rights!**

### CONSIDERATIONS FOR UNMARRIED PEOPLE

In Rhode Island, an unmarried birthing parent is automatically treated as the legal parent. The only time this is not true is when a gestational carrier (surrogacy) agreement is in place.

But what about the non-birthing parent? Unmarried couples may agree to formalize the non-birthing parent’s legal relationship to the child by filling out a **Voluntary Acknowledgment of Parentage.** People often take this step to ensure that their child has two legal parents. If the birthing parent and non-birthing parent do *not* agree on establishing parentage, the birthing parent (as well as certain other people) can initiate a **parentage action** in Family Court. This is a legal proceeding through which a judge decides — usually based on a genetic test — whether to issue an order of parentage, meaning that someone other than the birthing parent now has legal parenthood responsibilities.

#### KEY DOCUMENT!

#### Voluntary Acknowledgment of Parentage

Without this completed form, the state treats a child of unmarried parents as having no legal father/ non-birthing parent.



Rhode Island Department of Health  
Center for Vital Records  
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Providence, Rhode Island, 02908  
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#### VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE

PARENT 1	1. Parent's Current Legal Name (First, Middle, Last, Suffix)		
	2. Social Security Number	3. Date of Birth (mm/dd/yyyy)	4. Birthplace (State, Territory or Foreign Country)
	5. Residence Address (Street and Number, City/Town, State, Zip Code)		
PARENT 2	6. Parent's Current Legal Name (First, Middle, Last, Suffix)		
	7. Social Security Number	8. Date of Birth (mm/dd/yyyy)	9. Birthplace (State, Territory or Foreign Country)
	10. Residence Address (Street and Number, City/Town, State, Zip Code)		
11. Hispanic Origin <input type="checkbox"/> Yes <input type="checkbox"/> No		12. Race	13. Education

**SAMPLE**



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### CONSIDERATIONS FOR MARRIED PARENTS

Married couples may use the Voluntary Acknowledgement of Parentage form, but are not required to. This is because under RI law, both spouses automatically are considered the child’s legal parent. The birthing parent is considered the legal parent whether they are married or unmarried. In the case of married couples, however, marriage itself creates a special, automatic presumption that the non-birthing spouse *also* is the legal parent of any child born during the marriage.

### CONSIDERATIONS FOR ALL PARENTS

**What if a birthing parent’s spouse is *not* the child’s biological parent? OR, in the case of unmarried couples, what if the non-birthing parent named on the birth certificate is not the actual genetic parent?**

This happens! Sometimes families need to amend a child’s birth certificate in order to reflect the actual legal parents. To remove and/or add a non-birthing parent’s name to a child’s birth certificate, three people — the birthing parent, the named non-birthing parent and the unnamed parent (who needs to be added to the birth certificate) — **all** must complete and sign **several** legal documents in front of a witness and bring them to the RI Office of Vital Records. These include:

- The biological father and birthing parent must sign a **Voluntary Acknowledgment of Parentage**; and
- The spouse and birthing parent must sign the **Denial of Parentage**

#### KEY DOCUMENT!

#### Denial of Parentage

Without this signed document, the law will treat the non-birthing spouse as the child’s second legal parent.



#### Denial of Parentage

*Please type or print clearly.*

<b>Child</b>	1. Child’s name (First, Middle, Last, Suffix)		2. Date of birth (MM/DD/YYYY)	
	3. City or Town, County, and State of birth			
<b>Delivery Parent</b>	4. Parent’s current legal name (First, Middle, Last, Suffix)		5. Social Security Number	
	6. Date of birth (MM/DD/YYYY)		7. Birthplace (State, Territory, or Foreign Country)	
	8. Mailing Address (Street and Number, City/Town, State, ZIP)			

**SAMPLE**

**What happens if the one of the three adults disputes their relationship to the child?** Then they may involve the Family Court to decide who is the legal parent.

For more information about parentage:

- GLAD’s Rhode Island Uniform Parentage Act FAQ
- State of Rhode Island Office of Child Support Services – Establishment of Parentage
- RI Family Court