

THREE WAY PATERNITY AFFIDAVIT

Parents: You may wish to make a copy of this completed form for you own records. The original Voluntary Acknowledgment of Paternity will be placed in a sealed file. A copy can only be obtained by court order.

South Dakota law requires that if the mother was married at the time of conception or birth, or anytime between conception and birth, that name of the husband shall be entered on the certificate as the father of the child unless the mother executes an affidavit attesting that her husband is not the biological father and providing the name of the alleged biological father.

This form must be signed by both parents in front of a notary public.

Child's Information Currently on the Birth Record:					
1. Name	First	Middle	Last	Suffix (Jr., etc.)	1A. Date of Birth (Month, Day, Year)
1B. Place of Birth	City	County	State	1C. Gender (Mark one) ___ Male ___ Female	
Surname of Child to be Entered on New Birth Certificate (Complete even if surname does not change)					
2. The Surname of the Child Shall Henceforth be Shown on the Birth Record As: Surname: _____ Suffix (Jr., II, etc.): _____					
Mother's Information Currently on the Birth Record:					
3. Name	First	Middle	Last	3A. Maiden Surname	
3B. Social Security Number (See Back)	3C. Birthplace - State (if not USA, name country)		3D. Date of Birth (Month, Day, Year)	3E. Daytime Phone #	
3F. Current Address Street Address/PO Box _____ City _____ State _____ Zip _____					
Father's Information to be Entered on the Birth Record:					
4. Name	First	Middle	Last	Suffix (Jr., etc.)	4A. Date of Birth (Month, Day, Year)
4B. Social Security Number (See Back)	4C. Race (White, Indian, Black, etc.)				
4D. Birthplace - State (if not USA, name country)					
4E. Current Address Street Address/PO Box _____ City _____ State _____ Zip _____					Inside City Limits? ___ Yes ___ No

I acknowledge that I am the biological mother of the child; the above information is true; I was married at the time of the child's conception, birth or anytime in between; my husband is not the biological father. I am voluntarily signing this Acknowledgment for the purpose of establishing paternity of the child.

I acknowledge that the rights, responsibilities, alternatives and legal consequences, associated with signing this affidavit as outlined in the Voluntary Paternity Establishment Booklet (BR000CSE2), have been explained to me, orally and/or in writing, and I understand the same. I understand that an affidavit of paternity signed by both parties creates a presumption of paternity and allows for the establishment of a child support obligation without further legal proceedings to establish paternity. I understand that either party can seek circuit court rescission of this affidavit within 60 days of signing the affidavit, unless an administrative or judicial proceeding has already been commenced regarding the child.

Mother's Signature _____
Subscribed and sworn to before me this _____ day of _____, _____ (SEAL)
Notary Public _____
My commission expires: _____

I acknowledge that I am the biological father of the child; the above information is true; I am voluntarily signing this Acknowledgment for the purpose of establishing paternity of the child.

I acknowledge that the rights, responsibilities, alternatives and legal consequences, associated with signing this affidavit as outlined in the Voluntary Paternity Establishment Booklet (BR000CSE2), have been explained to me, orally and/or in writing, and I understand the same. I understand that an affidavit of paternity signed by both parties creates a presumption of paternity and allows for the establishment of a child support obligation without further legal proceedings to establish paternity. I understand that either party can seek circuit court rescission of this affidavit within 60 days of signing the affidavit, unless an administrative or judicial proceeding has already been commenced regarding the child.

Father's Signature _____
Subscribed and sworn to before me this _____ day of _____, _____ (SEAL)
Notary Public _____
My commission expires: _____

South Dakota Department of Health
207 E Missouri Ave, Ste #1-A
Pierre, SD 57501

This is a Legal Document
Complete in ink and do not alter

HUSBAND'S PATERNITY DENIAL AFFIDAVIT

You may wish to make a copy of these completed forms for your own records. The original Affidavit of Mother's Denial of Husband's Paternity and the Husband's Paternity Denial will be placed in a sealed file. A copy can only be obtained by court order.

This form must be signed by the husband in front of a notary.

Your Denial of Paternity in the below Affidavit does not remove the presumption of paternity as noted in SDCL 25-8-57. According to this statute, "Any child born in wedlock, or born within ten months after dissolution of marriage, is presumed legitimate to that marriage even if the marriage is subsequently declared to be null and void, or subsequently dissolved by divorce." To remove the presumption of paternity from the husband, a paternity affidavit or a three-way paternity affidavit would have to be signed naming another man as the father.

I, _____, husband of _____, after being first duly
(Full Legal Name) (Wife's Full Legal Name)

sworn upon oath, do hereby state that to the best of my knowledge and belief I am not the natural father of

(Full Name of Child)

born on or about the _____, to _____.
(Day) (Month) (Year) (Mother of the Child)

(Signature of Mother's Husband)

(Street Address/PO Box)

(City, State, Zip)

Subscribed to and sworn before me this _____.
(Day) (Month) (Year)

(SEAL)

(Notary Public)

My commission expires: _____

AFFIDAVIT OF MOTHER'S DENIAL OF HUSBAND'S PATERNITY

You may wish to make a copy of these completed forms for your own records. The original Affidavit of Mother's Denial of Husband's Paternity and the Husband's Paternity Denial will be placed in a sealed file. A copy can only be obtained by court order.

This form must be signed by the mother in front of a notary.

The denial of your husband as the father of the child does not remove the presumption of paternity as noted in SDCL 25-8-57. According to this statute, "Any child born in wedlock, or born within ten months after dissolution of marriage, is presumed legitimate to that marriage even if the marriage is subsequently declared to be null and void, or subsequently dissolved by divorce." To remove the presumption of paternity from the husband a three-way paternity affidavit would have to be signed naming another man as the father.

THE SURNAME OF THE CHILD SHALL BE SHOWN ON THE BIRTH RECORD AS:

Surname

Suffix (Jr., II, III, etc.)

MOTHER'S CONSENT: I, being first duly sworn upon oath, consent to the use of the above information on the certificate of birth for the above named child or child to be born, as my husband, _____, is, to the best of my knowledge and belief, not the natural father of this child.

(Signature of Mother)

(Mailing Address)

Subscribed to and sworn before me this _____ day of _____, _____.

(Notary Public)

My commission expires: _____

(SEAL)