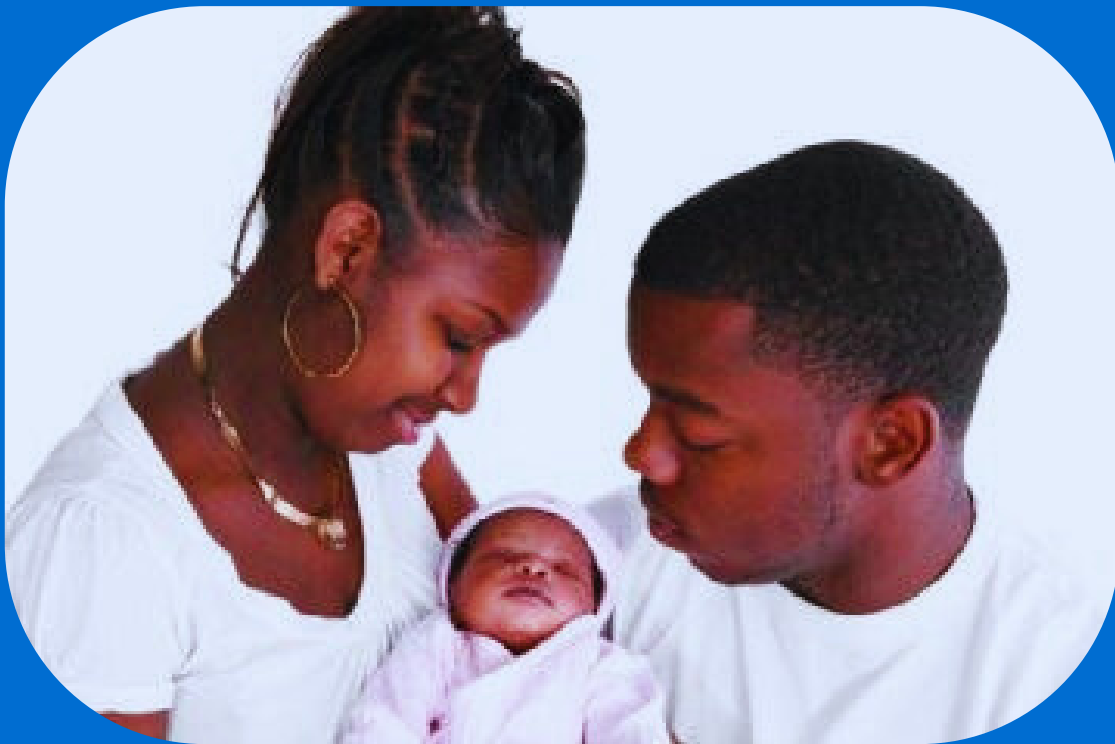


# LEGAL ISSUES FOR YOUNG FAMILIES



**Public  
Counsel**

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# NAMING YOUR BABY

**Baby's Last Name:** The baby's last name can be either parents' last name or a combination of the two. This is true whether you are married or not.



**Adding the Father's/Other Parent's Name:** The father's/other parent's name can ONLY go on the birth registration form at the hospital if:



- The mother and the other parent are married, OR
- The father/other parent is at the hospital when the birth registration form is filled out, and both parents sign a voluntary **"Declaration of Parentage"**



To add a parent's name AFTER leaving the hospital, both parents can sign a "Declaration of Parentage" or go to court to establish parentage (see p. 13).

# REGISTERING YOUR BABY

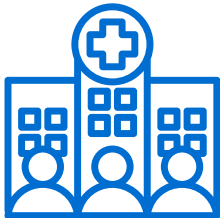


You cannot get a birth certificate until you “register” your baby’s birth. Registering a birth means making a legal record with the State of California that a baby has been born.

## TO REGISTER YOUR BABY’S BIRTH:



Fill out **hospital birth certificate** before your baby is born.



Fill out the **birth registration form at the hospital** after you give birth. Hospital staff will use this information to complete a “**Certificate of Live Birth.**” Double check to make sure that all of the information on the Certificate of Live Birth is correct before you sign! Only the baby’s parents can tell hospital staff what to write on the form.



The hospital must register your baby’s birth with the county within 21 days. After your baby’s birth is registered, you can get a birth certificate.



**Note:** What you put on the birth registration form, or what you tell the hospital staff to put on the form, is very important because it is what will go on your baby’s birth certificate.

# BIRTH CERTIFICATE



Keep your baby's birth certificate in a safe place! The birth certificate is legal proof of when and where your baby was born and who the parents are. You will need to show a birth certificate to get Medi-Cal or other benefits for your baby, and to enroll your child in school.

## How do I get the birth certificate?

You want an "authorized certified copy" of your baby's birth certificate, which has a seal pressed into the paper to make it official. You should use this website to get the certificate:

- <https://www.cdph.ca.gov/Programs/CHSI/Pages/Vital-Records-Obtaining-Certified-Copies-of-Birth-Records.aspx>

## 2 KINDS OF BIRTH CERTIFICATES

### Authorized Certified Copy



- The ONLY birth certificate that can establish the identity of the person named on the certificate
- Only issued to certain people:
  - Baby's mother
  - Baby's father/other parent, if listed on the birth certificate
- Certain others can receive an authorized certified copy with a notarized sworn statement and payment:
  - the baby's grandparents, legal guardian, or an attorney representing the baby

### Informational Certified Copy



This copy has the same information as the certified copy, but **cannot** be used to establish identity. Anyone can get an informational certified copy of a birth certificate. To get an informational certified copy, you do not need a notarized sworn statement, but you must still pay a fee.

# CHANGING BABY'S NAME

- First, you have to get a court order as part of a family law, probate, or a name change case in order to have the baby's name changed.
- Then, send these documents to CDPH Vital Records:
  - "Application to Amend a Birth Record After a Court Order Name Change" form
  - A certified copy of the court ordered name change
  - A completed notarized sworn statement
  - \$26 check or money order payable to CDPH Vital Records.
- To get the application and more information on the process, go to:  
<https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS23.pdf>

## DOES THIS SOUND TOO COMPLICATED?

The name on the birth certificate is the baby's legal name, but it does not have to be the name your child uses every day.

Even without a court order, you or your child can use another name to enroll in school. But your child's Medi-Cal card, passport, etc., must have the same name as the birth certificate.

# ADDING A PARENT TO THE BIRTH CERTIFICATE

If you are married to the baby's other parent, send these documents to the Office of Vital Records to add the other parent to the birth certificate:



- Completed Amendment of Parentage form (VS 21)



- A photocopy of the original birth certificate (if you have it)



- A photocopy of the marriage certificate (optional)



- A completed notarized sworn statement that says you are authorized to receive a birth certificate



- \$26 check or money order made payable to CPDH Vital Records.

## More Information On This Process:

### Amend a birth certificate:

<https://www.cdph.ca.gov/CDPH%20Document%20Library/ControlledForms/VS24B.pdf>

# ADDING A PARENT TO THE BIRTH CERTIFICATE

If you are not married to the baby's other parent, and you want to add their name to the baby's birth certificate, both parents must complete a Voluntary Declaration of Parentage (VDOP) - see next page.

**This establishes parentage - see page 12.**

- The VDOP must be notarized and sent to the California Department of Child Support Services.
- To get information on how to do this, go to:
  - <https://childsupport.ca.gov/parentage-forms-and-information/>

**After you complete this process, you can ask to add the other parent to your baby's birth certificate.**

**To do this, send these documents to the Office of Vital Records (address on p. 10):**



- Completed Amendment of Parentage form (VS 21)
- A photocopy of the original birth certificate (if you have it)



- A certified copy of the VDOP (signed by both parents and witnessed)



- A completed notarized sworn statement, and



- \$26 check or money order made payable to CPDH Vital Records

# VOLUNTARY DECLARATION OF PARENTAGE

You can get a *Voluntary Declaration of Parentage* form from the local registrars of births, the county Department of Child Support Services, Family Law Facilitator at your local courthouse, local welfare offices, or birthing hospitals. Both parents must agree to sign the *Voluntary Declaration of Parentage* for parentage to be established.

The Voluntary Declaration of Parentage does not establish parentage until 60 days after both parents turn 18.

**TIP:** Do NOT sign the VDOP if you're not certain you/the other parent is the genetic parent. You cannot request a DNA test after the VDOP is signed, except in limited situations.

Either parent can cancel the ***Voluntary Declaration of Parentage*** up to 60 days after it was signed, UNLESS a court order for custody, visitation, or child support has already been entered.

To cancel, one parent must complete a notarized "Rescission Form" (DCSS 0941) and mail it to the other parent. The parent who wants to cancel the VDOP must send the original completed form and proof of mailing to: **Parentage Opportunity Program, P.O. Box 419070, Rancho Cordova, CA 95741.**

If you were under 18 when you signed the form, you may cancel it within 60 days of your 18th birthday. Either parent can challenge the VDOP for 2 years after it is signed.

# Adding or Changing a Parent's Name on the Birth Certificate through Court

Before going to court, you should talk to a family law attorney!

## **In Court:**

- The court will decide who should be the other legal parent of the child (a “finding of parentage”).
- The court can add a parent if only one parent is listed on the birth certificate, or
- The court can legally change the other parent of your child in some situations.
- If the child's name is being changed to match the new parent's name, their new name must be listed in the court order.

**Once you have a certified copy of the court order, change your child's birth certificate by sending these documents to the Office of Vital Records (address below):**



- Completed Amendment of Parentage form (VS 21)



- A certified copy of the court order requirements (no photocopies!)



- A copy of the original birth certificate (if you have it)



- \$26 check or money order made payable to the CPDH Vital Records

To get more information on this process, go to:

<https://www.cdph.ca.gov/Programs/CHSI/Pages/Adjudication-of-Facts-of-Parentage.aspx>

# SOCIAL SECURITY NUMBER



## Getting Your Baby's Social Security Number At the Hospital:

- Request a social security number (SSN) for your baby at the hospital when you apply for the birth certificate.
- Your baby's SSN will be mailed to you a few weeks after you request it.
- You need a SSN for you to receive government benefits and to claim your child on your taxes.

## Getting Your Baby's Social Security Number After Leaving the Hospital:



**In person:** Either parent can go to any Social Security office to apply for a Social Security number. You'll need:

- A certified copy of your baby's birth certificate
- Parent's ID (CA driver's license, school ID, passport, etc.)



**Online:** You can start the application process online to [www.ssa.gov/number-card](http://www.ssa.gov/number-card).

- After you fill out the application, you must go to a Social Security office. The same kind of proof of the baby's birth and your ID will be needed. Because you must submit **original** documents, we recommend that you apply in person.

# PARENTAL RIGHTS

## **Before Birth**

Before the baby is born, ONLY the pregnant person has the right to make decisions about the pregnancy. It is the pregnant person's choice whether to have the baby or have an abortion. The baby's other parent cannot make the pregnant person have the baby or make them have an abortion.

## **Adoption**

BOTH parents have to agree for the baby to be surrendered for adoption.

## **After the Birth**

Once the baby is born and parentage is established, BOTH parents have the right to take part in raising their child, unless a court order says one of them does not have this right. A parent that is not living with their child may also have the responsibility to pay child support.

## **Should I establish parentage for my baby?**

If you were married when your baby was born or you and the other parent signed a Voluntary Declaration of Parentage at the hospital, parentage is already established. But if not, you may be wondering if you should try to establish parentage, or parental rights, for the other parent. More information below!

# ESTABLISHING PARENTAGE

## What does it mean to *establish parentage*?

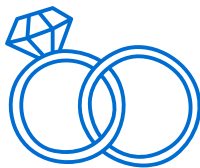
**Establishing Parentage** means identifying the father/other parent of the child through a legal process.

### How is parentage established?

Parentage can be established in several ways:



- **In Court:** Either parent or the county child support services agency can file a court case to establish parentage. If the alleged father is not sure he is the father, he can ask the court to order a DNA test.



- **By marriage:** If the parents are married when the child is born, the law automatically assumes that the spouse is the baby's legal parent.



- **Through a Voluntary Declaration of Parentage:** If the parents are not married, but they agree that they are both the baby's parents, they can sign a **Voluntary Declaration of Parentage** at the hospital when the baby is born. They can also sign this form later in the presence of an authorized witness.

- **More VDOP rules here:**

- <https://childsupport.ca.gov/establishing-legal-parentage/>.
- [https://childsupport.ca.gov/wp-content/uploads/sites/252/2024/08/Who-Can-Witness-Voluntary-Declaration-of-Parentage-\\_08272024.pdf](https://childsupport.ca.gov/wp-content/uploads/sites/252/2024/08/Who-Can-Witness-Voluntary-Declaration-of-Parentage-_08272024.pdf).

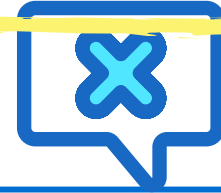
# PROS vs. CONS of ESTABLISHING PARENTAGE

## PROS



- Kids want to know who their parents are.
- Establishing parentage may help your child feel close to the other parent and their family.
- Parentage must be established to get child support from the other parent.
- If the other parent has health insurance at work, it might cover the child. The child may qualify to get a portion of the other parent's Worker's Compensation, Social Security, or military benefits.

## CONS



- Once parentage is established, the biological mother and the other parent have the exact same rights to take part in raising their child unless a court order says otherwise.
- Filing a parentage action may make the other parent want contact with the child, if the parent does not currently have any contact.
- Additionally, if the other parent has to pay child support, they may want to request visitation or custody.



# CHILD CUSTODY & VISITATION

## Key Considerations:



- If you and the other parent can agree easily, you can often establish a custody and visitation agreement without court involvement.



- If it's safe, try discussing a custody agreement together. Many parents can reach agreements without court.



- If you can't agree or worry the other parent not stick to the agreement, a court order may be necessary.



- In court, mediation is required before a judge hears your case. A mediator will help you reach a custody and visitation agreement that gets signed by the judge. If you cannot agree in mediation, the judge will decide based on the child's best interest.



- Once a court order is issued, you must follow it, even if you disagree. There is no guarantee that court will go your way, even if all of the facts are on your side!

# CHILD CUSTODY & VISITATION

**“Legal Custody”** = the right to make decisions about the child’s health care, school, religion, etc. Usually parents start out with “Joint Legal Custody”. This means that both parents share legal custody and must work together to make decisions. The court can also give one parent “Sole Legal Custody,” where only one parent has the right to make decisions about the child.

**“Physical Custody”** = the right to have the child live with you. The court can give “primary (or sole) physical custody” to one parent, which means the child lives mainly with one parent and visits the other parent, or “Joint Physical Custody,” which means the child lives part of the time with one parent and part of the time with the other parent.

**“Visitation” or “Parenting Time”** = the schedule of days and times each parent gets to see and spend time with the child.

**“Supervised Visitation”** = visitation supervised by a neutral person (usually a paid monitor or willing family member). The court usually orders supervised visitation when there is proof that it is not safe for a parent to be alone with the child.

**A grandparent** may request visitation, but, if the parents do not agree, the court can only give the grandparent visits if there is evidence the child already has a bond with them.

# SAFETY

## What if I am afraid for my safety or my baby's safety?

If you are afraid that your baby's other parent, a current or past boyfriend or girlfriend, or a family member will hurt you, you may need a "restraining order."

A **Restraining order** is a court order saying that someone must stay away from you and, sometimes, your child. When you ask for a restraining order, you can also ask that the court make or change child custody and visitation orders in order to protect your child.

## If your child is abducted:

- **Call the Los Angeles County District Attorney's Office Child Abduction Section at (213) 257-2131.**
- **File a missing Persons report with the police.** The police can enter the child and parent's information into the National Crime Information Center.
- If you are afraid the other parent may remove the child from the United States, **request the U.S. State Department to list your child in the *Children's Passport Issuance Alert Program***, so you will be notified if the other parent tries to obtain a U.S. passport for your child. More information here:
  - <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/prevention/passport-issuance-alert-program.html>



# CHILD SUPPORT



## How is Child Support Decided?

Child support is based on the parents' income and the amount of time each parent spends with the child. This is called guideline child support.

If you receive CalWORKS, the county will automatically open a child support case for you. If the court orders the other parent to pay child support, you will receive an extra \$100 per month as part of your welfare benefits. The rest of the money will go to the government to pay for welfare benefits.

Unless you have "good cause" (like fear for your safety), you must give the Department of Child Support Services information that they need to get child support from the other parent. The Department of Child Support Services will use the information to get a court order to collect child support from your baby's other parent even if you don't want them to.

## Apply for Child Support:

Open a child support case here:

- <https://cssd.lacounty.gov/open-a-case/>

Fill out an income and expense declaration after applying:

- <https://court.ca.gov/sites/default/files/courts/default/2024-11/fl150.pdf>

## INFORMATION FOR MINORS

### **Do I need an adult to help me file a family law court case?**

**No.** You do not need an adult to help you file a parentage, custody/visitation, child support, or restraining order court case as long as you are able to understand what is going on in the case.

## MARRIAGE FOR MINORS

### **Marriage for Minors**

When a person under 18 decides to get married, there are special rules. California law does not set a minimum age for marriage, but:

- Minors under 17 and without a high school diploma need their parents' consent and court approval to get married.
- Most minors must be at least 16 years old before the court will approve their marriage. If the court approves your marriage, the court will issue an order. You can then apply for a marriage license.
- The court and court staff are mandated reporters and can report cases involving statutory rape to the County.

# MINOR MARRIAGE

**In Los Angeles County, you need to take these steps if you want to get married and one or both of you is under 18:**



Complete:

- “Request of Minor to Marry” (Form FL-910), and
- “Consent for Minor to Marry or Establish a Domestic Partnership” (Form FL-912)
- File those two forms, along with a fee waiver if you qualify, with your local Superior Court. You can get these forms at the Family Law Filing Window at the court.

Marriage consent:



- Must be signed by both parents (or legal guardian(s)) of the person under 18.
- One parent can consent if that parent has sole legal custody or the other parent is dead.
- If you are both under 18, both sets of parents must consent.

**Bring your application + these documents to court:**

- A certified copy of the minor’s birth certificate
- Two copies of photo ID for each person
- The Parental Consent Form (FL-912)
- If minor is employed: a letter from employer with salary, work habits and length of employment
- If the minor is under guardianship: a certified copy of a court order for guardianship
- If the minor is in foster care: a Juvenile Court order giving Family Court Services permission to interview the minor.
- If either person was previously married: court papers showing that you are divorced

# MINOR MARRIAGE

After the application is filed, you will be given an appointment to meet with a court social worker. You may be given a questionnaire to fill out before the appointment.

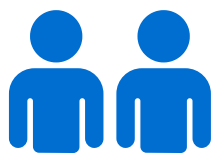
Bring a copy of all of the documents from the previous page to your appointment.

The following people should come to the appointment:

- the minor
- the minor's partner,
- both people's parent(s)

The social worker will talk to everyone separately, to decide if you and your partner are mature enough to get married.

The social worker will then give the judge their recommendation about whether to approve your application.



If the Court approves your application, you will get a court order. After you get the court order, you must wait 30 days to apply for a marriage license, unless you are 16 or 17 and one of you is pregnant.

**Apply for a marriage license at your local county registrar. You will need to make an appointment!**

### Telephone tips:

- If you reach someone's voicemail, always leave a message with your name and phone number.
- To speak to an operator, press "0".
- Make a list of your questions before calling, & take notes when you are on the phone
- Get the name of the person you talk to
- Be patient, you may be put on hold.



### How to Prepare

- Bring copies of any court documents you have.
- Make a timeline of events!
- Bring copies of evidence you may want to show the judge, like text messages and pictures.
- Try to see a lawyer before there is an emergency, if possible.

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