

**641—100.3 (144) Declaration of paternity registry established.** Pursuant to Iowa Code section 144.12A, there is established in the department a registry for the declaration of paternity of a putative father who wishes to register prior to the birth of a child and no later than the date of the filing of the petition for termination of parental rights.

**100.3(1)** The putative father who files a Declaration of Paternity Registry form with the state registrar shall provide the following:

*a.* Registrant's name, current address, social security number, and notarized signature and date signed;

*b.* The name, last-known address, and social security number, if known, of the mother of the child; and

*c.* The name of the child, if known, and the date and location of the birth of the child, if known.

**100.3(2)** The putative father who files the Declaration of Paternity Registry form shall be responsible to notify the state registrar in writing of any change in address.

**100.3(3)** The state registrar shall forward a copy of the declaration of paternity to the mother as notification that the person has registered, if the mother's name and address have been provided.

**100.3(4)** There shall be no fee required to file the declaration of paternity.

**100.3(5)** A fee as established pursuant to rule 641—95.6(144) shall be charged and remitted for conducting a search of the registry. The fee shall be retained for the search.

**100.3(6)** Upon written request and remittance of the required fee, the department shall conduct a search of the registry. Written requests may be submitted by only:

*a.* The biological mother of the child;

*b.* A court;

*c.* The department of human services;

*d.* The child support recovery unit for an action to establish paternity or support; or

*e.* The attorney of any party to an adoption, termination of parental rights, or establishment of paternity or support action.

**100.3(7)** If a declaration of paternity is on file, the department shall provide the name, address, and social security number of a registrant to the following:

*a.* The biological mother of the child;

*b.* A court;

*c.* The department of human services;

*d.* The child support recovery unit for an action to establish paternity or support; or

*e.* The attorney of any party to an adoption, termination of parental rights, or establishment of paternity or support action.

**100.3(8)** If no declaration of paternity is on file, a written statement to that effect shall be provided to the person making the inquiry.

**100.3(9)** Information from the declaration of paternity registry shall not be divulged to any person other than those listed in subrule 100.3(6) and shall be considered a confidential record as to any other person, except upon order of the court for good cause shown.

**100.3(10)** Information provided to the registry may be revoked by the registrant by the submission of a written statement, signed and acknowledged by the registrant before a notary public.

*a.* The statement shall include a declaration that to the best of the registrant's knowledge:

(1) The registrant is not the father of the named child; or

(2) That paternity of the true father has been established.

*b.* Revocation shall nullify the registration, and the information provided by the registrant shall be expunged.

*c.* Revocation is effective only following the birth of the child.

**100.3(11)** The Declaration of Paternity Registry form shall be available from the state registrar of vital records or the county registrar.

**100.3(12)** The declaration of paternity registry does not constitute an affidavit of paternity filed pursuant to Iowa Code section 252A.3A. Declarations filed shall be maintained in a registry separate and distinct from the affidavit of paternity registry.

**100.3(13)** A declaration of paternity filed with the registry may be used as evidence of paternity in an action to establish paternity or to determine a support obligation with respect to the putative father.

**100.3(14)** Failure or refusal to file a declaration of paternity shall not be used as evidence to avoid a legally established obligation of financial support for a child.

[ARC 0483C, IAB 12/12/12, effective 1/16/13; see Delay note at end of chapter]