



One of our most asked questions is how to add the father to their child's birth certificate. When a baby is born to parents who are not married to each other, the law does NOT recognize the biological father as a legal parent. Paternity must be established first. This process is the Acknowledgement of Paternity (AOP) which is a legal document that allows parents who are not married to establish legal paternity. The AOP process can be done at the time of birth by the hospital birth registrar, as long as both parents are present. If the father is not present at the time of birth and not registered by hospital birth registrar, then the parents are responsible to do the AOP process at their local Attorney General's Office, and submit the required forms to the Texas Vital Statistics Section and pay the required application fee.

Paternity Frequently Asked Questions:

How do I add the father's name and information to a birth certificate?

This is the most common change made using the [New Birth Certificate Based on Parentage | Texas DSHS](#). If the father's information had been left blank on the birth certificate, these items can be added to the birth certificate by submitting the [New Birth Certificate Based on Parentage | Texas DSHS](#) form, signed by both parents in the presence of a notary public, and one of the following documents:

- Certified copy of a marriage license between the mother and the biological father
- Properly completed State of Texas [Acknowledgement of Paternity form \(VS-159.1\)](#) filed with the Vital Statistics Section
- Certified copy of a court decree establishing parentage between the child and the biological father

How do I remove the father's name and information from a birth certificate?

This requires a certified copy of a court order indicating that:

- The man currently listed as the father on the birth certificate is not the biological father, or
- The father's rights have been terminated, and his name is to be removed from the birth certificate. In this case, the [New Birth Certificate Based on Parentage | Texas DSHS](#) can be signed in the presence of a notary public by either the mother or by the man whose name is being removed from the birth certificate

How do I change the father's name and information on a birth certificate when there is already a father listed on it?

The father's name and information on the existing birth certificate can be changed with:

- The [New Birth Certificate Based on Parentage | Texas DSHS](#), signed by at least one of the parents in the presence of a notary public, and a certified copy of a court order indicating the true and correct biological father; or
- The [New Birth Certificate Based on Parentage | Texas DSHS](#), signed by both parents in the presence of a notary public, and a completed [Acknowledgement of Paternity form \(VS-159.1\)](#) signed by the mother and biological father. In addition, the man presently listed as the father on the existing birth certificate is required to sign the denial portion of the Acknowledgement of Paternity form.

What if one of the parents is deceased?

If one of the parents is deceased, a court order indicating true and correct parentage is needed to add a parent's name and information to the birth certificate.

Can the name of a stepfather be added to a birth certificate using the Application for a New Birth Certificate Based on Parentage?

No. The [New Birth Certificate Based on Parentage | Texas DSHS](#) cannot be used to add a stepfather to the birth certificate. This form can only be used when adding the biological father to the birth certificate.

What about changing the child's last name?

The child's last name can be changed to the father's last name if both parents are in agreement and they both sign the [New Birth Certificate Based on Parentage | Texas DSHS](#) in the presence of a notary public. However, if a court

order already addresses a name change for the child, the child's name must be changed to what the court has ordered it to be.

Does a court order terminating the parental rights allow information to be removed from a birth certificate?

Information can be removed only if the court order has stated that the father listed on the birth certificate is not the biological father or if it specifically states that a person's name and information are to be removed from the birth record.

Can the mother's information be removed from a birth certificate?

Yes. The mother's birth information can be removed using the [New Birth Certificate Based on Parentage | Texas DSHS](#) if a court order was granted that terminates the mother's rights and specifically states that her information is to be removed from the birth certificate

After a Change is Approved and Processed

Vital Statistics Section in Austin will create a new record based on paternity to replace the original birth record. A copy of the newly filed record will also be sent to the local registrar where the birth occurred and will replace the original record in the local registrar's files. The application packet and original birth record will be placed in a sealed paternity file upon acceptance for filing. This sealed file can only be opened by a district court or a court with family-law jurisdiction.

Additional information from the Texas Attorney General Office on "Paternity, Child Support and You"

Everything you need to know about child support and paternity.

[Paternity, Child Support and You](#)

[Nueva acta de nacimiento con base en la filiación | Texas DSHS](#)

[Preguntas frecuentes sobre paternidad y filiación | Texas DSHS](#)