



November 10, 2024

To Whom It May Concern:

South Carolina law does not allow issuance of copies of voluntary paternity acknowledgments except by court order. If a child is born out of wedlock in South Carolina, the only way the father will appear on the birth certificate is by a court ordered paternity determination or by paternity acknowledgment sworn to by both parents. Falsely signing a paternity acknowledgment constitutes a felony (S.C. Code § 44-63-161(A)(2)). Consequently, in the absence of a court order, the presence of the father on a South Carolina birth certificate of a child born out of wedlock constitutes receipt by our agency of a sworn paternity acknowledgment.

The relevant text of vital statistics laws and regulations are below. For questions, please contact 803-898-3630.

S.C. Reg. 60-19, Section 501(H).

For the purposes of live birth registration and paternity determination:

(1) If the birth mother was married at the time of either conception or live birth, or between conception and live birth, the name of the spouse shall be entered on the report as the second parent of the child.

(2) ***If the birth mother was not married*** at the time of either conception or live birth or between conception and live birth, ***the name of the father shall not be entered on the report without an Acknowledgment of Paternity on a form developed by the Department and as prescribed by state law and signed by the birth mother and the person to be named as the father.*** The Acknowledgment shall be filed with the Department.

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(4) Thereafter, paternity or second parentage of a child may be determined by a court of competent jurisdiction pursuant to South Carolina law. The name of the father or second parent and surname of the child shall be entered on the report of live birth in accordance with the finding of the court when a valid court order is submitted to the Bureau of Vital Statistics. The original live birth record shall then be placed under seal.

Section 44-63-165. Birth certificate of illegitimate child to be prepared when father acknowledges paternity.

A certificate must be prepared for a child born out of wedlock in this State to include the name of the father upon receipt of a sworn acknowledgment of paternity signed by both parents to include the surname by which the child is to be known. However, if the reputed father or the mother is deceased, if another man is shown as the father of the child on the original birth certificate or if the original birth certificate states that the mother was married, a new certificate may be prepared only when paternity has been determined or acknowledged pursuant to Article 1, Chapter 17, Title 63. A paternity acknowledgment must be provided to the State Department of Social Services from the appropriate state agency upon request at no charge for the purpose of establishing a child support obligation and otherwise ***a paternity acknowledgment is not subject to inspection except upon order of the Family Court.***