

Office of Child Support Enforcement

Paternity Establishment

EVERY CHILD DESERVES A FATHER

All parents want the best for their children. While there are no guarantees in life, there is something you can do to ensure a better future for your child. If you are an unmarried parent or parent to be, you should read this information about establishing paternity becauseevery child deserves a father.

Paternity

Paternal means fatherhood. Establishing paternity refers to the legal identification of the father of a child. Only the two biological parents may establish paternity for a child. Unmarried parents must establish paternity in order for the father to be recognized under the law as a legal parent. Without establishing paternity, the law does not give the father any rights or responsibilities to the child. By legally establishing paternity, the child becomes entitled to all of the same benefits as a child born to married parents.

There are no age restrictions for establishing paternity. Teenage parents of a newborn can establish paternity without their parents' permission or signatures. In addition, parents of a child who is over the age of 21 can still establish paternity.

Benefits of establishing paternity

Establishing paternity helps both parents and child:

For the Mother:

- Help with sharing parental and financial responsibilities
- More financial security for the family

For the Father:

- Legal establishment of parental rights
- Name appears on the child's birth certificate
- Right to seek court ordered custody and visitation
- Right to be consulted in any adoption proceeding

For the Child:

- Legal record of the identity of his or her parents
- Father's name on the birth certificate
- Information about family medical history
- Financial support from both parents
- Entitlement to medical insurance, social security and veterans benefits and military allowances through the non-custodial parent
- Rights of inheritance

How to establish paternity

There are two ways to establish paternity. If both parents agree, they can sign a Voluntary Acknowledgment of Paternity form. Paternity can also be established at a Family Court hearing.

Voluntary Establishment of Paternity

For a newborn

If both parents agree, paternity can be established by signing a Voluntary Acknowledgment of Paternity form immediately after the baby is born. These forms are available in the facility where you receive prenatal care and in the hospital or birthing center where your baby is born. Read the form carefully and make sure that you understand the information before signing. **The signatures of both parents are required on the Voluntary Acknowledgment of Paternity form and two people, not related to either parent, must witness each signature. The mother and father are not required to sign the form at the same time or have the same witnesses.** If there is any doubt about who the father is, do not sign the Voluntary Acknowledgment of Paternity form. Ask the birth registrar in the hospital for information about DNA testing. When paternity is established at the time of birth, the Acknowledgment of Paternity form is sent, along with the baby's birth certificate, to the Department of Health and Mental Hygiene (DOHMH). The hospital must process the birth certificate and Acknowledgment of Paternity form within five days of the baby's birth. That's why it's important to get the Acknowledgment of Paternity form and read it before you have your baby. That way, you will have time to decide whether establishing paternity is right for you. And when the baby is born, you will be ready with your decision.

After the baby is born

Paternity can be established any time after the child is born. You may use the Voluntary Acknowledgment of Paternity form that you were given in the hospital when your baby was born. Or, you can obtain a form from the NYC Department of Health and Mental Hygiene or any NYC child support office. The completed, signed, and witnessed Voluntary Acknowledgment of Paternity form must be returned to the Department of Health and Mental Hygiene's Correction Unit in person or by mail to:

The New York City Department of Health and Mental Hygiene
Office of Vital Records/Corrections Unit – room 144
125 Worth Street, Box 4
New York, NY 10013

Do not return the completed form to the hospital where the baby was born. They will not be able to process it once the original birth certificate has been filed with the Department of Health and Mental Hygiene. To ensure that each parent receives a certified copy of the Voluntary Acknowledgement of Paternity form, both parents' addresses must appear on page four.

DNA Testing And Paternity Establishment

You should not sign the Voluntary Acknowledgment of Paternity form unless you are sure of the identity of the biological father of the child. If there is any doubt, a DNA test should be requested to determine if an individual is the biological father. You will be referred to an outside laboratory where both parents and the child will have to provide DNA samples. The test is quick, easy, and painless and is available at low or no cost through the NYC Outreach and Paternity Services Unit. For more information, call (212) 487-5837.

Paternity Establishment In Court

The easiest way for parents to establish paternity is by signing the Voluntary Acknowledgment of Paternity form. But, if the parents cannot agree about establishing paternity or the mother is still married to someone else, it is necessary to go to family court to establish paternity.

Parents do not want to sign Voluntary Acknowledgment of Paternity

If the parents cannot agree to sign the Voluntary Acknowledgment of Paternity form, either parent can file a petition for a paternity hearing in family court. The support magistrate may order a DNA test to be sure who the father is. During the hearing, the parents can request that the baby's last name be changed to that of the father. The Department of Health and Mental Hygiene will amend the birth certificate by adding the father's name and changing the baby's last name. When paternity is established in court, a document called an Order of Filiation is issued. Each parent is given a copy of the Order of Filiation at the paternity hearing and the original is sent to the Department of Health and Mental Hygiene.

Mother is married

If the mother is married and her husband is the father of the child, there is no need to establish paternity. The law assumes that a woman's husband is the father of her child. ***If she is legally married and has a child with someone other than her husband, the law still assumes that the legal husband is the father.*** That's true even if she hasn't seen her husband in many years and knows that he is not the father of her child. Therefore, if both biological parents want to establish paternity and the mother is still married to someone else, a paternity hearing in Family Court is required.

Do not sign the Acknowledgment of Paternity form if:

- The baby has not been born yet
- Either parent is not sure who the baby's father is
- The mother is legally married to someone else, even though he is not the father

Paternity Acknowledgment and the Department of Health

When paternity is established at the time of birth, the birth certificate and Voluntary Acknowledgment of Paternity form are immediately sent to the Department of Health and Mental Hygiene (DOHMH). Within four to six weeks, DOHMH will send certified copies of the Acknowledgment of Paternity form, along with the birth certificate, to both parents. When the Voluntary Acknowledgment of Paternity form is filed with DOHMH after the original birth certificate has been issued, a certified copy of the Acknowledgment of Paternity and an amended birth certificate will be issued and sent to each parent. The amended birth certificate will have the father's name on it and the baby's new last name. An amended birth certificate is free if the child is less than one year old and the original birth certificate is returned. If the child's first birthday has passed, DOHMH will charge a fee of \$15.00 for the amended birth certificate. Keep in mind that Issuing an amended birth certificate takes longer than issuing an original birth certificate.

Once the Department of Health and Mental Hygiene registers a Voluntary Acknowledgement of Paternity or Order of Filiation, a copy is sent to the New York State Putative Father Registry. This registry keeps a record of legal fathers for the State. The Putative Father Registry may be consulted in issues of inheritance and adoption and any other legal issues that require notifying a child's father.

Documents You Will Need

At the hospital or birthing center where your baby is born, you will be asked questions about your marital status to determine whether or not you may establish paternity by filling out the Voluntary Acknowledgment of Paternity form. To make this process easier, bring your current marriage certificate or divorce decree, if you have one. In addition, both parents should be prepared to present photo identification since your signatures on the Voluntary Acknowledgment of Paternity form must be witnessed.

Some Facts to Consider

If you are still undecided about establishing paternity, think about the following:

Studies show that the majority of prisoners, high school dropouts, pregnant teenagers, homeless and runaway children, and drug and alcohol abusers come from single parent households where the father is absent. Fathers must be included, encouraged and valued for the important roles they play in their children's lives. Establishing paternity when your baby is born does not guarantee a lifelong relationship between father and child, but it is an excellent start.

For More Information

If you need more information about establishing paternity or DNA testing, or you have questions about the Voluntary Acknowledgement of Paternity form, contact the birth registrar in the facility where you are having your baby.

Or

New York City's Outreach and Paternity Services Unit at (212) 487- 5837

Establish Paternity.....the rewards last a lifetime.



City of New York
Michael R. Bloomberg, Mayor

Human Resources Administration
Robert Doar, Administrator/Commissioner

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