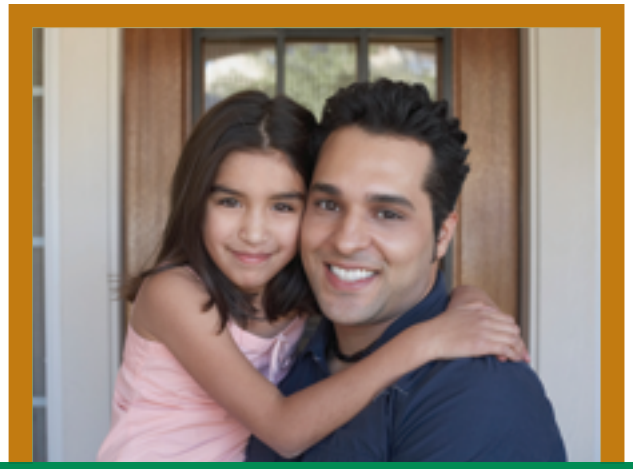
IMMIGRANT PARENTS

Paternity and child support information is not shared with federal immigration authorities. The Acknowledgment of Paternity asks for Social Security numbers for both parents, but the form can be completed even if one or both parents does not have their own valid Social Security number.

Parents do not have to provide information about their residency, immigration status or citizenship in order to establish paternity.

If paternity is established and the father's name is on the birth certificate, the mother may have to show that the father has given permission before she will be allowed to take the child out of the country.



Every child has two parents and needs emotional and financial support from both parents- even if they were never married or currently live apart.

If you have questions about Paternity or Child Support please go to our website:

newyorkchildsupport.com

TTY 866-875-9975

State of New York
David A. Paterson, Governor
New York State
Office of Temporary &
Disability Assistance
David A. Hansell, Commissioner

Pub # 4719

ESTABLISHING Paternity

What parents need to Know

This brochure is about how unmarried parents can establish paternity and why establishing paternity is important to the mother, father, and most importantly their child.

EVERY CHILD HAS A BIOLOGICAL FATHER AND MOTHER

but if the parents are not legally married at the time of birth, the law does not recognize the father as the child's legal father and does not give him any rights or responsibilities to the child. There are steps that must be taken so the biological father can become the **legal father,** and that is what establishing paternity is all about.

Being the **legal father** of your child does not automatically mean that you will be required to pay child support or get custody or visitation. These are separate issues from establishing paternity and require separate court determinations.

WHY IS PATERNITY SO IMPORTANT?

■ For the child:

- Legal record of the identity of their parents.
- Father's name on their birth certificate.
- Information on family medical history.
- Emotional benefits of knowing both parents.
- Financial support from both parents, including child support, social security, veteran's benefits, military allowances, and inheritance.
- Health or life insurance from either parent, if available.

■ For the mother:

- Help in sharing parental responsibilities.
- Information about family medical history.
- Improved financial security for the child.
- Access to medical insurance, if available.

■ For the father:

- Legal establishment of parental rights.
- Father's name on the birth certificate.
- Right to seek court ordered custody or visitation.
- Right to be informed and have a say in adoption proceedings.

WHAT ARE THE TWO WAYS TO ESTABLISH PATERNITY?

Voluntary Acknowledgment of Paternity (AOP)

Unmarried parents have the option of signing a form called the Voluntary Acknowledgment of Paternity (available from local hospitals, local county child support offices and local birth registrars). This is a no cost, simple and convenient method, but not everyone is eligible to use it. Be sure to read the AOP form carefully because it has the same legal force as a court order. ***The following are examples when couples should not sign the AOP:***

■ If the mother was legally married to anyone at the time she became pregnant or during pregnancy up until the baby's birth.

■ If the mother is separated and not legally divorced.

■ If the man is not sure that he is the father.

If you have questions ask your medical provider/ child support worker or local birth registrar.

Filing a Paternity Petition

If you choose or need to establish paternity through a family court hearing, the court may order DNA testing to determine the father of the child. This test involves the mother, child, and alleged father going to a designated site where a lab technician will rub a cotton swab on the inside of their cheek (it is a painless procedure). The lab results are sent to the court. DNA testing is the most accurate way to determine the father of a child.