

In-Hospital Acknowledgment of Paternity

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Paternity Establishment

What is paternity establishment?

Paternity establishment is the process of determining the legal father of a child born out-of-wedlock.

Every child has a biological father, but if a child's parents are not married, the law does not accept or recognize the biological father as the *legal* father. Until the father is determined to be the legal father, he has no rights or responsibilities for the child.

How can paternity be established?

Unmarried parents can establish paternity in one of two ways:

1. signing a voluntary Acknowledgment of Paternity form; or
2. asking a court to determine paternity.

Why is it important to establish paternity?

Establishing paternity for a child gives the child the same rights and benefits as children born to parents who are married.

Who benefits from establishing paternity?

Child

A child may obtain the following benefits from establishing paternity:

- A legal record of the identity of his or her parents.
- The father's name on the birth certificate.
- Access to family medical history and genetic information.
- The emotional benefits of knowing the identity of both parents.
- Financial support from both parents.
- Medical and/or life insurance from either parent (if available).
- Other financial benefits: Social Security benefits, veteran's benefits, military allowances, worker's compensation benefits, and inheritance.

Mother

Benefits to the mother from establishing paternity may include the following:

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

Father

Establishing paternity gives the father the following benefits:

- His name on the child's birth certificate.
- Parental rights.
- The right to seek court-ordered custody and visitation.
- The right to be informed of an adoption proceeding.

Hospital

Hospitals receive certain benefits from establishing paternity, such as the following:

- Medical reimbursement for services from the father's health insurance.
- Reimbursement for each Acknowledgment of Paternity form processed by the hospital, as long as the hospital has a reimbursement contract with the Office of Temporary and Disability Assistance.

Public

The public enjoys certain benefits from establishing paternity as well, such as the following:

- Helping the mother to be independent of temporary assistance.
- Reducing Medicaid expenses through the opportunity to establish medical support.

Voluntary Acknowledgment of Paternity

New York State laws require that if a child is born to an unmarried woman and the putative father is readily identifiable and available, hospital staff must assist unmarried parents who wish to complete the voluntary Acknowledgment of Paternity (AOP) form. Applicable laws and policies are NYS Public Health Law Sections 4104 and 4135-b; Department of Health Memorandums 94-4, 94-33, and 97017; amendments to 10 NYCRR Section 405.21 and Part 754.2(i); Family Court Act Section 516-a.

What's required for a successful AOP program?

A successful acknowledgment of paternity program requires hospital staff, parents, and the birth registrar to cooperate in completing the following steps:

Step 1: Provide information about AOP to all unmarried parents

Information about voluntary acknowledgment of paternity must be made available to all unmarried parents. This information may be available at or provided by the following:

- medical providers
- prenatal clinics
- hospitals
- hospital admission packets
- maternity wards
- birthing facilities
- post-birth facilities
- local district child support agencies
- birth registrars' offices
- all areas that provide service to unmarried parents

Step 2: Provide the information in a variety of forms

Information about voluntary acknowledgment of paternity may be distributed in several ways, including the following materials available from the New York State Division of Child Support Enforcement:^{*}

- Voluntary Acknowledgment of Paternity form (LDSS)

^{*} *For reference only*, the form has been translated into Arabic, Chinese, Haitian Creole, Italian, Korean, Russian, and Spanish. Only the English form is legally valid.

- Hospital-Based Acknowledgment of Paternity brochure
- Acknowledgment of Paternity video

Step 3: Make sure the unmarried parents have read (or have had read to them) their legal rights and the consequences of signing an AOP

One way to make sure the parents read their legal rights and the consequences of acknowledging paternity is to show them Pages 1-4 of the Acknowledgment of Paternity form itself (LDSS-4418) and discuss the form with them.

New York State law requires that both oral and written notice be given to the parties regarding the rights, responsibilities, alternatives to, and consequences of signing an Acknowledgment of Paternity.

All the required information is contained on Pages 1-4 of the Acknowledgment form, “Acknowledgment of Paternity for a Child Born to an Unmarried Woman.” These pages constitute the required written notice, and discussing the form with the parents serves as oral notice.

Oral notice may also be provided through audio or video presentation, such as the DCSE video entitled “Hospital-Based Acknowledgment of Paternity.” (See Appendix B for an order form.)

When you talk with the parents about the LDSS-4418, make sure you emphasize the following key points:

- An acknowledgment has the same force and effect as a court order establishing paternity for the child.
- By signing an AOP, a man waives (gives up) his right to a court hearing to determine if he is the father of the child.

^{*} For a complete list of the materials and an order form, see Appendix B on page 21.

- The acknowledgment may be the basis for the father to establish custody and visitation rights.
- The acknowledgment may be the basis for requiring the father’s consent for adoption proceedings.
- When the acknowledgment is filed with the birth registrar, the acknowledgment will establish the child’s right to inheritance from the father.
- The child may have the last name of either parent, a combination of their last names, or any other name the parents agree on.
- Either parent can file a petition in family court to cancel the Acknowledgment of Paternity, but only within a strictly limited time, which depends on the age of the parent at signing.
 - If the parent is **18 years or older** when signing the Acknowledgment, a petition to cancel must be filed no more than **60 days from the date of signing** the Acknowledgment, **or within 60 days of the date on which an answer to a petition is required in a proceeding relating to the child and in which the parent is a party** (such as a hearing to request child support)—whichever comes first.
 - If the parent is **under 18 years old** when signing the Acknowledgment, a petition to cancel must be filed **within 60 days after that parent’s 18th birthday**, or **within 60 days after the date on which an answer to a petition is required in a proceeding related to the child and in which the parent is a party, *provided the parent was advised at any such proceeding of the right to file a petition to vacate***, whichever comes first.

Step 4: Make sure the parents understand their legal rights and obligations

Explain when the parties should *not* sign the AOP form. They should **NOT** sign if any of the following are true:

- The child is not yet born.
- They have any hesitations or doubts about the identity of the biological father.
- The mother is married or was married *at any time during the pregnancy*.

✱ There is **one exception** under which married parents may sign the AOP form: if the mother was unmarried during the pregnancy and at the child’s birth but marries the child’s father after the child was born.

Answer any questions the parents may have about the AOP form, or, if necessary, refer them to the appropriate person(s) to answer specific questions about acknowledging

paternity and child support. Finally, be sure to explain to the parents that they have the right to seek legal representation and supportive services, including counseling, to help them decide whether they should sign an Acknowledgment of Paternity form.

Step 5: Explain to parents what happens after the Acknowledgment of Paternity form is signed and witnessed

Explain to the parents who will be responsible for filing the AOP form with the birth registrar (or, in New York City, the Department of Health and Mental Hygiene).

- If the AOP form is signed and witnessed at the hospital or social services agency, the hospital or agency will file the form.
- If, however, the form is signed and witnessed without assistance from the hospital or social services agency, **one of the parents must file the original form** with the birth registrar of the district in which the child's birth certificate has been filed. The registrar will then file a copy with the Putative Father Registry. (See Appendix A: Glossary on page 20.)

Remind the parents that when the AOP form is filed with the registrar/records office, the AOP form will establish paternity for the child and will have the same force and effect as an *order of filiation* (a court order).

Step 6: Refer the parents to the local child support agency

If the parents have any questions about establishing paternity through the court or obtaining child support, refer them to the local Department of Social Services child support agency, or, in New York City, to the New York City Child Support Enforcement Unit. Telephone numbers of local child support agencies are available through the New York State Division of Child Support Enforcement website, <https://childsupport.ny.gov>.

Step 7: Assist the parents in completing the form

Be sure to verify all of the following:

- The Acknowledgment of Paternity form is either typed or legibly printed in **blue** or **black** ink.
- Each parent completes his or her section of the form.
- The child's information is completed correctly.

✱ **No cross-outs are allowed in the child's name!**

- All the required information is filled in and legible.
- The form is signed by both parents and each signature is witnessed by two people who are not related to either parent.

Step 8: Verify important information while helping the parents complete the form

While helping the parents complete the AOP form, be sure to verify the following:

- The child's date of birth.
- The mother is unmarried—she is not married to anyone else and was not married at any time during the pregnancy.
- The identity of both the mother and the father.

Although it is not legally required to verify the identity of the parents, we suggest that you verify each parent's identity (such as with a photo ID or official identification) before letting them sign the form. This verification also helps to ensure that the parents' names and addresses provided on the form are accurate.

You should also check for the following common errors (see p. 15):

- ✗ Any changes in the child's name
No cross-outs or changes are allowed in the child's name. If the child's name has been crossed out and changed, you must start over with a new form.
- ✗ Changes in parents' information
Mistakes in the parents' information (street, apartment number, ZIP code) can be crossed out and corrected, but only if done properly.

residing at ~~40 N. Division St., 13-C~~
House/Apt. Number and Street
49 L. Ave.
New York, Zip Code 11695-2413
my date of birth 11 / 18 / 1982
Month Day Year

The mistake must be crossed out with a single line. The correct information must be entered and initialed.

* Any corrections must be initialed.

- ✗ Use of correction fluid
Correction fluid must **NOT** be used! Cross out errors, correct, and have both parents initial the correction, as noted above, or start over with a new form.
- ✗ Missing information
Check for the signatures of each parent and of the **second** witness for each parent.

Check also for the name and address of the hospital; each parent's place of birth (City and State); and the mother's maiden name (surname only).

✘ Inconsistent information

Be sure that the signature dates are the same for each parent and his/her witnesses.

Step 9: Complete the sections at the top and bottom of the form (Hospital staff/Birth registrars only)

A. Enter the hospital code at the top of the form

Hospital staff should enter only the appropriate hospital code (4-digit PFI code) in the "For Official Use Only" section at the top of the acknowledgment form. A sample is shown below.

LDSS-4418 (Rev. 1/14) New York State Office of Temporary and Disability Assistance New York State Department of Health Pursuant to Section 4135-b of Public Health Law	Recorded District _____
	Hospital Code (PFI Number) <u>0004</u>
	Register Number _____

ACKNOWLEDGMENT OF PATERNITY

(Please type or print clearly in blue or black ink.)

Check where signed: Hospital Child Support Office Birth Registrar Other

The Hospital Code shown in the sample above (**0004**) is for Albany Memorial Hospital.

B. Registrar enters recorded district and register numbers, at the top of the form

Only a birth registrar can enter the recorded district and register numbers at the top of the form, above and below the 4-digit PFI code for the hospital.

LDSS-4418 (Rev. 1/14) New York State Office of Temporary and Disability Assistance New York State Department of Health Pursuant to Section 4135-b of Public Health Law	Recorded District <u>0101</u>
	Hospital Code (PFI Number) <u>0004</u>
	Register Number <u>2597</u>

ACKNOWLEDGMENT OF PATERNITY

(Please type or print clearly in blue or black ink.)

Check where signed: Hospital Child Support Office Birth Registrar Other

C. Registrar enters district name and date and signs the form

At the bottom of the form, the registrar enters the district where the form is filed and the date; then s/he signs the form.

<i>For Official Use Only</i>	
The above Acknowledgment of Paternity is hereby filed with the <u>Albany County</u> registrar on <u>12 / 27 / 2013</u>	
If this document is to amend a birth certificate, I certify that I have examined the original record this seeks to amend and the information on this document matches. There are no omissions or apparent errors that render it unacceptable for amending the birth record. This document is therefore approved.	
<u>Margaret A. Schepici</u> State Registrar/Deputy City Registrar Signature	<u>12 / 27 / 2013</u> MM/DD/YYYY

D. File the original completed Acknowledgment of Paternity form

The original completed AOP form should be filed at the same time, if possible, as the certificate of live birth. These documents must be filed with the birth registrar of the hospital where the birth occurred and where the birth certificate is filed (or in New York City, the Department of Health and Mental Hygiene).

Completing the LDSS-4418: Detailed Instructions

Below are detailed instructions and examples showing how to complete New York State's voluntary Acknowledgment of Paternity form, LDSS-4418.

Top section: Hospital code and place

In the upper right corner of the form is a box where hospital staff should enter the 4-digit Department of Health PFI number for the hospital on the second line, as shown below.

LDSS-4418 (Rev. 1/14) New York State Office of Temporary and Disability Assistance New York State Department of Health Pursuant to Section 4135-b of Public Health Law	Recorded District _____ Hospital Code (PFI Number) <u>0004</u> Register Number _____
--	--

ACKNOWLEDGMENT OF PATERNITY
(Please type or print clearly in blue or black ink.)

Check where signed: Hospital Child Support Office Birth Registrar Other

In this example, "0004" is the code for Albany Memorial Hospital, Albany, NY.

* Do not fill in the other blanks.

The birth registrar will enter the recorded district number and the register number when the AOP form is processed.

Check the box next to "Hospital" to indicate the acknowledgment is being signed at the hospital.

Child section: Name, date of birth, sex

Hospital staff, either parent, or a third party can enter the information about the child (four lines). There are two ways to enter the child's name, depending on when the form is being completed, as described below:

- a. Only the first two lines are used for the child's name when the AOP form is filed at the same time as the original birth certificate.

- b. All four lines must be completed when the AOP form is filed **after** the original birth certificate and the parents wish to change the child's last name.

When the form is filed with the original birth certificate

When the AOP form is filed with the original birth certificate, the first three lines on the form should be completed for the child, as shown below:

LDSS-4418 (Rev. 1/14)

New York State Office of Temporary and Disability Assistance

New York State Department of Health

Pursuant to Section 4135-b of Public Health Law

Recorded District _____

Hospital Code (PFI Number) _____

Register Number _____

ACKNOWLEDGMENT OF PATERNITY

(Please type or print clearly in blue or black ink.)

Check where signed: Hospital Child Support Office Birth Registrar Other

CHILD	First name John		Middle name James	
	Last name Lewis		Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Date of birth (MM/DD/YYYY) 12 / 08 / 2013
	Facility of birth Albany Memorial Hospital	City of birth Albany	County of birth Albany	
	<i>If the child's birth certificate was already filed and you wish to change the child's last name, complete the following section:</i>			
	Last name on original birth certificate		New last name	

1. Print the child's first, middle and last name.

* Remember—No corrections can be made in the child's name!

2. Check the appropriate box for the sex of the child: Male, Female.
3. Enter the child's date of birth: Month, Day, Year.
4. Print the name and location of the hospital where the child was born.

When the form is completed after the original birth certificate

When the LDSS-4418 form is being completed **after** the original birth certificate and the parents want to change the child's last name, all four lines in the child's section must be completed, as shown below.

LDSS-4418 (Rev. 1/14)

New York State Office of Temporary and Disability Assistance
New York State Department of Health
Pursuant to Section 4135-b of Public Health Law

Recorded District _____
Hospital Code (PFI Number) _____
Register Number _____

ACKNOWLEDGMENT OF PATERNITY

(Please type or print clearly in blue or black ink.)

Check where signed: Hospital Child Support Office Birth Registrar Other

CHILD	First name John		Middle name James	
	Last name Moreno		Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Date of birth (MM/DD/YYYY) 12 / 09 / 2013
	Facility of birth Albany Memorial Hospital	City of birth Albany	County of birth Albany	
	<i>If the child's birth certificate was already filed and you wish to change the child's last name, complete the following section:</i>			
Last name on original birth certificate Moreno		New last name Lewis		

* Only the child's last name can be changed.

1. Print the child's first, middle and last name.
2. Check the appropriate box for the sex of the child: Male, Female.
3. Enter the child's date of birth: Month, Day, Year.
4. Print the name and location of the hospital where the child was born.
5. Print the child's "Last name on **original** birth certificate."
6. Print the child's "New last name."

Father's acknowledgment

The father, hospital staff or a third party completes the father's section of the form as shown below:

FATHER	First name	Andrew	Middle name	Jackson	Last name	Lewis	
	Street address (house/apt. number)						40 N. Pearl St., 13-A
	City	Albany		State	NY	Zip	12207-2729
	Place of birth	City	St. Louis	State	MO	Country	USA
	Date of birth (MMDDYYYY)			Social Security number			
	11 / 18 / 1993			499 - 12 - 3456			
	<i>I hereby acknowledge that I am the biological father of the child named above.</i>						
	Signature			Date (MMDDYYYY)			
	Andrew J. Lewis			12 / 10 / 2013			
	WITNESS SECTION (Witness cannot be related to mother or father.)		Witness Signature		Print Name		Date (MMDDYYYY)
Elaine M. Flanigan			Elaine M. Flanigan		12 / 10 / 2013		
		Witness Signature		Print Name		Date (MMDDYYYY)	
		Monique R. Blondeau		Monique R. Blondeau		12 / 10 / 2013	

1. Full name—first, middle, last
2. Current street address
3. City, State and ZIP code
4. City, State and Country where the father was born
5. Father's date of birth
6. Father's Social Security number

* Before the father signs the form, it's a good idea for the witnesses to ask to see a photo ID—a quick way to verify the accuracy and spelling of the name and address information.

7. Father signs the form
8. Father dates the form
9. First witness' signature, printed name and date
10. Second witness' signature, printed name and date

* Remember—the witnesses cannot be related to either parent.

Mother's acknowledgment

The mother of the child, hospital staff or a third party completes the mother's section of the form as shown below:

MOTHER	First name	Patricia	Middle name	Karina	Last name	Moreno		
	Maiden name (last name only)	Moreno						
	Street address (house/apt. number)	488 S. Washington St., Apt. 1-A						
	City	Albany	State	NY	Zip	12201-3635		
	Place of birth	City	Jamaica Plain	State	MA	Country	USA	
	Date of birth (MMDDYYYY)	06 / 29 / 1994		Social Security number			008 - 11 - 1953	
	<i>I hereby consent to the Acknowledgment of Paternity for my child named above, and acknowledge that the man named above is the only possible father of my child who was born to me. I state that I was not married at any time during the pregnancy or when the child was born OR, I state that I have subsequently married the child's biological father.</i>							
	Signature	Patricia K. Moreno			Date (MMDDYYYY)	12 / 10 / 2013		
	WITNESS SECTION (Witness cannot be related to mother or father.)	Witness Signature	Elizabeth A. Giordano		Print Name	Elizabeth A. Giordano	Date (MMDDYYYY)	12 / 10 / 2013
		Witness Signature	Milena G. Quintana		Print Name	Milena G. Quintana	Date (MMDDYYYY)	12 / 10 / 2013

1. Full name—first, middle, last
2. Mother's maiden name (last name only)
3. Current street address
4. City, State and ZIP code
5. City, State and Country where the mother was born
6. Mother's date of birth
7. Mother's Social Security number

* Before the mother signs the form, it's a good idea for the witnesses to ask to see a photo ID—a quick way to verify the accuracy and spelling of the name and address information.

8. Mother signs the form
9. Mother dates the form
10. First witness' signature, printed name and date
11. Second witness' signature, printed name and date

* Remember—the witnesses cannot be related to either parent.

Registrar: Completing and filing the form

After the form has been completed by both parents and each parent's signature has been properly witnessed, the form is sent to the registrar, who completes and signs the form as shown below:

Recorded district and register numbers (top of form)

First, the registrar fills in the recorded district and register numbers at the top of the form:

LDSS-4418 (Rev. 1/14) New York State Office of Temporary and Disability Assistance New York State Department of Health Pursuant to Section 4135-b of Public Health Law	Recorded District 0101 Hospital Code (PFI Number) 0004 Register Number 2597
--	--

ACKNOWLEDGMENT OF PATERNITY

(Please type or print clearly in blue or black ink.)

Check where signed: Hospital Child Support Office Birth Registrar Other

District, date and signature (bottom of form)

The registrar fills in the district name and the date and signs at the bottom of the form.

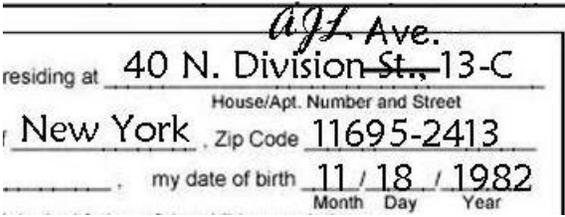
<i>For Official Use Only</i>	
The above Acknowledgment of Paternity is hereby filed with the <u>Albany County</u> registrar on <u>12 / 27 / 2013</u>	
If this document is to amend a birth certificate, I certify that I have examined the original record this seeks to amend and the information on this document matches. There are no omissions or apparent errors that render it unacceptable for amending the birth record. This document is therefore approved.	
<u>Margaret A. Schepici</u> State Registrar/Deputy City Registrar Signature	<u>12 / 27 / 2013</u> MM/DD/YYYY

Filing the form

Along with the birth certificate, a copy of the form is sent to the both parents. Another copy of the form is sent to the Putative Father Registry, PO Box 15364, Albany, NY 12212-5364.

Avoid these common mistakes

Certain types of mistakes, especially incomplete information, can cause the LDSS-4418 form to be rejected by the local birth registrar or by the Putative Father Registry. Be sure to watch for these mistakes and correct them as described below:

Error	Correction
Use of correction fluid anywhere on the form	Start over with a new form. NO correction fluid can be used on the AOP form.
Child's name crossed out and rewritten	Start over with a new form. NO cross-outs or corrections can be accepted in the child's name. Certain other information may be crossed out and corrected (see below).
Errors in parents' information (street address, apartment number, etc.) 	Correct as follows: <ol style="list-style-type: none"> 1. Cross out the error with a single line. 2. Write in the correct information. 3. Have the parent initial the correction. The correction will not be accepted unless the parent initials it.
Missing information, such as signature of parent or second witness	Make sure all information is complete. Check especially for <ul style="list-style-type: none"> • Both parents' signatures • Two witnesses' signatures for each parent's signature • Matching signature dates The date of each parent's signature must be the same date as the date of the witnesses' signatures for that parent.

* Each parent's signature requires two (2) witnesses who are not related to either parent.

Special concerns about Acknowledgment of Paternity

Is the information kept confidential?

Yes. All information entered on the Acknowledgment of Paternity form is confidential and cannot be released unless ordered by a judge. Only the parents and the child named on the form, the child's legal guardian or representative, or government officials acting in the capacity of their official duties may obtain copies of the form.

What about parents who are minors?

Parents who are minors can acknowledge paternity for their child.

However, hospital staff should take special care to explain to young parents the legal rights and consequences of signing an Acknowledgment of Paternity.

What if the mother is or was married?

If the mother is or was married, she must **not** complete an AOP form!

✳ Only unmarried parents may sign an Acknowledgment of Paternity.

The Acknowledgment of Paternity may be signed only if the mother was unmarried throughout the pregnancy *and* at the time of the child's birth. The only exception is as follows: If the mother was unmarried during the pregnancy and at the birth, but she later marries the child's biological father, an AOP may be completed.

New York State law includes a "presumption of legitimacy." That is, when a married woman gives birth, her husband is automatically presumed to be the father of the child. Only a judge may determine that someone other than her husband is the child's father.

What about surrogate births?

A surrogate mother may sign an Acknowledgment of Paternity form with the husband of a married couple when the husband is the sperm donor, as long as the surrogate mother was not married during the pregnancy and at the time of birth. Adoption proceedings will follow the signing of the Acknowledgment of Paternity form.

What if one or both parents are reluctant to sign?

Hospital staff should consider the parents' circumstances when discussing acknowledgment of paternity. If both parents seem cooperative, it may be appropriate to discuss the acknowledgment with both parents at the same time. However, if the parents are not together or have specific individual concerns, each parent should be approached separately and in private.

✱ Remember that acknowledgment of paternity is *voluntary*. No one should be pressured into signing an Acknowledgment of Paternity.

Remember also that paternity can be established at a later date—either by Family Court or by acknowledgment.

When is genetic testing recommended?

Genetic testing is recommended whenever there is **any** doubt about the identity of the child's father.

When the mother and putative father sign an Acknowledgment of Paternity, they are making statements that they assert to be true to the best of their knowledge. The mother is attesting that the man is the only possible father of the child; the man is stating that he is the biological father of the child.

✱ If either party has *any* doubt about the identity of the child's father, they should **not** sign an Acknowledgment of Paternity.

The Notice of Rights and Consequences on the AOP form advises parents of their right to genetic testing. Hospital staff should remind unmarried parents that genetic testing is available through Family Court and these tests can resolve any doubts. Anyone with any doubt should **not** complete an Acknowledgment of Paternity form.

Special concerns of mothers

In addition to general questions or concerns about acknowledging paternity, mothers often have the following specific fears or concerns:

Will I lose my temporary assistance benefits?

Acknowledging paternity will **not** cause a person's temporary assistance benefits to end.

In fact, acknowledging paternity (and applying for child support services) is a condition of (requirement for) receiving temporary assistance. If a mother does not help Child Support personnel to establish paternity and pursue child support, her benefits can be reduced or cancelled for that very reason.

Also, if it seems appropriate, remind mothers with this concern that their temporary assistance benefits will end eventually. It is true that if a child support order is established and the payments received are greater than the temporary assistance amount, the mother will no longer be eligible for temporary assistance—but she will have achieved self-sufficiency and will no longer need to depend on assistance.

Will I lose custody of my child?

Acknowledging paternity does give the noncustodial parent the right to file a custody petition with family court. However, having the right to file a custody petition does not mean that the noncustodial parent will actually request or be awarded custody. Only the court can decide custody issues.

I am afraid of losing what the father is giving me now

As long as child support is not being sought in court, then any informal agreements will not be affected by an Acknowledgment of Paternity.

However, if child support is sought in court, then the father named on the Acknowledgment of Paternity will be obligated to support his child. The father can still provide additional money if he chooses.

If the custodial parent is receiving temporary assistance, accepting any payment “under the table” from the non-custodial parent *instead of* a formal support obligation payment is considered **fraud**. For a custodial parent who receives temporary assistance, accepting any payment “under the table” can result not only in loss of temporary benefits, but also in civil and criminal prosecution.

The father has no income or is still in school

The father's circumstances may change, and he may have a good income in the future. Acknowledging paternity will entitle his child to financial and/or medical benefits if they become available.

I do not want anything to do with the father

The mother may want nothing to do with the father for various reasons; her family may disapprove of the father, he may have abandoned her and the child, and so on.

While it is important to remember that acknowledgment of paternity is **voluntary**, and no one should be pressured into acknowledgment, it may still be appropriate and helpful to remind the mother of the benefits of establishing paternity, such as the following:

- the possibility of sharing parental responsibilities.
- information about family medical history.
- improved financial security for the family.
- access to medical insurance for the child, if available.

Appendix A: Glossary of terms

Below are definitions of terms related to voluntary acknowledgment of paternity.

Acknowledgment of Paternity

A legal document that declares a certain man to be the father of a child. It must be completed and signed by both parents; the signature of each parent must be witnessed by two witnesses who are not related to either parent.

Birth registrar

Local official who is responsible for recording births and other vital records.

Establishing paternity

Process of determining the legal father of a child born to unmarried parents.

Legal Father

A man who is recognized by law as the male parent of a child.

Order of filiation

A court order that declares that a man is the legal father of a child.

Paternity

Legal determination of fatherhood for children born out-of-wedlock. Paternity must be established before child or medical support can be ordered.

Presumption of legitimacy

Premise in New York State law that a married woman's husband is the father of her child.

Putative father

The person alleged to be the father of a child born out-of-wedlock but who has not yet been medically or legally declared to be the legal father

Putative Father Registry

New York State database that keeps track of paternity activities for children born out-of-wedlock.

Support Collection Unit (SCU)

A unit of the local child support agency.

Appendix B: Order form

The order form on the back of this page is also available from the [OTDA internet site](http://otda.ny.gov/programs/publications/OTDA876.pdf) through this link: <http://otda.ny.gov/programs/publications/OTDA876.pdf>.

