

# Establishing Paternity:

**Every Child Deserves a Father**



# ESTABLISHING PATERNITY

Establishing paternity refers to the legal identification of the father of a child born to unmarried parents. If you are an unmarried parent, or parent-to-be, please read the following information on paternity.



## Who Should Establish Paternity

- Unmarried, biological parents
- Parents who get married after the child is born
- Teen parents (they do not need their own parents' consent)
- Parents who are immigrants, including those who are not citizens and those who are undocumented, even if either or both do not have valid social security numbers. They will not be asked about their immigration status and any information obtained to establish paternity and/or child support will not be shared with the U.S. Citizenship and Immigration Services.



## Benefits of Establishing Paternity

### For the Mother:

- Shared parental responsibilities
- More financial security for the family

### For the Father:

- Legal establishment of parental rights and responsibilities
- Name appears on the child's birth certificate
- Right to seek court-ordered visitation and or custody
- Right to be consulted in adoption or other legal proceedings concerning the child

### For the Child:

- Legal record of the identity of his or her father
- 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 from the father
- Rights of inheritance if the father dies



## **How Paternity Is Established**

There are two ways to establish paternity. Paternity can be established through a voluntary process, by signing an Acknowledgment of Paternity (AOP), or through a judicial process which means going to court.

### **Voluntary Establishment of Paternity**

#### **For a newborn**

If both parents agree, they can sign an Acknowledgment of Paternity (AOP) as soon as the baby is born. AOP forms are available in the medical office or clinic where you get your prenatal care and in the hospital or birthing center where your baby is born. The mother and father do not have to sign the form at the same time or in the same location.

## After the Baby Leaves the Hospital

**Paternity can be established any time after the baby leaves the hospital until age 21.** You may use the AOP form that you were given in the hospital where your baby was born. You can also get one from the NYC Department of Health and Mental Hygiene (DOHMH) or the NYC Human Resources Administration (HRA) Office of Child Support Enforcement. The completed, signed, and witnessed AOP must be sent or brought in person 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.**



## 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 baby's parents are married to each other
- The mother is legally married to someone who is not the father



## Paternity Establishment in Court

Paternity can be established in family court if:

- Acknowledgment of Paternity has not been signed.
- The mother is married to someone other than the baby's biological father. Even if she has not been in contact with her husband and knows he is not the father, a court hearing is necessary to exclude him and establish the biological father as the legal father.
- The parents are in court for a child support hearing and paternity has not been established.





## Question of Who the Father Is

**If either parent has any doubt about the identity of the father, do not sign the Acknowledgment of Paternity. You may request low-cost DNA testing** which is available to married and unmarried parents. Ask the birth registrar in the hospital or contact OCSE at 929-221-5008 for a referral to a New York State-certified laboratory. If the DNA test identifies the father, unmarried parents still need to establish paternity by signing an AOP or by having a court hearing. Although DNA testing can determine the identity of the biological father, it does not establish legal paternity.

## Paternity and the Department of Health and Mental Hygiene

- When paternity is established, the AOP or Order of Filiation (court order that establishes paternity) is sent to the NYC Department of Health and Mental Hygiene (DOHMH) for registration. They, in turn, provide parents with certified copies of their child's birth certificate and AOP. If paternity is established after the birth certificate has been registered, the birth certificate will be amended to include the father's name.







- When paternity is established, DOHMH sends the information to the New York State Putative Father Registry (PFR) (putative means alleged or presumed) The PFR is a list of fathers who have established paternity in New York State. The information is used 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 Acknowledgment of Paternity. You will need to bring your current marriage certificate or divorce decree, if you have one. In addition, be prepared to show photo identifications since your signature on the AOP must be witnessed.

## Canceling an Acknowledgment of Paternity

- If either parent wants to cancel the AOP after it has been filed with DOHMH, a court hearing is required.

Either parent may file a petition to vacate the AOP with the court.

If a parent was 18 years when signing the AOP, he/she must file by the **earlier** of

- 60 days after signing the AOP, or
- 60 days after having to answer any court petition about the child.

If a parent was 18 years or older when signing the AOP, he/she must file by the **earlier** of

- 60 days after reaching age 18, or
- 60 days after having to answer any court petition about the child if the parent was advised of the right to cancel the AOP at a proceeding related to the child.

After these time limits, the parent filing the petition must show proof of fraud, duress, or material mistake of fact.

- The Support Magistrate will decide if the Acknowledgment of Paternity should be canceled, based on the facts presented at the hearing and the best interests of the child. It is possible that someone who is not the biological father may continue to be legally obligated to pay child support. That's why you should be sure of the father's identity before establishing paternity.

## Some Facts to Consider

According to the U.S. Department of Health and Human Services, having the presence of two involved parents contributes directly to better school performance, reduced drug abuse, less crime and delinquency, fewer emotional and other behavior Problems, less risk of abuse and neglect, and lower risk of teen suicide.

Establishing paternity when your baby is born does not guarantee a lifelong relationship between father and child, but it is a good start.

For More Information Contact:

- The Birth Registrar in the hospital or birthing facility where your child is born
- HRA Office of Child Support Enforcement Outreach Services Unit: 929-221-5008
- NYC Department of Health and Mental Hygiene: 212-788-4500
- HRA Website:  
[nyc.gov/hra/ocse](http://nyc.gov/hra/ocse)



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