Acknowledgment of Parentage

Signing this form is voluntary. This is a legal document. Read the entire form before you sign.

To assist you in determining your eligibility to sign an Acknowledgment of Parentage, the following definitions are provided:

- **Child** – the individual for whom parentage needs to be established.
- **Birth Parent** – the parent who gave birth to the child.
- **Alleged Parent** – the person who may be the child's genetic parent but who has not yet been legally declared to be the parent.
- **Intended Parent** – an individual who intends to be legally bound as the parent of a child resulting from assisted reproduction.
- **Other Parent** – refers to either the alleged or intended parent.
- **Putative Father Registry** – the State registry where Acknowledgments of Parentage and Acknowledgments of Paternity are filed. Information in this registry shall be released to a court or authorized agency upon request but shall not be released to any other person without a court order for good cause shown.
- **Gamete Donor** – the sperm or egg donor.

Prior to signing the Acknowledgment of Parentage, the birth parent and the other parent shall be provided oral and written notice of their rights and the consequences of signing. An Acknowledgment of Parentage that has been voluntarily signed by both parents has the same legal force and effect as a court order determining the child's legal parentage and establishes the duty of both parents to provide support for the child. This means that if the Acknowledgment of Parentage is not challenged, you do not have to go to court or an administrative proceeding to determine or confirm the identity of the child's other parent.

Before signing an Acknowledgment of Parentage, you may wish to speak to a lawyer. You have a right to seek legal representation and supportive services, including counseling, to help you decide whether to sign the Acknowledgment of Parentage.

Who can sign?

Only two people can sign the Acknowledgment of Parentage to add the other parent to the birth certificate:

Scenario #1:	Scenario #2:
• Unmarried Birth Parent *and* • Alleged Parent	• Married or Unmarried Birth Parent *and* • Intended Parent

The child may be given any last name chosen by the parents. The child's name will not affect the child's legal status.

DO NOT sign an Acknowledgment of Parentage if:

- The birth parent of a child conceived naturally was married any time during the pregnancy or when the child was born;
- The birth parent is unmarried and more than one person could be the other parent;
- A court has entered a judgment or order determining parentage for the child;
- A valid Acknowledgment of Paternity/Parentage has been signed for the child;
- The child is the subject of a surrogacy agreement;
- The child has not been born; or
- There are already two parents on your child's birth certificate.

DO NOT sign an Acknowledgment of Parentage if, after reading this written notice and receiving oral notice, you have any doubts about the child's parentage.

When parents sign an Acknowledgment of Parentage:

- They give up their right to a court hearing to determine parentage;
- They may establish custody and visitation rights;
- They may be required to give consent before the child can be placed for adoption;
- The child's right to inherit from both parents **is established** if the Acknowledgment of Parentage is filed with the registrar in the district where the birth certificate was filed; and
- The child's right to inherit from both parents **may be established** if the Acknowledgment of Parentage is filed only with the Putative Father Registry.

If an Acknowledgment of Parentage is not signed by both parents:

- The other parent will not have a legal duty to support the child and the other parent's name cannot be on the birth certificate until there has been a hearing to determine parentage. If the court determines the other parent to be a legal parent of the child, the court may make an order of support which may be retroactive to the birth of the child.
- If a court hearing is required because both parents do not sign the Acknowledgment of Parentage:
  - The other parent may have a right to free legal representation if they are unable to pay for a lawyer; and
  - An alleged parent has a right to a genetic marker test or DNA test.
- If the birth parent applies for or receives public assistance, that parent's refusal to sign the Acknowledgment of Parentage cannot be considered a failure to cooperate in establishing parentage for the child.

An Acknowledgment of Parentage is void at the time of signing if:

- A person other than the parties signing the Acknowledgment of Parentage is a presumed parent of the child due to marriage under New York Domestic Relations law;
- The child has a legally recognized parent other than the parties signing the Acknowledgment of Parentage due to an assisted reproduction agreement;
- A court has already entered a judgment or order determining parentage for the child;
- Another person has voluntarily acknowledged parentage for the child;
- A person signing the Acknowledgment of Parentage was a donor in an assisted reproduction, and already signed a statement that the donation was not intended to result in parental rights and responsibilities; or
- A person signing the Acknowledgment of Parentage asserts that they have parental rights due to an assisted reproduction agreement, but a court finds that the child was not conceived through assisted reproduction.

Where does the Acknowledgment of Parentage get filed? Who files it?

If you signed the Acknowledgment of Parentage at a hospital or social services district, the original Acknowledgment of Parentage will be filed for you with the registrar of the district where the birth certificate is filed. If you did NOT sign the Acknowledgment of Parentage at a hospital or social services district, you must mail or take the original Acknowledgment of Parentage to the registrar of the district where the birth certificate is filed.

- For births that took place **in New York City,** mail or take the original Acknowledgment of Parentage to the registrar at the New York City Department of Health and Mental Hygiene, Office of Vital Records, Attention: Corrections Unit Room 144, 125 Worth Street CN-4, New York, NY 10013-4089.
- For births that took place **outside New York City,** mail or take the original Acknowledgment of Parentage to the registrar of the district where the birth certificate is filed.

The registrar will mail you a certified copy of the Acknowledgment of Parentage and will file a copy of the Acknowledgment of Parentage with the Putative Father Registry.

Note: If the name and address of a gamete donor of a child conceived through assisted reproduction is included on the Acknowledgment of Parentage, the State Department of Health or the New York City Department of Health and Mental Hygiene shall mail a copy to the known donor listed on the form with the Social Security numbers of the signatories redacted.

Can you get a new birth certificate after signing the form?

Yes. If the Acknowledgment of Parentage was not signed at the time of birth, then a new birth certificate will be issued with the name of each parent included. If you changed the child's last name when completing the Acknowledgment of Parentage, it will be changed on the new birth certificate.

Do you have to pay for a new birth certificate?

If your **child was born in a hospital outside New York City,** and you are signing the Acknowledgment of Parentage after the original birth certificate was filed, the New York State Department of Health will issue the birth parent a free birth certificate.

If your **child was born in a New York City hospital,** and you are signing the Acknowledgment of Parentage after the original birth certificate was filed, the other parent will be issued one free birth certificate. If the child is less than one year old, the birth parent may exchange the original birth certificate at no cost; after one year there will be a replacement cost.

Can you withdraw the Acknowledgment of Parentage after signing?

Yes. Either parent has the right to file a petition to vacate the Acknowledgment of Parentage with the family court. The petition can only be filed within the following time limits, which depend upon the age of the parent at the time the parent signs the Acknowledgment of Parentage:

	The parent is **18 years or older** when signing the Acknowledgment of Parentage	The parent is **under 18 years old** when signing the Acknowledgment of Parentage
Whichever is earlier	Within 60 days of the date of signing the Acknowledgment of Parentage.	Within 60 days after that parent's 18th birthday.
	The date on which an answer to a petition is required in a proceeding relating to the child and in which such parent is a party.	Within 60 days after the date on which an answer to a petition is required in a proceeding relating to the child and in which such parent is a party, provided the parent was advised at any such proceeding of the right to file a petition to vacate.
If the time limits have expired	Either parent may only challenge the Acknowledgment of Parentage, in court, if it was signed based on fraud, duress, or material mistake of fact. The burden of proof is on the party wishing to withdraw the Acknowledgment of Parentage.	

If the petition to vacate is filed within the correct time limit or, if after the time limit expired, the parent has successfully challenged the Acknowledgment of Parentage in court, the court will order genetic marker tests or DNA tests to determine the child's parentage. The court will not order this testing, however, if the Acknowledgment of Parentage was signed by the intended parent of a child born through assisted reproduction, or if the court finds that it is not in the best interests of the child. Neither parent's legal obligations, including the obligation to support the child, may be suspended during the challenge to the Acknowledgment of Parentage except if the court finds good cause.

If the court determines, following a genetic marker test or DNA test, that the person who signed the Acknowledgment of Parentage is a parent of the child, the court shall make a finding of parentage and enter a judgment or order determining parentage. If the court determines that the person who signed the Acknowledgment of Parentage is not the parent of the child, the Acknowledgment of Parentage will be vacated and the court will immediately provide a copy of the order to the registrar and to the Putative Father Registry. If a party is receiving child support services, a copy will be provided to the Child Support Enforcement Unit.

Still have questions?

Questions regarding the **birth certificate process** should be directed to the registrar of the district where the Acknowledgment of Parentage has been or will be filed. In New York City, call the New York City Department of Health and Mental Hygiene at **3-1-1** or **212-NEW-YORK.**

For questions about this form or about establishing parentage, speak with hospital staff or e-mail questions to otda.sm.dcse.parentage@otda.ny.gov. You may also watch a video about the Acknowledgment of Parentage process available on the New York State Division of Child Support Services website at childsupport.ny.gov.

PLEASE NOTE: The information and statements contained in the Acknowledgment of Parentage will not be verified by any State, local, or private entity before or after a birth certificate is created or the document is filed with the Putative Father Registry, as no requirement to do so is provided in law.

LDSS-5171 (Rev. 02/21)
New York State Office of Temporary and Disability Assistance
New York State Department of Health
Pursuant to Section 4135-b of Public Health Law

ACKNOWLEDGMENT OF PARENTAGE

(Please type or print clearly using black ink.)

Recorded district _____ Hospital code ____ ____ ____ ____

Register number _____

Check where signed: ☐ Hospital ☐ Child Support Program office ☐ Birth registrar ☐ Other

Child

First name | **Middle name** | **Last name**

Gender
☐ Female ☐ Male ☐ Non-Binary/other

Date of birth *(MM/DD/YYYY)*
____ / ____ / _____

Facility of birth | **City of birth** | **County/borough of birth**

If the child's birth certificate was already filed and you wish to change the child's last name, complete the following section:

Last name on original birth certificate | **New last name**

We understand that signing this Acknowledgment of Parentage is voluntary and will establish parentage of our child with the same force and effect as an Order of Parentage entered after a court hearing including an obligation to provide support for our child except that, only if this Acknowledgment of Parentage is filed with the Registrar where the birth certificate is filed, will the Acknowledgment of Parentage have such force and effect with respect to inheritance rights. We have received written and oral notice of our legal rights (including the timeframes to withdraw), responsibilities, alternatives and the consequences of signing the Acknowledgment of Parentage, and we understand what the notice states. A copy of the written notice has been provided to us. We certify that the information we provide below is true.

Birth Parent

First name | **Middle name** | **Last name**

Street address | **Floor/Apt.** | **City** | **State** | **ZIP**

Date of birth *(MM/DD/YYYY)*
____ / ____ / _____

Social Security Number
____ – ____ – _____

Were you married at the time of birth? ☐ Yes ☐ No

I hereby consent to the Acknowledgment of Parentage for my child named above and acknowledge that the person named below is the only possible other genetic parent, or is an intended parent and the child was conceived through assisted reproduction.

Signature

Date *(MM/DD/YYYY)*
____ / ____ / _____

Witness section
(Two witnesses required; witnesses cannot be related to either parent)

Witness signature | **Witness print name** | **Date** *(MM/DD/YYYY)*

Witness signature | **Witness print name** | **Date** *(MM/DD/YYYY)*

Other Parent

First name | **Middle name** | **Last name**

Street address | **Floor/Apt.** | **City** | **State** | **ZIP**

Date of birth *(MM/DD/YYYY)*
____ / ____ / _____

Social Security Number
____ – ____ – _____

Are you the genetic/biological father of the child? ☐ Yes ☐ No

I hereby acknowledge that I am the genetic or intended parent of the child named above.

Signature

Date *(MM/DD/YYYY)*
____ / ____ / _____

Witness section
(Two witnesses required; witnesses cannot be related to either parent)

Witness signature | **Witness print name** | **Date** *(MM/DD/YYYY)*

Witness signature | **Witness print name** | **Date** *(MM/DD/YYYY)*

For Official Use Only

The above Acknowledgment of Parentage is hereby filed with the _____ **registrar on** ____ / ____ / _____

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.

State Registrar/Deputy City Registrar signature

Date *(MM/DD/YYYY)*
____ / ____ / _____

Birth Parent

Name

Street address

Floor/Apt. **City** **State** **ZIP**

Mailing address of **birth parent** must be printed here

Other Parent

Name

Street address

Floor/Apt. **City** **State** **ZIP**

Mailing address of **other parent** must be printed here

Gamete Donor *(if applicable)*

Name

Street address

Floor/Apt. **City** **State** **ZIP**

Mailing address of **gamete donor**, if known, must be printed here