Acknowledgment of Paternity
For a Child Born to an Unmarried Woman

Before signing an Acknowledgment of Paternity you should read the following information about your legal rights and the consequences of signing an Acknowledgment of Paternity. This information will help you decide whether to sign a voluntary Acknowledgment of Paternity.

What is an Acknowledgment of Paternity?

An Acknowledgment of Paternity is a document that is signed by unmarried parents to **establish the child's legal father**. Both parents must voluntarily sign.

Who can sign it?

Before signing an Acknowledgment of Paternity, 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 Paternity.

You CANNOT sign an Acknowledgment of Paternity if:

- The **mother was married at any time during the pregnancy** or when the child was born;
- The **mother is unmarried but more than one man could be the child's father**; or
- The **child has not been born**.

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

What effect does signing an Acknowledgment of Paternity have?

An Acknowledgment of Paternity that has been **voluntarily signed by both parents** has the same legal force and effect as a court order determining the child's legal father and **establishes the duty of both parents to provide support for the child**. This means that if the Acknowledgment of Paternity is not challenged, you do not have to go to a court or administrative proceeding to determine or confirm the child's father.

When a man signs an Acknowledgment of Paternity:

- He gives up his right to a court hearing to determine if he is the child's father;
- He may establish custody and visitation rights;
- He may be required to give his consent before the child can be placed for adoption;
- It establishes the child's right to inherit from the father if the Acknowledgment of Paternity is filed with the registrar in the district where the birth certificate was filed; and
- It **may** establish the child's right to inherit from the father if the Acknowledgment of Paternity is **only** filed with the Putative Father Registry.

The child may have the last name of either parent. The child's name will not affect the child's legal status.

What happens if you don't sign?

If an Acknowledgment of Paternity is **not signed by both parents:**

- The **man will not** have a duty to support the child and his name cannot be on the birth certificate until there has been a hearing in court where he is determined to be the father of the child. If the court determines the man to be the father of the child, the court may make an order of support which may be retroactive to the birth of the child.
- If the mother applies for or receives public assistance, the mother's refusal to sign the Acknowledgment of Paternity cannot be considered a failure to cooperate in establishing paternity for the child.

If a **court hearing** is required because both parents do not sign the Acknowledgment of Paternity:

- The man may have a right to free legal representation if he is unable to pay for a lawyer; and
- The man has a right to **genetic marker tests or DNA tests** to help the court determine if he is the father.

What happens after you sign?

If you signed the Acknowledgment of Paternity at a hospital or social services district:

- The original Acknowledgment of Paternity **will be filed for you** with the registrar of the district where the birth certificate is filed; and
- The registrar will mail you a certified copy of the Acknowledgment of Paternity; and
- For births in a New York **hospital not located in New York City**, the registrar will file a copy of the Acknowledgment of Paternity with the State Department of Health and with the Putative Father Registry; or
- For births in a New York **hospital located in New York City**, the registrar (New York City Department of Health and Mental Hygiene) will file a copy of the Acknowledgment of Paternity with the Putative Father Registry.

If you did **NOT** sign the Acknowledgment of Paternity at a hospital or social services district:

- **You** must **mail or take** the original Acknowledgment of Paternity to the registrar of the district where the birth certificate is filed, or in **New York City** to 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;
- The registrar will mail you a certified copy of the Acknowledgment of Paternity; and
- For births in a New York **hospital not located in New York City**, the registrar will file a copy of the Acknowledgment of Paternity with the State Department of Health and with the Putative Father Registry; or
- For births **in New York City**, the registrar (New York City Department of Health and Mental Hygiene) will file a copy of the Acknowledgment of Paternity with the Putative Father Registry.

What is the Putative Father Registry?

The Putative Father Registry is a record of the names and addresses of all persons who sign an Acknowledgment of Paternity or who are determined by the court to be the father of a child born to an unmarried mother. This information 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.

Can you withdraw the Acknowledgment of Paternity after signing?

Yes. Either parent has the right to withdraw the Acknowledgment of Paternity by filing a petition to vacate 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 Paternity:

	The parent is 18 years or older when signing the Acknowledgment of Paternity	The parent is under 18 years old when signing the Acknowledgment of Paternity
Whichever is earlier	Within 60 days of the date of signing the Acknowledgment of Paternity.	Within 60 days after that parent's 18th birthday.
	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 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 Paternity, in court, if it was signed based on fraud, duress, or mistake of material fact. The burden of proof is on the party wishing to withdraw the Acknowledgment of Paternity.	

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 Paternity in court, the court will order genetic marker tests or DNA tests to determine the child's father. The court will not order this testing, however, if it 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 Paternity 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 Paternity is the father of the child, the court shall make a finding of paternity and enter an order of filiation that states he is the father. If the court determines that the person who signed the Acknowledgment of Paternity is not the father of the child, the Acknowledgment of Paternity 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.

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

Yes. If the Acknowledgment of Paternity is not signed at the time of birth, then a new birth certificate will be issued with the father's name included and, if you changed the child's last name when completing the Acknowledgment of Paternity, the child's last name will be changed on the new birth certificate.

Questions regarding this form as it relates to the birth certificate process should be directed to the registrar of the district where the Acknowledgment of Paternity has been or will be filed or in **New York City** to the **New York City Department of Health and Mental Hygiene**.

Do you have to pay for a new birth certificate?

If your **child was born in a New York hospital not in New York City**, and you are signing the Acknowledgment of Paternity after the original birth certificate was filed, the New York State Department of Health will issue you a free birth certificate.

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

Why is establishing paternity important?

There are benefits to establishing paternity for the mother, the father, and the child.

For the child:

- Legal record of the identity of both parents.
- Father's name on the birth certificate.
- Information on family medical history if needed for the purpose of the child's medical treatment.
- Emotional benefits of knowing both parents.
- Financial support from both parents, including child support, Social Security benefits, veterans benefits, military allowances, and inheritance.
- Health or life insurance from either parent, if available.

For the mother:

- Help in sharing parental responsibilities.
- Information about medical history if needed for the purpose of the child's medical treatment.
- Improved financial security for the child.
- Access to health 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 to have a say in adoption proceedings, if any.

What if you still have questions?

Hospital staff are available to speak with you if you have any questions about this form or about establishing paternity. Hospital staff may also give you the telephone number of the local child support enforcement unit to answer any other questions you may have about the Acknowledgment of Paternity or establishing paternity.

Additional information about the form and an educational video about the voluntary acknowledgment of paternity process are available on the New York State Division of Child Support Enforcement website at www.childsupport.ny.gov.

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	Middle name	
Last name	Sex ☐ Male ☐ Female	Date of birth (MM/DD/YYYY) / /
Facility of birth	City of birth	County 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 Paternity is voluntary and will establish paternity of our child and have the same force and effect as an order of filiation determining paternity and entered after a court hearing including an obligation to provide support for our child. Except that only if this Acknowledgment of Paternity is filed with the Registrar where the birth certificate is filed will the Acknowledgment of Paternity 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 Paternity, 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.

FATHER

First name	Middle name	Last name
Street address (house/apt. number)		
City	State	Zip
Place of birth: City	State	Country
Date of birth (MM/DD/YYYY) / /	Social Security number - -	

I hereby acknowledge that I am the biological father of the child named above.

Signature	Date (MM/DD/YYYY) / /

WITNESS SECTION (Witness cannot be related to mother or father.)	Witness Signature	Print Name	Date (MM/DD/YYYY) / /
	Witness Signature	Print Name	Date (MM/DD/YYYY) / /

MOTHER

First name	Middle name	Last name
Maiden name (last name only)		
Street address (house/apt. number)		
City	State	Zip
Place of birth: City	State	Country
Date of birth (MM/DD/YYYY) / /	Social Security number - -	

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.

Signature	Date (MM/DD/YYYY) / /

WITNESS SECTION (Witness cannot be related to mother or father.)	Witness Signature	Print Name	Date (MM/DD/YYYY) / /
	Witness Signature	Print Name	Date (MM/DD/YYYY) / /

For Official Use Only

The above Acknowledgment of Paternity 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 MM/DD/YYYY

LDSS-4418

FATHER

Name _____

Address _____ Apt. _____

City_____ State _____ Zip_____

Mailing address of father must be printed here.

(Fold Here)

(Fold Here)

MOTHER

Name _____

Address _____ Apt. _____

City_____ State _____ Zip_____

Mailing address of mother must be printed here.