



Establishing Paternity

Withdrawing an Acknowledgment of Paternity

Either parent may withdraw the AOP within 60 days of signing. Minor parents may file a petition to withdraw the AOP within 60 days of turning 18. There are some exceptions to these rules if either parent is involved in a court proceeding related to the child.

Immigrant Parents

The child support program does not share paternity and child support information with federal immigration authorities. The Acknowledgment of Paternity form asks for Social Security numbers for both parents, but the form can be completed even if one or both parents do 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 needs emotional and financial support from both parents – even if they currently live apart or were never married.



childsupport.ny.gov
888-208-4485 (TTY 866-875-9975)



Office of Temporary and Disability Assistance

otda.ny.gov

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What Parents Need to Know
Establishing paternity is valuable to mothers, fathers, and most importantly, their children.



What are the two ways to establish paternity?

Voluntary Acknowledgment of Paternity

Unmarried parents have the option of signing a form called the Voluntary Acknowledgment of Paternity (AOP) (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 of 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 from her spouse.
- If the man is not sure that he is the father.

If you have questions, ask your medical provider, child support worker, local birth registrar, your attorney, or visit the New York State child support website at childsupport.ny.gov.

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 each person's cheek. The lab results are sent to the court. DNA testing is the most accurate way to determine the father of a child.

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If a child's 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 to or responsibilities for the child. You can take steps so the biological father can become the legal father, which is what establishing paternity is all about.

Being the legal father of your child does not automatically mean that you will pay child support or get custody or visitation with your child. Custody and visitation issues require a separate court hearing from establishing paternity or child support.

Why is paternity so important?

For the child:

- Establish a legal record of the identity of both parents.
- Ensure father's name is on the child's birth certificate.
- Access to information on family medical history.
- Obtain financial support from both parents, including child support, social security, veteran's benefits, military allowances, and inheritance.
- Access to health or life insurance from either parent, if available.

For the mother:

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

For the father:

- Legal establishment of parental rights and name on child's birth certificate.
- Right to seek court-ordered custody or visitation.
- Right to be informed and have a say in adoption proceedings.
- Protection of rights if the mother becomes unable to care for the child.