NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

Andrew M. Cuomo
Governor

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Commissioner

Informational Letter

Section 1

Transmittal:	14-INF-01
To:	Local District Commissioners
Issuing Division/Office:	Center for Child Well-Being
Date:	January 8, 2014
Subject:	Revision to LDSS 4418 Acknowledgment of Paternity Form
Suggested Distribution:	Child Support Staff
Contact Person(s):	Monique Rabideau at 518 474 0997
Attachments:	LDSS 4418 Revision 1-14 Acknowledgement of Paternity Form
Attachment Available On – Line:	☐

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			PHL § 4135-b FCA § 516-a		

Section 2

I. Purpose

This informational letter releases the new LDSS 4418 (Rev. 1/14) *Acknowledgment of Paternity* form that replaces LDSS 4418 (Rev. 8/98) and LDSS 4418 NYC (Rev. 10/02) and informs districts that effective January 19, 2014, the LDSS 4418 (Rev. 1/14) form must be used and all prior versions of the LDSS 4418 forms must be removed from circulation and destroyed.

II. Background

Effective January 19, 2014, Chapter 402 of the Laws of 2013 amends Family Court Act § 516-a and Public Health Law § 4135-b to provide time limits for filing a petition to vacate an Acknowledgment of Paternity ("Acknowledgment") that are dependent on the parent's age at the time of signing. Note that the amended provisions of law apply prospectively only; that is, the special new provision applicable to parents under the age of 18 applies only to an Acknowledgment signed on or after January 19, 2014.

Under the law as amended, a parent who has not attained the age of 18 at the time of signing the Acknowledgment must file a petition to vacate the Acknowledgment within the earlier of:

- 60 days after his or her 18th birthday, or
- 60 days after the date an answer to a petition is required in a proceeding relating to the child and in which such individual is a party, **provided that individual was advised at any such proceeding of the right to file a petition to vacate**.

Under the law as amended, a parent who has attained the age of 18 at the time of signing the Acknowledgment will be able to file a petition to vacate such Acknowledgment within the earlier of:

- 60 days of the date of signing the Acknowledgment; or
- 60 days of the date an answer to a petition is required in a proceeding relating to the child and in which such individual is a party.

There has been **no change** to the challenge rights that apply to the period after the time limit has expired for filing a petition to vacate. Under these circumstances, a parent who signed an Acknowledgment may challenge the Acknowledgment only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the challenging party. The amendments to the law simply clarify that proof of fraud, duress, or material mistake of fact must be shown before the court orders a genetic marker or DNA test to determine the child's paternity. Likewise, there has been no change to the statutory provision that a genetic marker or DNA test shall not be ordered where the court finds on the bases noted in the statute that such test is not in the best interests of the child.

III. Program Implications

Social Service District (SSD) staff should become familiar with the new timeframes and rules for moving to vacate an Acknowledgment contained on page 3 of the LDSS 4418 (Rev. 1/14) and ensure that parents under the age of 18 acknowledging paternity in an SSD are informed of the special provisions for parents under the age of 18.

LDSS 4418 (Rev. 1/14) forms will be drop shipped to SSDs in early January. **Effective January 19, 2014, the LDSS 4418 (Rev. 1/14) form must be used and all prior versions of the LDSS 4418 forms must be removed from circulation and destroyed.**

The English version of the LDSS 4418 (Rev. 1/14) Acknowledgment of Paternity form is printed by the New York State Office of Temporary and Disability Assistance.

- The above-referenced document will be posted on the OTDA Intranet website on January 20, 2014 at http://otda.State.nyenet/ldss_eforms/ and may be available for downloading by SSDs for reproduction locally, depending on print specifications. The Spanish, Arabic, Chinese, Haitian, Korean, and Russian versions of this form will also be available for downloading at the link above. An Italian translation will be available for download in February, 2014. The Spanish version has been sent for printing and we anticipate them being drop shipped in February, 2014.

- Any future requests for printed copies of the English version should be submitted to OTDA using either the OTDA 876EL (DOC) or OTDA 876 EL (PDF) form available at http://otda.State.nyenet/ldss_eforms/ and sending the form either by mail, fax or e-mail to:

Office of Temporary and Disability Assistance
Bureau of Management Services (BMS) Document Services
PO Box 1990
Albany, NY 12201

E-mail: forms.orders@otda.ny.gov

Online: Bureau of Management Services' Electronic Forms and Publications Online System: http://formorders/

Fax: (518) 402-0084

- Questions concerning ordering forms should be directed to BMS Document Services at 1-800-343-8859, ext. 4-9522.

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