

+-----+
| LOCAL COMMISSIONERS MEMORANDUM |
+-----+

DSS-4037EL (Rev. 9/89)

Transmittal No: 95 LCM-57

Date: May 24, 1995

Division: Management Support
and Quality
Improvement

TO: Local District Commissioners

SUBJECT: Paternity teleconference
Questions and Answers

ATTACHMENTS: I: Questions and Answers
(Available On-Line)

The information attached to this LCM is intended to provide the social services districts' Child Support Enforcement Units (CSEUs), hospitals and registrars with questions and answers which were prompted by the March 15, 1995 Paternity Establishment Teleconference. A broad range of questions were posed and responses were prepared by staff of the: New York State Office of Child Support Enforcement; the New York State Department of Health, Division of Vital Records; and the New York City Department of Health, Division of Vital Records.

Any additional questions relating to birth certificate processing outside of New York City should be addressed to:

Mr. Peter Carucci, Director
NYS Department of Health
Division of Vital Records
Corning Tower
Albany, NY 12237

Any additional questions relating to birth certificate processing in New York City should be addressed to:

Ms. Earlene Price, Director
NYC Department of Health
Division of Vital Records
P.O. Box 3776 Church Street Station
New York, NY 10007

Date May 24, 1995

Trans. No. 95 LCM-57

Page No. 2

Any additional questions relating to acknowledgments of paternity and court processing should be addressed to:

Mr. Lee Sapienza, Director
Program Operations Unit
NYS Office of Child Support Enforcement
P.O. Box 14
One Commerce Plaza
Albany, NY 12260
Phone #: 1-800-343-8859 extention 41078
Userid #: 91A074

Please share this information with CSEU staff. Hospitals and registrars will receive this information under separate cover.

Joan S. Keenan, Director
Office of Child Support Enforcement

PATERNITY ESTABLISHMENT TELECONFERENCE QUESTIONS AND ANSWERS

RESPONSES PREPARED BY NEW YORK STATE OFFICE OF CHILD SUPPORT ENFORCEMENT

1. Question: What is being done on a statewide basis to foster a good working relationship between the support enforcement units and the family courts? It seems this is the common denominator to the success of Chemung and Niagara Counties.

Answer: The New York State Office of Child Support Enforcement and the New York State Office of Court Administration meet on a periodic basis to consider the impact of changes to federal and state law and regulations. Training is held for hearing examiners bi-annually to review new procedures. In addition, there is currently an inter-agency task force comprised of federal, state, and local courts and agencies to discuss issues of common interest. Districts, however are strongly encouraged to meet with their courts on a regular basis.

2. Question: During a Family Court Hearing, both parents agreed and admitted that a 19 year old child was not the child of the man the child was raised with, resulting in a judicial decision of non-paternity. (The mother admitted to another consort). The biological father's name would not voluntarily be revealed by the mother. How can DSS forcibly insist on child support payments from the nonbiological "parent"? Would this action be illegal?

Answer: DSS seeks to establish paternity and support based on an affidavit given by the mother that a certain man is the father of the child. If it is determined in court that the alleged father could not be the biological father then the proceeding would be dismissed. DSS cannot obtain support payments from a nonbiological "parent"; paternity must be established, which then establishes the duty to support.

3. Question: Who can a mother contact when the father has court ordered support payments, but refuses to comply? The Commissioner of Social Services was already approached in writing. The mother is self-supporting.

Answer: A mother could contact the family court, or a private attorney for assistance. However, each local social services district operates a Child Support Enforcement Unit (CSEU) which is mandated to provide child support enforcement services to

public assistance recipients, automatically, and to other interested persons upon application. This Unit should be contacted directly. Once the order is payable through the child support program, most enforcement services occur automatically.

4. Question: After an acknowledgment is signed, is it recommended that support and confinement expenses be sought by paternity petition, or by petition under Family Court Article 4? May confinement expenses be recovered under Article 4? If the acknowledged reopens within one year, what then?

Answer: Signing an acknowledgment of paternity establishes paternity for the child and the duty to support (See Public Health Law Section 4135-b; Family Court Act Section 516-a; Social Services Law Section 111-k). As such, districts only need to file a support petition and may request confinement expenses on that petition which may be sought pursuant to Article 5 of the Family Court Act. Either party has the right to make a motion for relief from the acknowledgment within one year of the date of signing the acknowledgment. A finding of non-paternity based on such a motion would leave to the court's discretion the disposition of court ordered support obligations.

5. Question: How is signing the acknowledgment at the hospital going to affect our pursuing new birth costs?

Answer: Signing the acknowledgment of paternity establishes paternity and the duty to support the child. Pursuit of child support and other obligations provided by law (e.g. confinement costs) may be pursued by support agreement (Social Services Law Section 111-k) or by petitioning the family court.

6. Question: There does not appear to be interaction between the NYS Welfare Management System and the Child Support Management System to identify cases in which paternity has been established. Are there plans for interfacing these two management systems to establish a review of ADC eligibility without reading the case record?

Answer: There is an interface between WMS and CSMS with regard to public assistance case activities. CSMS users also have access to certain critical public assistance information through this system, so that they do not have to review the case record.

7. Question: How does the hospital meet its 5-day state mandate of filing the Birth Certificate with the local registrar, if you have to wait for an acknowledgment after the "mom" leaves the hospital? The hospital is encouraged to hold the Birth Certificate until an acknowledgment can be attached.

Answer: There is no statutory requirement for the hospital to hold the birth certificate pending receipt of the acknowledgment. The hospital should proceed as required if the acknowledgment has not been returned in a timely manner.

8. Question: On the Acknowledgment of Paternity, what does "Being Duly Sworn" mean? Should the notary administer an oath?

Answer: "Being duly sworn" means that the person signing the acknowledgment is attesting to the truth of the facts contained in the acknowledgment. The notary should confirm the identity of the signor by reviewing personal identification, and then administer an oath by asking if the facts contained in the acknowledgment are true to the signor's knowledge and belief, prior to having the person sign the acknowledgment.

9. Question: What is the court process in establishing paternity?

Answer: The court process basically involves a paternity petition being filed with the family court, which alleges that the man named in the petition is the father of a child born out-of-wedlock. The family court, upon receiving the petition, calendars the case for a hearing and sends the petition and summons to appear to the parties. At the initial hearing, the respondent is advised of his rights and provided an opportunity to admit or deny the paternity allegation. If there is an admission, the court will enter an order of filiation. If there is a denial, the court will usually order paternity tests to be administered and adjourn the matter for review of test results and other evidence. The court will then conduct a fact finding hearing and make a determination based on the evidence.

10. Question: I understand that a party to a Voluntary Acknowledgment of Paternity can petition the Family Court to undo paternity within a year of the acknowledgment. Does this mean that paternity cannot be reversed after one year?

Answer: Generally, yes. The statute only authorizes that parties have a right to make a motion for relief to the family court from the acknowledgment within one year. However, a party may seek to bring an action establishing a basis with the court as to why the matter was not reopened within a year, and the court may determine that there are grounds to reopen the matter.

11. Question: How does the one year time period for seeking a reversal of an acknowledgment compare to the timeframe available to seek a reversal of an order of filiation, after an in-court admission?

Answer: The motion for relief from an acknowledgment is significantly longer than the court process, which would essentially involve the timeframe governing an appeal which is 30 days after service of the order (See Family Court Act Section 1113).

12. Question: We have men who state they are not the father of a baby but want to sign paternity papers. They are encouraged not to do so, but they sign it anyway. Is this legal?

Answer: No. The acknowledgment of paternity is a statement attesting that the person saying he is the father is, in fact, the biological father of a child. Men who wish to be the father must be advised that they can only sign an acknowledgment of paternity if they can attest to the veracity of that claim.

13. Question: When a mother is on Public Assistance and she and the putative father sign an Acknowledgment of Paternity, would mother lose any of her benefits?

Answer: No. Signing an acknowledgment of paternity establishes paternity and, as such, would constitute cooperating with the agency to establish paternity; a condition of eligibility. She would not lose benefits unless other conditions of eligibility were affected.

14. Question: Is receiving Public Assistance and receiving Medicaid the same as in question 3, "Are you receiving PA or child support enforcement services", on the mother's statement on the Acknowledgment of Paternity form which asks if the mother is receiving public assistance or child support services.

Answer: Yes.

15. Question: Can a father, regardless of his age, sign an acknowledgment of paternity? If a father signs an acknowledgment of paternity, is he and his family responsible financially in any way for the baby?

Answer: Yes, he can sign an acknowledgement. Once the acknowledgment of paternity is signed, paternity is established and the parents of the child have a duty to support the child. Subsequent action, however, would need to be taken through the family court to establish financial obligations of the mother and the father of the child, but not other family members.

16. Question: Could these acknowledgments be taken by Children's Division workers (when a child comes into care) if they are notaries?

Answer: Yes. Parents can sign an acknowledgment of paternity form away from either a child support agency or a hospital. However, the acknowledgment would still need to be filed with the birth registrar in the district where the child was born, and in which the birth certificate has been filed.

17. Question: When a father signs an Acknowledgment of Paternity and/or is adjudicated the father of a child, does he automatically have equal or the same custody rights as the custodial parent (single mother)?

Answer: No. The acknowledgment of paternity only establishes paternity (i.e. that the man is, in fact, the father of the child). The Notice of Legal Rights and Consequences advises the parties that the signing of an acknowledgment of paternity may be a basis for the father to establish custody. Also, being adjudicated the father of a child does not bestow a right of custody. In either situation, the issue of custody would need to be addressed by a court.

18. Question: When the putative father doesn't appear in court, and the court issues a default order, isn't there a risk of providing misinformation for the child, i.e.; false medical history, unsound psychological well being, by increasing the chances of the wrong man being named the biological father?

Answer: There may be a risk when obtaining default orders, upon non-appearance of a respondent properly served, that such a person is not the father. This would also be true in any situation when paternity is established based upon information and belief. Obtaining default orders is a federally mandated requirement in paternity and support matters. Care must be exercised in preparing petitions and affidavits with clients, that statements they make establish a basis for the relief sought.

19. Question: Under what circumstances does New York State do DNA testing, and how much more accurate is DNA testing versus current methods of testing?

Answer: In the child support enforcement program each local district contracts with laboratories to conduct paternity testing. DNA testing laboratories have only recently been approved to generally conduct the tests, so there is very little presence of the technology to date. However, now that labs are approved it will have greater use. DNA tests on their

own can yield very high probabilities. However, so can other testing if performed in combination. One advantage of DNA may be that specimens can be obtained in a variety of ways from different sources (e.g. buccal swabs instead of blood draws) which are required for other testing.

20. Question: In the URESA (USDL) process are there any major problems using voluntary acknowledgments of paternity? For instance, Florida differs from New York in requiring paternity affidavits even if parents married after a child's birth. New York in such circumstances assumes paternity and issues support. Will all states accept the voluntary acknowledgments of paternity?

Answer: There should not be any problems. Federal law and regulations require that each state have procedures which must give full faith and credit to a determination of another state, whether paternity is established through voluntary acknowledgment, or administrative or judicial processes (See: 45 CFR 302.70.(11)).

21. Question: What is being done to recover the cost of confinement for the births once paternity is established via Acknowledgment of Paternity?

Answer: Districts should continue to file support petitions and request confinement expenses.

22. Question: What is the role of the Putative Father Registry in this new acknowledgment system? Does it still exist?

Answer: The role of the Department of Social Services' Putative Father Registry remains unchanged; it essentially serves to record the names and addresses of fathers of children who are born out of wedlock (See Social Services Law Section 372-c). The address is: New York State Department of Social Services

Putative Father Registry
40 North Pearl Street
Albany, New York 12243

23. Question: Can you consider out-of-wedlock a child who is born 7 days before the parent's divorce, and if so, are paternity acknowledgment forms necessary?

Answer: The answer would depend on when the action for divorce was commenced. If the child was born or begotten prior to the action for divorce, it could not be out-of-wedlock because there is a presumption of legitimacy. If the child's paternity was not determined as one of the issues in the divorce, the presumption applies. The matter of paternity would be for the court to decide, not by an acknowledgment of paternity. (See Domestic Relations Law Section 175).

24. Question: Will the legal apparatus be established that will have the birth certificate of the child, where the father signs it be ipso facto admission of paternity?

Answer: There are no current plans to make the signing of an application for birth certificate authorization to establish paternity. Public Health Law Section 4135-b was established to provide a process consistent with federal requirements for acknowledgment of paternity, which may be universally used by hospitals, parents, child support agencies and others to establish paternity.

25. Question: When is due diligence required; e.g., If the mother is now divorced from the legal husband and there is no mention of the child in the divorce, is due diligence required?

Answer: Persons interested in signing an acknowledgment of paternity must recognize that they are attesting to certain facts: fathers are stating that they are the biological father of the child; mothers are stating that they are not legally married and that the man named in the acknowledgment is the only possible father of the child. If there appears to be any issue which these facts might affect, no acknowledgment should be signed. Paternity should be resolved through the court process.

26. Question: If a mother delivers a baby that a man wishes to acknowledge, and the mother agrees to the acknowledgment, but the hospital worker questions paternity because the infant appears to be of a different race than the mother and putative father, what should the worker do?

Answer: When the mother and putative father sign an acknowledgment of paternity, they are making statements that, to their knowledge, are true. In particular, mothers are stating that the man is the father of the child, and that he is the only "possible" father. Fathers are stating that they are the biological father of the child. While parties can't be stopped from signing acknowledgments if they are sure that it is what they wish to do, hospital staff should attempt to ensure that the parents understand that they are making sworn statements attesting to the truth of certain facts, and they should review the availability of paternity testing through the court process which would resolve any doubt.

27. Question: When a court vacates a Paternity Acknowledgment, who notifies the Putative Father Registry?

Answer: Although it is not set forth in statute, the clerk of the court should send notice of the vacatur to the Putative Father Registry.

28. Question: Who was sending the Non-DSS Paternity Acknowledgment to the Putative Father Registry?

Answer: The registrar for the district where the birth occurred, and where the birth certificate is filed, is required to send a copy of the acknowledgment to the Putative Father Registry. [See Public Health Law Section 4135-b (3)(b)].

29. Question: What are the consequences of the Acknowledgment not being registered with the Putative Father Registry?

Answer: The purpose of filing the acknowledgment with the Putative Father Registry is so the father's name and address are on record, in order to be notified in the event of such actions as adoption proceedings, or actions to determine a child's rights to inheritance from the father. Not having the name registered could interfere with the father's and/or child's rights in such actions.

30. Question: What, if anything, should be done about incorrect information on the Acknowledgment, i.e. DOB, SS#, etc.?

Answer: A new acknowledgment should be prepared, signed, and notarized and, together with a cover letter advising the registrar of the change, should be forwarded to the registrar of the district where the birth occurred, and in which the birth certificate has been filed.

31. Question: Why aren't both parents' addresses included on the Voluntary Acknowledgment of Paternity form?

Answer: The revised Acknowledgment of Paternity form includes both parents' addresses. This revised form will be distributed shortly.

32. Question: If both an "Acknowledgment" and "Paternity Affidavit" form are completed and received in the local Registrar's office, should only (1) form be processed? Which one? Should both forms be sent to NYS DOH Vital Records?

Answer: Yes, only one form, the Acknowledgment of Paternity form should be processed, since it establishes paternity and adds the father's name on the birth certificate. This form should then be sent to NYS DOH Vital Records.

33. Question: Is WIC, PCAP Program considered to be Public Assistance/Child Support on form DSS 4418-2?

Answer: The "Prenatal Care Assistance Program" (PCAP) is a medical assistance program which determines eligibility and provides temporary medicaid coverage for pregnant mothers. PCAP is

considered to be public assistance for the purposes of answering the question regarding receipt of public assistance within the mother's section of the Acknowledgment of Paternity form. The "Women, Infants and Children" Program (WIC) is administered by the Department of Health and is not considered public assistance, and as such, should not be referred.

34. Question: Why doesn't the Acknowledgement of Paternity form include a section indicating the responsibility for medical and confinement expenses, and indicate that these expenses may be pursued by DSS, or through the putative father's third party insurance coverage?

Answer: Public Health Law Section 4135-b does not require that the notice advise the parties that medical and/or confinement expenses may be sought in court.

35. Question: What section of the Family Court Act authorizes the pursuit of medical and confinement expenses, and what type of petition should be used?

Answer: Signing an acknowledgment of paternity establishes paternity for the child and the duty to support (See Public Health Law Section 4135-b; Family Court Act Section 516-a; Social Services Law Section 111-k). As such, districts only need to file a support petition and may request confinement expenses on that petition, which may be sought pursuant to Article 5 of the Family Court Act.

36. Question: OCSE staff stated that no enforcement action should be taken against a respondent on public assistance. Does this mean we should not file for child support with Family Court? What about \$25/month or no order until respondent is off public assistance?

Answer: Pursuant to recent case law, it's inappropriate to pursue enforcement of support against a respondent who is on public assistance. However, it is permissible to pursue establishment of support. The CSEU is required by regulation to file petitions to the family court to establish the respondent's obligation to provide support and health insurance coverage, if available, and should continue to do so even if its effort results in a \$0 obligation or \$25 minimum order. However, where the respondent has been ordered to pay support and subsequently goes onto public assistance, enforcement by income execution must be stayed pursuant to Social Services Law Section 137-a.

37. Question: What if the respondent finds out that he is not the father and he signed a Paternity Acknowledgment, but it is more than a year after the Acknowledgment was signed? What if the respondent also resides out-of-state?

Answer: Public Health Law Section 4135-b provides that parents have one year from the date of signing the acknowledgment of paternity form to make a motion for relief to the Family Court from the acknowledgment. The Family Court would, by statute, be precluded from hearing the respondent's motion, unless circumstances were provided which justify why no motion was filed in a timely manner. The respondent would, however, need to take action in the New York Family Court in the district where the acknowledgment was filed with the registrar.

38. Question: Should hospital staff establish the marital status for the mother prior to the mother signing an Acknowledgment of Paternity, if the mother is not legally divorced, or indicates she is divorced or getting divorced at time of baby's birth? Should hospital staff ask for proof of divorce?

Answer: Since the mother will be attesting to the fact that she is not married, the hospital should make every effort to ensure that this is clearly explained and understood by the mother. However, it is not the hospital's responsibility to require or seek proof of facts alleged by the mother. If the mother is still legally married, her husband is presumed to be the legitimate father. As regards divorce proceedings, an Acknowledgment of Paternity should not be completed. In this circumstance, the mother and biological father must refer the matter to court if they wish to establish legal paternity for their child.

39. Question: What is the legal liability at the hospital when the father signs the Acknowledgment, and subsequently claims that he was not given complete information regarding the process, and is not indeed the father?

Answer: Public Health Law Section 4135-b requires that the hospital provide to the mother and putative father, documents and written instructions needed to complete a notarized acknowledgment of paternity. Prior to signing an acknowledgment of paternity, the putative father should read or have had read to him the: Notice of Legal Rights and Consequences Resulting From Acknowledging the Paternity of a Child, which is part of the Acknowledgment of Paternity form. In addition, the hospital is required to make staff available to the mother and putative father prior to the mother's discharge from the hospital, so that they have the opportunity to obtain clarifying information about paternity, and to provide the telephone number of the local Department of Social Services Support Collection Unit.

40. Question: In the hospital setting, would you advise that the mother be approached privately regarding this process, in an attempt to avoid any pressure from a father who may be abusive or otherwise unsuitable?

Answer: Hospital staff should consider the parents' circumstances when offering this opportunity to parents. If both parents seem to have a cooperative relationship, it may be preferable to address the issue of paternity establishment to them both at the same time. If parents are not together, or if either has specific individual concerns they wish to obtain additional information on, you can discuss the issue with each parent separately. In situations where domestic violence is an issue, you may wish to approach the mother separately to determine if she wishes to consent to acknowledgment of paternity, before you approach the putative father.

41. Question: Can an Acknowledgment be drafted by a private attorney?

Answer: No. The acknowledgment of paternity form, as required by Public Health Law Section 4135-b, is a form prepared by the New York State Department of Health, in consultation with the New York State Department of Social Services. The intent of the law is to provide a universal form which may be used and recognized for the purpose of executing acknowledgments of paternity. While an acknowledgment of paternity should not be drafted by a private attorney, he/she could obtain a copy of the form from a child support agency or a hospital, and assist parents in completing it. The acknowledgment of paternity is a simple and direct process, which the parents can just as easily complete on their own. They can sign the Acknowledgement of Paternity form, have it notarized and file it with the registrar of the district in which the child's birth certificate has been or will be filed, thus avoiding unnecessary legal fees.

RESPONSE PREPARED BY NEW YORK CITY DEPARTMENT OF HEALTH

1. Question: In New York City, up to what number of days can a birth certificate be held awaiting an Acknowledgment of Paternity form?

Answer: Section 201.03 of the New York City Health Code requires that the birth certificates be filed with the New York City Department of Health within five (5) business days after the birth of a child.

Additionally, paragraph 5 of the State Department of Health Memorandum, series 94-4, dated 1/20/94 states that "If the mother and putative father choose to sign the Acknowledgment of Paternity form while at the facility, it must be filed. . . when the birth certificate is filed." This is also applicable to New York City.

Based upon these criteria, birth certificates should be sent to the NYC Department of Health within the prescribed timeframe, even if the acknowledgment of paternity forms are not completed by the parents. In such cases, birth certificates must be filed without the father's information. It is to the advantage of the parents to complete the paternity affidavit so that it can be submitted to the Department of Health with the child's birth certificate, processed at the same time as the birth certificate and mailed within two weeks of receipt. It will require several months to add the father's information to the birth certificate if the Acknowledgment of Paternity form is submitted after the birth certificate is filed. This is handled through the Corrections Unit. However, should extenuating circumstances arise, please contact: Jacqueline Howard, Supervisor Birth Registration, (212) 788-9645.

RESPONSES PREPARED BY THE NEW YORK STATE DEPARTMENT OF HEALTH

1. Question: Parents are presenting Paternity Acknowledgments that have been notarized but incorrectly completed. Should these forms be forwarded "as is" to the registrar's office?

Answer: The information reported on the Paternity Acknowledgment should clearly identify the child, mother and father. That information should reflect the information reported on the birth certificate to the extent that someone reviewing the form will know they concern the same child and parents. Observed errors of any information on the Paternity Acknowledgment should be corrected by the mother or father as the case may be. The preferred method is to cross out the incorrect information and to enter the correct information above, below or adjacent to the original entry. It is recommended, but not required, that the correction be initialed and dated. If it is not feasible to make the correction, because the mother has already been discharged, for example, file the form "as is".
2. Question: Why does the local registrar have to issue birth certificate copies to the father and mother, when previously issuing a copy only to the mother was required?

Answer: Issuing a birth certificate copy to both the mother and father is required only when the birth certificate is filed with an Acknowledgment of Paternity. Otherwise, the local registrar is required to issue a copy only to the mother. Issuing a copy to the father, in the case of the Paternity Acknowledgment, ensures that he is aware a birth certificate is on file for his child, offers him the opportunity to review the birth certificate for accuracy and provides him with an official record of the child's birth.
3. Question: If the Paternity Acknowledgment is filed after the birth certificate is filed, can the local registrar add the father's name to the birth certificate?

Answer: No. Once a birth certificate has been filed, the local registrar may not add the name of the father to the birth certificate. Only the New York State Department of Health is authorized to add the father's name to an already filed birth certificate. In this case, the Department of Health will prepare an amended birth certificate. A copy of the amended birth certificate will be sent to the local registrar. Processing time is approximately three months.
4. Question: If the Paternity Acknowledgment is filed with the local registrar after the birth certificate is filed, how should the local registrar handle this?

Answer: The local registrar should file the original Paternity Acknowledgment and send certified copies to: the mother; the father; the NYS Department of Social Services Putative Father Registry; the NYS Department of Health Vital Records Section; and to the local Department of Social Services providing public assistance or child enforcement services to the mother. The local registrar should not add the father's name to the birth certificate. The Department of Health will prepare an amended birth certificate and send a copy to the local registrar.

5. Question: Can a Paternity Acknowledgment be used to add the putative father's name to a child born to a married woman?

Answer: No. In New York State, there is a presumption of legitimacy. This means a woman's husband is considered the father of any child to whom she gives birth. If a woman conceives or gives birth to a child while married, only a judge can determine that someone other than her husband is the child's father. If a married woman indicates that she wants someone other than her husband's name to be entered as father on the child's birth certificate, refer her to an attorney, the Family Court or the local Department of Social Services agency in the county where she resides. You will have to use your judgment to decide which referral would best suit the circumstances.

6. Question: Can a Paternity Acknowledgment be used for a child born outside New York State?

Answer: No. The Paternity Acknowledgment must be filed with the local registrar of the district where the birth occurred. Local registrars in other states are not subject to New York State vital records filing requirements. Since all states must now have procedures for voluntary acknowledgments of paternity, parties should be encouraged to discuss with the hospital, child support agency or domestic court staff how to obtain and complete acknowledgments of paternity in their state.

7. Question: When a court issues an order of paternity, how is the birth certificate amended?

Answer: When a court issues an order of paternity, the New York State Department of Health will prepare an amended birth certificate which includes the father's name. The mother and local registrar are sent a copy of the amended birth certificate. Since the Family Court is not authorized to change the child's name, the child's name can be changed if the parents also file an Paternity Affidavit. If the

father's name was already entered on the birth certificate, an amended birth certificate is not prepared unless a conforming name change is requested. Unless an amended birth certificate is prepared, neither the local registrar nor mother are notified.

8. Question: If the Paternity Affidavit does not establish paternity, why continue to use it?

Answer: The Paternity Affidavit allows parents to place the putative father's name on their child's birth certificate. While it does not legally establish paternity, it does enable the child to have a complete birth certificate. The Paternity Acknowledgment should always be presented to the parents as the best choice for them and their child. However, if they are not ready to make a commitment when the birth certificate is filed, the Paternity Affidavit may help to support a petition for a court order of paternity, should that become necessary.

9. Question: Will the Acknowledgment of Paternity form be available in Spanish?

Answer: Yes. Although neither the New York State or City Departments of Health will accept the form in Spanish, a Spanish translation of the form will be made available, which may be reviewed by parents prior to the completion of the Acknowledgment of Paternity form.