

**NYC**

Human Resources  
Administration  
Department of  
Social Services

CHILD SUPPORT  
SERVICES



# ESTABLISHING PARENTAGE

Every Child Deserves a Father





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## Overview

Establishing parentage is the process of determining the legal parents of a child.

- If the child was born to married parents and conceived naturally, parentage does not need to be established because both are presumed to be the parents of the child, unless challenged in court.
- If the child was born to unmarried parents and either conceived naturally or using assisted reproduction, then paternity or parentage is needed to establish parental rights and the legal obligation to support the child.

If the parents were not married, the other parent has no legal obligation to pay support for the child and has no legal right to custody or visitation with the child until they are legally named the other parent.

### THERE ARE TWO WAYS TO ESTABLISH PARENTAGE:

METHOD	WHEN TO USE IT
1. Signing & Acknowledgment of Parentage form	Parentage is not disputed and is voluntary
2. Establishing an Order of Filiation or Order of Parentage in court	<ul style="list-style-type: none"><li>• Declare a Father the Legal Parent (order of Filiation);</li><li>• Declare an intended parent a legal parent (order of Parentage).</li><li>• Used when Parentage is questionable, assisted reproduction, complicated, or not voluntary</li></ul>

## Benefits of Establishing Parentage

The benefits of establishing legal parentage of a child include:

### For the Parents

- Shared parental responsibilities
- More financial security for the family if a child support case is opened
- Legal establishment of parental rights and responsibilities for biological parents or intended legal parents
- Name appears on the child's birth certificate
- Right to seek court-ordered visitation and/or custody
- Right to be consulted in adoption or other legal proceedings concerning the child

### For the Child

- Legal record of the identity of the other parent
- Both parent's names on the birth certificate
- Information about family medical history
- Financial support from both parents if a child support case is opened
- Entitlement to medical insurance, social security and veteran's benefits, and military allowances from the other parent
- Rights of inheritance if the other parent dies



## Unsure who the other parent is?

If either parent has any doubt about the identity of the other parent (the one who did not give birth to the child), do not sign the Acknowledgment of Parentage. You may request low-cost DNA testing, which is available to married and unmarried parents. Ask the birth registrar in the hospital or contact the Office of Child Support Services (OCSS) at 929-221-5008 for a referral to a New York State-certified laboratory.



If the DNA test identifies the other parent, unmarried parents still need to establish parentage by signing an Acknowledgment of Parentage form or filing a petition with the Court to establish paternity/parentage. Although DNA testing can determine the identity of the biological parents, it does not establish legal parentage.

## Documents You Will Need

At the hospital or birthing center where your baby is born, you will be asked questions about your marital status to determine whether you may wish to establish parentage by filling out the Acknowledgment of Parentage form.

Be prepared to show photo identification, since your signature on the Acknowledgment of Parentage must be witnessed.

If married, you will need to bring your current marriage certificate or divorce decree, if you have one.

## Acknowledgment of Parentage

An [Acknowledgment of Parentage \(AOP\)](#) is a form that parents can use to voluntarily establish legal parentage for a child without having to go to court. Complete this legally binding form carefully to avoid it being rejected upon submission or inaccurate.



## Who Should Sign the AOP Form?

Parents should consider signing an Acknowledgment of Parentage form when:

- The child was conceived naturally, and the parents were not married at the time the child was born.
- The child was conceived using assisted reproduction (for example, by artificial insemination or in vitro fertilization).
- Teen parents who are 18 years and younger (they do not need their own parents' consent)
- Immigrant parents, including those who are not citizens and those who are undocumented. A social security number is not required. Parents will not be asked about their immigration status and information will not be shared with the U.S. Citizenship and Immigration Services.

### NOTE:

A record showing both parent's mutual consent to conceive and raise a child using assisted reproduction is mostly sufficient to establish legal parentage for the child and an Acknowledgement of Parentage form is not required.

### For a Newborn

If both parents agree, they can sign an Acknowledgment of Parentage (AOP) form as soon as the baby is born. Acknowledgment of Parentage forms are available in the medical office or clinic where you get your prenatal care and, in the hospital, or birthing center where your baby is born. The parents do not have to sign the form at the same time or in the same location.

### After the Baby Leaves the Hospital

Parentage can be established any time after the baby leaves the hospital. This is true until the child turns 21 years old. You may use the Acknowledgment of Parentage form that you were given in the hospital where your baby was born. You can also get one from the NYC Department of Health and Mental Hygiene (DOHMH) or the NYC Human Resources Administration (HRA) Office of Child Support Services. They are also available online at: <https://otda.ny.gov/programs/applications/5171.pdf>.



**The completed, signed, and witnessed Acknowledgment of Parentage must be sent or brought in person to the address below:**

New York City Department of Health and Mental Hygiene  
Office of Vital Records/Corrections Unit – Room 144  
125 Worth Street, Box 4  
New York, NY 10013

## WHEN NOT TO SIGN AN AOP

*Do not sign the Acknowledgment of Parentage (AOP) form if:*

- The baby has not been born yet
- Either parent is not sure who the baby's other parent is
- The baby's parents are married to each other (parentage is automatically established)
- The mother is legally married to someone who is not the father/ other parent

## Challenging an Acknowledgment of Parentage

**If either parent wants to challenge an Acknowledgment of Parentage after it has been filed with the Department of Health and Mental Hygiene (DOHMH), a court hearing is required.**

Either parent may file a petition to vacate the Acknowledgment of Parentage with the court.

Filing the petition to vacate an acknowledgment of parentage must be done within certain time limits.

- If a parent was 18 years or older when signing the Acknowledgment of Parentage, they must file the earlier of 60 days after signing the Acknowledgment of Parentage, or 60 days after having to answer any court petition about the child.
- If a parent was younger than 18 years when signing the Acknowledgment of Parentage, they must file 60 days after reaching age 18 or 60 days after having to answer any court petition about the child if the parent was advised of the right to cancel the Acknowledgment of Parentage at a proceeding related to the child.
- If the time has expired you can only file the petition to vacate the acknowledgment of paternity if the parent filing the petition can show proof of fraud, duress, or material mistake of fact.

Once the Acknowledgment of Paternity is timely challenged the Court will hold a hearing to determine the parentage of the child and can order DNA or Genetic Marker testing. If the Court determines that the person who signed the acknowledgment of paternity is not the parent of the child, then it will vacate the acknowledgment of paternity.



## Establishing an Order of Filiation or Order of Parentage in Court

An Order of Filiation or Order of Parentage is a court order that establishes a legal parent.

- **Order of Filiation:** the court declares a father as the legal parent to a child;
- **Order of Parentage:** the Court declares an intended legal parent as the parent of the child, for example, in assisted reproduction.



## Reasons to establish parentage or filiation in court

### You should petition the family court to establish parentage if:

- An Acknowledgment of Parentage has not been signed.
- The mother is married to someone other than the baby's biological father. Even if she has not been in contact with her husband and knows he is not the father, a court hearing is necessary to exclude him and establish the biological father as the legal father.
- The parents are in court for a child support hearing and parentage has not been established.
- You are the intended legal parent.

## How to file a Parentage Petition

The Parentage or Filiation Petition may be filed by the mother, the alleged father, intended legal parent, the child or its guardian.

If the child is receiving cash assistance, the Department of Social Services will file a petition against the alleged parent, seeking an order of filiation and an order of support. In some cases, a parentage petition may be filed.

A petition can be prepared using the [DIY \(Do-It-Yourself\) Form program](#) and then filed with the Court through Electronic Document Delivery System (EDDS) (<https://iappscontent.courts.state.ny.us/NYSCEF/live/edds.html>), or by going to Court to file the petitions.



Guardians and other individuals who are not parents can file a petition using [Form 5-2](#) (Parentage Petition – Person Other Than Parent; Representative of Society).



## What happens at a Parentage or Filiation Hearing

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The Court will issue a summons and provide the date the hearing is scheduled to be heard. The summons and petition will need to be served on the other party.

At the hearing, both parents or all the parties will appear before a Support Magistrate in the Family Court where you live. If the mother was not married when the child was conceived or born, and the other parent admits that they are the other parent, an order of filiation is established.

If there is some form of disagreement or doubt about parentage, both parents and the child may be ordered to partake in genetic marker or DNA testing. These tests are simple. A swab is taken from both parents and the child. The results of the test will show how likely it is that the other parent is the genetic parent of the child. Based on the test's outcome and other evidence, the court will decide the question of the parentage for the

## The Birth Certificate and Legal Records

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When parentage is established either from an Acknowledgment of Parentage or Order of Filiation or Order of Parentage it is sent to the NYC Department of Health and Mental Hygiene (DOHMH) for registration. They, in turn, provide parents with certified copies of their child's birth certificate and Acknowledgment of Parentage. If parentage or filiation is established after the birth certificate has been registered, the Court's order will have the birth certificate amended to include the other parent's name.

Department of Health and Mental Hygiene (DOHMH) also sends the information to the New York State Putative Father Registry (PFR) ("putative" means "alleged" or "presumed"). The PFR is a list of parents who have established parentage in New York State.

## CONTACT INFORMATION

To learn more about establishing parentage, contact:

- The Birth Registrar in the hospital or birthing facility where your child was born.
- Email HRA Office of Child Support Services Customer Service at [dcse.cseweb@dfa.state.ny.us](mailto:dcse.cseweb@dfa.state.ny.us) with subject "Establishing Parentage." Please be detailed in your email so staff can provide you a thorough answer. Please include your full name, contact information, and your child support Case ID if you have one.
- Call the HRA OCSS DNA Testing Request Helpline at **929-221-5008**.
- Visit the HRA OCSS Customer Service Walk-in Center or a Family Court Office. Locations can be found at <https://on.nyc.gov/contactocss>.
- Visit the HRA OCSS Website at <https://nyc.gov/hra/ocss> to learn more about child support services.



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