INFORMATIONAL LETTER

TO: Commissioners of Social Services

SUBJECT: Chapter 139, Laws of 1979: Acknowledging Paternity Through The Putative Father Registry

DATE: February 1, 1980

SUGGESTED DISTRIBUTION:
- All Child Welfare Staff
- Child Caring Institutions
- Child Placement Agencies
- Family Court Judges
- All Public Assistance Staff
- IVF Supervisors

CONTACT PERSON: Any questions concerning this release should be directed to Robert A. Page, Foster Care Services, 800-342-3713, Extension 4-9434.

Purpose:

The purpose of this letter is to advise authorized agencies that one of the provisions of Chapter 139, Laws of 1979, has made it easier for a father of an illegitimate child to assure the child the right to inherit from him.

Specifically, the law gives an illegitimate child and his offspring the right to inherit from his father and his paternal kindred by two methods: (1) If a court has made an order of filiation during the lifetime of the father in a proceeding instituted during the pregnancy of the mother or within ten years from the birth of the child. (2) If the father has signed an instrument acknowledging paternity and the instrument has been recorded with the Department's Putative Father Registry within ten years of the child's birth.

Background:

Chapter 139 is intended to bring New York State law within the intent of recent Supreme Court decisions that have emphasized the need for legislation that would facilitate the inheritance rights of illegitimate children.

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The law is expected to mitigate the effects of the previous provisions of the intestate succession law by eliminating the harsh restrictions on inheritance by illegitimate children. Until enactment of Chapter 139, the rights of intestate succession were limited to those children whose paternity was established within two years of their birth. This two year statute of limitations had discriminated against many children whose paternity was never questioned but had not been established by court decree. Many illegitimate children had known and lived with their fathers but a paternity proceeding was never instituted, since paternity had never been a matter of contention.

Program Implications:

There are no significant program implications for local public agencies. However, in order for the amendment to benefit illegitimate children, local agencies should establish a plan for advising clients and informing the public about the procedure for acknowledging paternity through the Department's Putative Father Registry.

Recommended Action:

A review of agency workloads to identify fathers who may wish to use the new procedure for acknowledging paternity, is recommended. A father wishing to acknowledge paternity should be given the following instructions about the procedure for having paternity recorded by the Putative Father Registry:

1. Sign an instrument acknowledging paternity on a form required to entitle a deed to be recorded.

2. The acknowledgement has to be recorded within ten years from the birth of the child and has to be done in the presence of one or more witnesses and acknowledged by such authorized to take proof of deeds.

3. File the acknowledgement within 60 days of the execution with the State Department's Putative Father Registry.

4. Advise the father that within seven days of filing the Putative Father Registry will send written notice by registered mail to the mother and other legal guardian of the child that an acknowledgement of paternity was received.
5. Advise the father that a motion for relief from an acknowledgement of paternity may be made by the mother, other legal guardian of the child, the child, or by himself. However, such motion must be made within one year from the date that the written notice had been sent out by the Putative Father Registry that an acknowledgement of paternity was received and recorded.

The recommended format for an acknowledgement of paternity instrument is attached.

[Signature]
Norris F. Phillips
Deputy Commissioner
Division of Services
Recommended Format for

Paternity Acknowledgment

I, __________________________, residing at ________________________

(name of natural father) (street)

(town) (state) (zip code)

hereby acknowledge that I am the

natural father of __________________________

(name of child) born on ________________________ in

(town) (state)

(name of child). The mother of the above child, __________________________

(name of child)

is __________________________, who resides at ________________________

(name of mother) (street) (town)

(state) (zip code)

WITNESS: __________________________

Name

Address

WITNESS: __________________________

Name

Address

State of New York
County of __________

On the __________ day of __________, (date) (month) (year), before me came __________________________ (name of

natural father) to me known to be the individual described herein and who

executed the foregoing instrument, and acknowledge to me that he executed same.

__________________________

Notary Public

State of New York
County of __________
On the ______ day of ______, ______, before me came ______ and ______ to me known to be the individuals and witnesses described herein and who witnessed the execution of the foregoing instrument and acknowledged to me that they executed same.

__________________________
Notary Public