

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12213

BARBARA B. BLUM
Commissioner

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[An Informational Letter informs local districts of potential developments in the Social Services field, or of actual or potential developments in collateral fields of interest.]

INFORMATIONAL LETTER

TRANSMITTAL NO.: 80 INF-1
[Services]

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
IVD Supervisors

INFORMAL SUBMITTAL
TO
KEENE
KELLEY
RACKMILL
Stegman

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CONTACT PERSON: Any questions concerning this release should be directed to Robert A. Page, Foster Care Services, 800-342-3715, 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.

FILING REFERENCES

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
76-INF-28		Chapter 665, Laws of 1976		
77-ADM-34		Section 372-c 358-a 254 Estates, Powers & Trust Section 4-1.2		

DSS-329 (Rev. 5/78)

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.

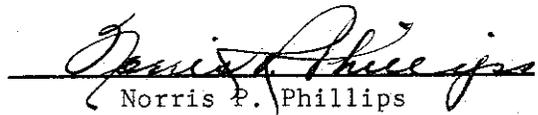
Recommended Action:

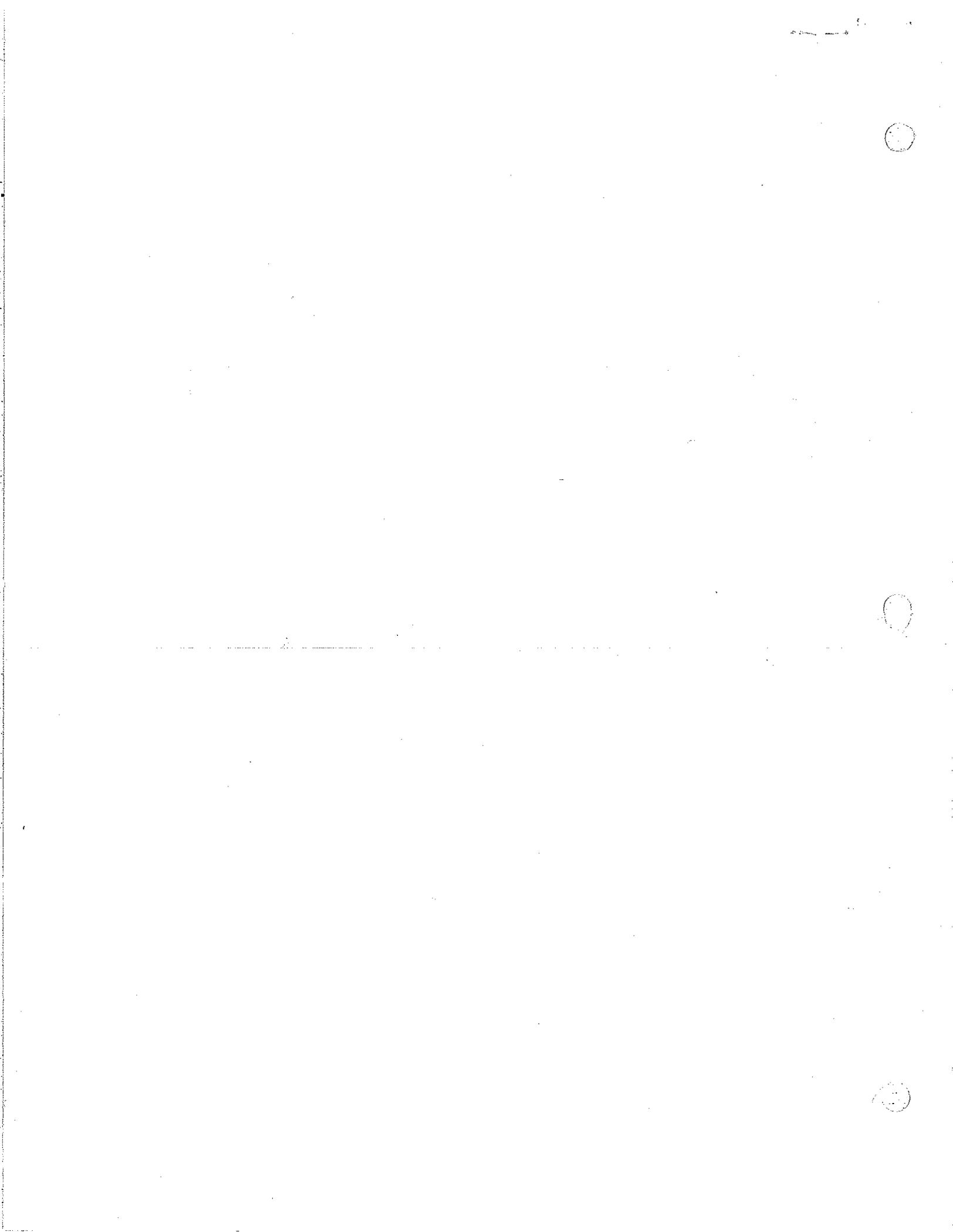
A review of agency workloads to identify fathers who may wish to use the new procedure for acknowledging paternity, is recommended. A father wishing to acknowledge paternity should be given the following instructions about the procedure for having paternity recorded by the Putative Father Registry:

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 acknowledgment 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.


Norris P. Phillips
Deputy Commissioner
Division of Services



Recommended Format for
Paternity Acknowledgment

I, _____, residing at _____
(name of natural father) (street)

_____ hereby acknowledge that I am the
(town) (state) (zip code)

natural father of _____ born on _____ in
(name of child) (date of birth)

_____. The mother of the above child, _____
(town) (state) (name of child)

is _____, who resides at _____
(name of mother) (street) (town)

(state) (zip code)

WITNESS: _____
Name

Natural Father

Address

WITNESS: _____
Name

Address

State of New York

County of _____

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

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

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
(date) (month) (year)

_____ and _____ to me known to be the individuals
(witness) (witness)

and witnesses described herein and who witnessed the execution of the foregoing
instrument and acknowledged to me that they executed same.

Notary Public