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Informational Letter

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To:	Local District Commissioners Executive Directors of Voluntary Agencies
Issuing Division/Office:	Development and Prevention Services
Date:	September 13, 2005
Subject:	<i>Locating Absent Fathers and Extended Family Guidance Paper</i>
Suggested Distribution:	Directors of Social Services Foster Care Supervisors Homefinding Supervisors Adoption Supervisors Staff Development Coordinators Child Support Enforcement Unit Coordinators
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Attachments:	<i>Locating Absent Fathers and Extended Family Guidance Paper</i> , with the following appendixes: Appendix A – New York State Putative Father Registry Appendix B – Locating Absent Father Summary Sheet Appendix C – Definitions Appendix D – Federal Parent Locator Service (FPLS) - List of Databases Appendix E – “Acknowledgment of Paternity” form LDSS-4418 (including notice regarding legal rights, consequences) Appendix F – “Acknowledgment of Paternity” form LDSS-4418 NYC (for a child born in New York City)
Attachment Available Online:	Yes

I. Purpose

The purpose of this informational letter is to transmit to social services districts and voluntary agencies the *Locating Absent Fathers and Extended Family Guidance Paper*. Developed by the Office of Children and Family Services (OCFS), the guidance paper provides the child welfare system with a framework of practice for identifying and locating absent fathers and extended family of children involved in the child welfare system.

II. Background

The federal Adoption and Safe Families Act (ASFA) of 1997 had a significant impact on national and state child welfare policies and procedures. This federal legislation, and state standards implementing it, enhanced the expectation that parents will be involved in planning for their children’s safety, well-being, and permanency, and resulted in efforts to engage families early in the life of the case. Although progress has been made in advancing child-centered, family-focused practice that engages parents, there continues to be inconsistency in the search for absent fathers. Often, the decision to search for an absent father does not occur unless and until a plan is formulated to seek surrender or termination of parental rights.

To understand why absent fathers are not identified and contacted earlier in the life of the child welfare case, in 2004 OCFS conducted focus groups in Erie County, Onondaga County, and New York City and administered a web-based online survey to caseworkers and supervisors in all local departments of social services (LDSS) in the state. The focus groups consisted of caseworkers, supervisors, judges, law guardians, LDSS attorneys, foster parents, and fathers of children involved in child welfare cases. The findings of the research helped shape practice regarding absent parents and the extended family of children in the child welfare system.

The purpose of this guidance paper is to provide information on the need for, and methods of, locating absent parents of children in foster care so that the child’s permanency and well-being can be achieved more effectively and efficiently. Topics include the importance of locating absent fathers, the identified barriers to locating absent fathers, and recommendations that social services districts and voluntary authorized agencies can consider to support or improve their practices and permanency results.

III. Guidance Paper

The *Locating Absent Fathers and Extended Family Guidance Paper* contains the following sections:

1. Introduction
2. Importance of locating absent fathers
3. Policy, practice, and legal developments
4. Barriers to locating absent fathers
5. Responsibility of the local department of social services
6. Methods of locating absent fathers
7. Recommended actions for child welfare administrators
8. Appendixes A-F

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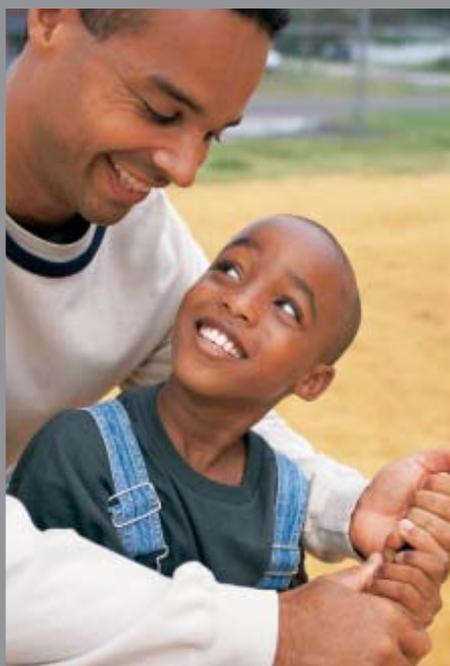
Division/OfficeDivision of Development and Prevention Services



New York State
Office of
Children & Family
Services



Locating Absent Fathers and Extended Family Guidance Paper



State of New York



George E. Pataki, Governor

September 2005

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LOCATING ABSENT FATHERS AND EXTENDED FAMILY

GUIDANCE PAPER

Introduction

This guidance paper, developed by the New York State Office of Children and Family Services (OCFS), provides the child welfare system with a framework of practice for identifying and locating absent fathers and extended family of children involved in the child welfare system.

The federal Adoption and Safe Families Act (ASFA) of 1997 had a significant impact on national and New York State child welfare policies and procedures. The federal legislation, and state standards implementing it, enhanced the expectation that parents will be involved in planning for their children's safety, well-being and permanency, and resulted in efforts to engage families early in the life of the case. Although progress has been made in advancing child-centered, family-focused practice that engages parents, there continues to be inconsistency in the search for absent fathers. Often, the decision to search for an absent father does not occur unless and until a plan is formulated to seek surrender or termination of parental rights.

To understand why absent fathers are not identified and contacted earlier in the life of the child welfare case, in 2004 OCFS conducted focus groups in Erie County, Onondaga County, and New York City and administered a web-based online survey to caseworkers and supervisors in all local departments of social services (LDSS) in the state. The focus groups consisted of caseworkers, supervisors, judges, law guardians, LDSS attorneys, foster parents, and fathers of children involved in child welfare cases. The findings of the research helped shape practice regarding absent parents and the extended family of children in the child welfare system.

The purpose of this guidance paper is to provide information on the need for, and methods of, locating absent parents of children in foster care so that the child's permanency and well-being can be achieved more effectively and efficiently. Topics include the importance of locating absent fathers, the identified barriers to locating absent fathers, and recommendations that social services districts and voluntary authorized agencies can consider to support or improve their practices and permanency results.

Mark arrived home from work one afternoon to find a letter waiting for him in his mailbox from a department of social services across the state. He could not have imagined the life-changing experience that would result from opening the letter.

Eight years earlier, Mark had a short-lived engagement to a young woman that had ended when her drug addiction became a source of contention between them. He had relocated upstate and eventually established a new life and found stable employment. The mother had never contacted him when she learned she was pregnant, and she subsequently gave birth to their daughter. The child had been placed in a foster home for the past four years because of the mother's drug addiction and inability to care for the little girl. Now the department of social services had obtained information on Mark's whereabouts and wanted to involve him in planning for his child.

Mark returned to the county where he had previously lived and met his daughter for the first time. The family resemblance and mannerisms were extraordinarily similar for two people who had never met. Mark's parents were still living and very interested in meeting their grandchild. Mark's sister lived in a county contiguous to the foster home and had one daughter just a year older who wanted to meet her cousin. Mark's daughter learned that her interest in music was shared by her cousin and grandparents. Mark was able to provide the LDSS with information on his medical history, which proved valuable to planning to meet her medical needs.

Mark and his daughter spent the next six months getting to know each other. Today, the child has a permanent home with her father. With the help of the caseworker, the mother has been able to agree to visitation with her daughter at Mark's sister's home, but has recognized that she needs to address her own issues of drug addiction and is not able to provide a home for her child.

This is one of many examples told by fathers who were thought to be “deadbeat” dads. Clearly, this child's life would have been very different if a diligent search for her father had occurred at the beginning of the case rather than after four years spent in foster care.

Importance of Locating Absent Fathers

Locating absent parents and their extended families is an integral part of child-centered, family-focused casework practice in child welfare. Traditionally, child welfare services have tended to focus on children and their mothers. With the current focus on engaging families early and often, the importance of involving both the child's mother and father and extended family is now recognized and affirmed.

Although this guidance paper focuses on the identification and location of the absent father, it clearly applies to absent mothers as well. Most frequently the child lives with the mother and it is the father who is the absent parent, but there are situations where the reverse is true and it is the mother who should be identified and located within the same practice framework.

All children need to understand who their parents and extended family are so that they can understand their own identity and develop a strong sense of self. In addition, children's genetic makeup and medical history derive from both parents; both family lines are vital to obtain as complete a picture of the child as possible. Developing or maintaining a relationship with both parents and their extended families often leads to a network of support and connection, regardless of whether the relatives can provide a placement resource. Finally, parental rights will need to be addressed if the permanency goal is adoption.

Fathers may not be involved in their children's lives for many reasons. Some fathers may not know they have a child because they were estranged from the child's mother. When the relationship between the parents is strained, ongoing contact between the father and his child may deteriorate or discontinue altogether. Issues around visitation rights and child support can become contentious and lead to lack of contact. Finally, some fathers choose not to maintain a relationship with their children because they do not feel they can provide a home or play a day-to-day role in raising them. Consequently, fathers lose contact with their children.

Regardless of the reason(s) for a father's absence from his child's life, the child should know his or her father's identity. Also, within legal limits, the father has a right to be involved in his child's life and to be part of the decision-making process involving the child. In addition to providing information so essential to the child's sense of self and identity, as well as information on genetic makeup and medical history, the

father may be able to provide a placement resource or at least an ongoing relationship. He may be a source of information about extended family members who may be able to provide ongoing relationships and support or raise the child if needed.

Moreover, findings from the focus groups and online survey of child welfare professionals in New York State identified the lack of timely father identification, location, and case plan involvement as among the factors that contribute to long foster care stays, lengthy termination of parental rights procedures, and less positive outcomes for many children in foster care. According to a recent study by the United States Department of Health and Human Services (2004), children who grow up without responsible fathers are significantly more likely to experience poverty, perform poorly in school, engage in criminal activity, and abuse drugs and alcohol. Children of fathers who spend more time in parenting and supporting their children demonstrate higher levels of cognitive development, personal mastery, social competence, and school performance. The presence of fathers in the lives of their children influences their child's overall well-being, emotional stability, sense of belonging, and cultural identity.

Although child welfare professionals realize that fathers who have actively participated in their child's life have a valuable influence on the child's well-being, they may have a different attitude toward fathers who have absented themselves from their child's upbringing. However, it is possible to engage fathers who left their families for a variety of reasons and, through effective casework, help them establish a meaningful relationship with their child or be considered as a placement option if such a plan is needed. Paternal families may offer a source of support that cannot and should not be overlooked in the effort to achieve timely permanency and well-being for children.

Identifying the father early in the case to help him become involved in his child's life is particularly important for the child's well-being. To avoid significant delays when a surrender or termination of parental rights is being considered, it is equally important to identify and locate the father early on. It is too late to begin searching for the father at the time of the permanency hearing. Valuable time and opportunities are lost unless a thorough search is conducted at the point the child becomes known to the child welfare system.

Policy, Practice, and Legal Developments

Several recent developments in child welfare policy, practice, and law have encouraged the identification and location of absent fathers when children are placed in foster care. These include ASFA, amendments to the Family Court Act and Social Services Law, and the associated practices of relative placements, concurrent planning, and the use of family meetings and other family engagement practices. The state's recently enacted Permanency Bill of 2005 will have implications related to locating and involving parents and extended family. Additional information will be disseminated regarding changes, including the time frames for the Permanency Hearing.

ASFA has had a significant impact on national and state child welfare policies and procedures involving the noncustodial father in case planning. ASFA provides that a permanency hearing must be held within twelve months of the child's placement in foster care. At the permanency hearing, the court must address the reasonable efforts provided by the agency to finalize the child's permanency plan and must approve or modify the permanency plan established for the child. Such efforts and plan may contemplate the involvement of the previously absent father. As a standard of good casework practice, the search for an absent father should begin as soon as possible rather than at the time of the first permanency hearing or the initiation of a surrender or termination process. The 2000 Adoption and Permanency Guidelines issued by the National Council of Juvenile and Family Court Judges recommend that efforts to involve both parents and to locate

an absent parent begin at the very first hearing alleging abuse or neglect (Mallon 2003). Early identification and location of both parents will help avoid delays in the family court process.

ASFA also supports concurrent planning: “reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently” [Title I, Section 101(f)]. Concurrent planning is not only valuable but also essential as states strive to comply with Title IV-E requirements involving permanency hearings. Defined as simultaneously pursuing more than one permanency resource for children in foster care, concurrent planning is in keeping with the expectations of Title IV-E of the Social Security Act related to timely, goal-oriented, and least restrictive child welfare practice. Such planning also speaks to a child’s urgent need for continuity and stability in family relationships, and minimizes the impact of feelings of separation, loss, and grief (Ott 1998).

A common example of concurrent planning is to locate an alternative placement or adoptive home for a child as early as possible while continuing efforts to reunite the child with his or her family. Locating noncustodial parents at the beginning of the case supports the concurrent planning model. The absent father and his relatives may provide additional options for placement resources for the child such as custodian or guardian. If adoption is determined to be the appropriate goal, locating and identifying the noncustodial parent is crucial in the termination of parental rights.

Section 1017 of the Family Court Act and section 384-a(1-a) of the Social Services Law direct the local commissioner of social services to conduct an investigation to locate relatives of a child who has been removed or placed in foster care. This search, for example, must include the child’s grandparents, who must be informed that the proceeding is pending. Relatives must be given the opportunity to become the child’s foster parents or to seek direct legal custody of the child. They must also be informed that foster parents may adopt the child if attempts at reunification with the birth parent are not required or are unsuccessful.

In 2005, section 1017 was amended to specifically reference the requirement to locate and investigate any “non-respondent parent of the child” in an abuse or neglect proceeding. In addition, the agency must record the results of the investigation including, but not limited to, the name, last known address, social security number, employer’s address and any other identifying information to the extent known involving any non-respondent parent in the child’s case record. A non-respondent parent includes a person entitled to notification that an abuse/neglect proceeding is pending, or to visitation rights pursuant to section 1035 of the Family Court Act. The importance of this section is that when removal of the child is contemplated, the agency must identify and evaluate the parent from whom the child is not being removed.

In recent years, child welfare agencies have become more supportive and open to kinship (relative) placements. This change is partly because of a more positive attitude about the value of placements with extended family, and partly because the numbers of children coming into foster care have exceeded the numbers of nonrelative foster homes (Mallon 2003).

Another current case practice that emphasizes the importance of identifying and locating absent fathers is the use of family meetings. Family meetings and other family engagement practices promote information sharing between agency staff and the child’s immediate and extended family. In family meetings, child welfare staff can gather useful and comprehensive information about the family and the noncustodial parent. A father’s participation in this process should be considered equally as important as the mother’s and, in fact, may yield significant information that may not be known by the mother. This includes the paternal family’s medical, social, and genetic history. In summary, an absent father who may not be able to care for his child(ren) should still be considered a resource in the case planning process.

In addition to locating fathers to address the needs of their children, as will be noted in more detail below, considerable judicial and legislative attention has been focused on the rights and interests of out-of-wedlock fathers in the proceedings affecting the custody or guardianship of their child. For example, pursuant to section 372-c of the Social Services Law, the Putative Father Registry records the names and addresses of persons who acknowledge paternity or who have been determined by a court to be the father of a child born out of wedlock. Those listed in the registry have the right to receive legal notice of all court proceedings regarding custody of the child, giving them the opportunity to provide input. In addition, the registry is an established resource to help a caseworker locate fathers of out-of-wedlock children. (See Appendix A for more information.)

Barriers to Locating Absent Fathers

According to feedback received from focus groups that included fathers of children in foster care and the survey conducted by OCFS in 2004, the timely location of absent fathers is not always achieved. While the child's mother is generally involved in planning for her children, the attempt to search for absent fathers is often not successful. Caseworkers often overlook absent fathers and their extended family as potential resources for permanency planning and family connections. This oversight may negatively impact the child's permanency and well-being.

According to the findings of the focus groups and survey, the following barriers to locating absent fathers were identified:

- A mother may not always be forthcoming with the name of the father because of her personal feelings about him. She may feel that the father's participation is not beneficial or important, and she does not want to assist in having him located.
- There is a perception that a father is not involved in his child's life because he does not want to be involved. It is sometimes assumed that these fathers are "deadbeat" dads and are trying to avoid paying child support.
- Transferring cases between child protective services, foster care, and adoption can cause problems. When cases are transferred between units, information about an absent father and his extended family may be contained in the progress notes but might not always be readily available to the new caseworker. Improvements should be made in recording diligent efforts to locate absent fathers and their extended families. In CONNECTIONS Build 18, the Family Assessment and Service Plan (FASP) should contain information about the father. However, it is suggested that a summary sheet be attached to the front of the case record for easy access, at least until the documentation in CONNECTIONS becomes standardized throughout New York State. (See Appendix B for a sample summary sheet.)
- Careful attention should be paid to documentation that will establish whether the absent father is a "consent" or "notice" father. (See Appendix C for definitions.)
- When a caseworker asks about an absent father and a mother responds with "unknown," the caseworker does not always continue to ask about the name or location of the absent father. A caseworker may not know which questions to ask or have the necessary skills to effectively probe for information relating to the absent father's whereabouts. It is a common misconception on the part of caseworkers that information about a search for an absent father is privileged information and is not accessible to them.

- There is confusion between the child welfare units and child support enforcement units as to the acceptability of caseworkers accessing the Federal Parent Locator Service (FPLS) (See Appendix D) to locate absent parents.
- Availability of time to do the search was cited as a concern. Caseworkers stated they do not always have the time to adequately conduct or complete a search for the absent father.
- The LDSS does not always research previous court orders that may exist between biological parents. Fathers may have been awarded visitation with their children through a court order, but the LDSS has no knowledge of this because of the failure to search.
- Many service providers believe that the Health Insurance Portability and Accountability Act of 1996 (HIPAA) laws do not allow for exchange of any information between agencies. This could interfere with the process of obtaining information on a noncustodial parent. Interpretations of the HIPPA laws vary from one service delivery system to another.
- If adequate information, such as date of birth and/or social security number, cannot be obtained, locating the absent father becomes a more difficult task.
- For the most part, mothers are perceived as the primary caregiver for children and are generally the main consumer of the services that are offered by local social services districts.
- If a father is not visible in his child's life, it is generally thought that he is not interested.
- A father may not know that he has children.
- A father may have tried to locate his children, but he may not have been in a position financially to expend the resources needed to locate them. Expenses could include taking time from work, paying child support arrears, and hiring an attorney to go to court.
- Family Court proceedings, such as Article 10 or custody hearings, are often postponed, which makes it difficult for a father to take time from his work.
- Although there may be no order barring the father access to his children, there may be an order of protection issued between the father and the mother.
- Initially a father may have been unable or unwilling to be a resource for his child, but later he may have changed his mind or be in a better position to do so.
- A father may be willing to participate in his child's life, but if the mother has negative feelings about the father, she may not be willing to provide the caseworker with any information about him.
- If a mother has a new relationship, she may not want the father to be notified out of fear that he would interfere with her new life.
- A caseworker may have a misconception about a father because of negative information provided by the mother. As a result, the caseworker may find it difficult to be open-minded about the father and reluctant to actively search for him.

Responsibility of the Local Department of Social Services

A significant and primary responsibility for the local department of social services is to identify and locate the child's absent father early in the case. As stated above, where the local district is contemplating the removal or has removed a child from his or her home, the issue of potential available relative placement resources must be addressed. Such potential relative resources include a non-respondent parent.

Where a father is named in the report of suspected abuse or maltreatment either as a subject or other person named in the report, OCFS Regulation 18 NYCRR 432.2(b)(3)(vii)(d) requires that the biological father must be notified during a Child Protective Services (CPS) investigation. When conducting a CPS investigation, the caseworker should inquire into the family composition, including the identity and location of a father of any child involved in the case where the father does not reside in the child's household.

Other responsibilities that are driven by good practice include:

- Asking those who know the mother whether the mother is or has been married, and does anyone visit or support the child or the mother. If the caseworker does not know who the father is, there should be a specific and clear plan for remedying that situation by methodically attempting to identify and seek out the father. The plan should include approaching (in person or by mail) person(s) who may have been identified by others as the father. The caseworker should be prepared to assist any father in establishing paternity.
- Once a father is located and paternity (whether the father is "consent" or "notice" - *see definitions in Appendix C*) is established and it is determined that the standards for a finding of "no reasonable efforts" do not apply, the local department of social services should assess the father and develop a service plan for the child and family that includes appropriate tasks and activities that are relevant to the father's needs. Good practice includes remaining in contact with the father, conducting ongoing assessments, and encouraging his participation in case conferences and service plan reviews.
- When it is determined that the father lives in another county, good practice suggests that cross-county collaboration is needed to engage and provide services to the father. To facilitate permanency for the child, it is important that the counties collaborate in a unified, consistent manner. Cross-county collaboration would provide the optimum outcome for the child and assist the child in accessing both maternal and paternal resources. When there are allegations of domestic violence, the local department of social services should verify whether the allegations are factual, in which case the safety of the mother and child are paramount. Depending on the situation and the results of an assessment of the father's risks, strengths and needs, the service plan for the father might include offering him opportunities for visiting with his child, offering him services that would assist him to become a reunification resource for the child, asking about any relatives of his that may be resources for the child, and keeping him in the planning and information loop. Of course, the child's safety and well-being during this entire process should remain the caseworker's primary concern.

Where a child is placed into foster care, the service plan review standards set forth in OCFS Regulation 18 NYCRR 430.12(c)(2) apply and include efforts to involve parents, including fathers, in the permanency planning process. The parent of a child in foster care, again including the child's father, is entitled to receive the child's service plan.

Casework practice should be consistent for both mothers and fathers. Fathers should have available to them support services that are comparable to those offered the mother. These services may include financial and housing assistance, child care assistance, parenting classes, substance abuse and mental health treatment, and other supports geared to helping the father become familiar with the parenting role.

Early identification of an absent father is even more important when a mother wishes to surrender her child or if the agency has determined that reunification with the mother is not a viable permanency goal for the child. It is recommended that caseworkers have a specific discussion with the legal unit to agree upon a course of action in relation to the father. This discussion should take place before any action is begun concerning the mother. Permanency must be resolved in relation to both parents, and the goal should be to provide clear legal resolution of the parental rights of both at approximately the same time. With regard to the rights and interests of the biological father of an out-of-wedlock child, OCFS Regulation 18 NYCRR 421.5 provides:

- a) In all cases an agency must:
 - (1) take steps to identify the father and determine the extent of relationship between father and mother and between father and child;
 - (2) make efforts to involve the father in planning for the child;
 - (3) give the alleged father an opportunity to recognize or deny paternity;
 - (4) if the father admits paternity but is unwilling or unable to plan for the child, attempt to obtain a voluntary surrender of the father's rights in the child when such action would be in the best interests of the child; and
 - (5) if the father is unwilling or unable to plan, and is also unwilling to voluntarily surrender rights, take such steps to obtain termination of the father's parental rights as are appropriate to the best interests of the child.
- (b) The child shall not be placed for adoption without the father's consent or the surrender or termination of his parental rights in cases where the child being placed is not yet six months old and the unwed mother's parental rights have been surrendered or terminated, and the father has:
 - (1) paid—or offered to pay—a fair and reasonable sum, according to his means, for medical, hospital and nursing expenses incurred in connection with the mother's pregnancy or with the birth of the child;
 - (2) openly lived with the child or child's mother for a continuous period of six months immediately prior to the placement of the child for adoption; and
 - (3) openly held himself out to be the father of the child during a continuous period of six months prior to the placement of the child for adoption.
- (c) The child shall not be placed for adoption without the father's consent or the surrender or termination of his parental rights in cases where the child is over six months old and the unwed mother's parental rights have been surrendered or terminated, and the father has maintained substantial and continuous or repeated contact with the child as manifested by paragraphs (1) and (2) of this subdivision:

- (1) by payment of a fair and reasonable sum toward support for the child, according to the father's means, and either:
 - (i) monthly visitations to the child when financially and physically able to do so and not prevented from doing so by actions of the agency having custody of the child;
 - (ii) by regular communication with the child or the person or agency having care or custody of the child, when visitation is either not financially or physically possible or has been prevented by the agency having custody of the child; or
- (2) a father who has openly lived with the child for a period of six months in the one-year period immediately preceding the child's placement for adoption and who had openly held himself out to be the father of the child during such period shall be deemed to have maintained substantial and continuous contact with the child for the purpose of this subdivision.
- (d) A written instrument executed by the biological father denying paternity or consenting to the mother's surrender of the child for adoption or consenting to the adoption of the child shall be completed in accordance with section 111 of the Domestic Relations Law.

Caseworkers should also consider incarcerated parents, including fathers, as potential resources for their children. Depending on the nature of his crime, the length of his incarceration, and assessment of the safety of the child, an incarcerated father may be considered as a possible placement option or important connection. Consistent with the best interests of the child, providing visitation opportunities for the incarcerated father with his child should also be explored. Even if a father is not a current placement option, he could be in the future or could provide valuable information for his children, such as medical, social, and genetic information. In addition, a father may identify appropriate extended family members who would be willing to care for the child.

Methods of Locating Absent Fathers

Although locating absent fathers and their extended families may seem like an overwhelming task, some useful information has been identified as being helpful in this process. There are many ways to obtain information, but using the telephone and Internet for certain tasks may greatly minimize the amount of time required. The following activities may also assist the caseworker in locating an absent parent:

- Obtain as much information as possible about the absent father from the available parent or relatives (such as name, address, telephone, cell phone, pager, social security number, date of birth, friends, relatives, and employment). Record such information in the child's FASP.
- Where developmentally and age-appropriate, ask the child who his/her father is. Try to obtain as much information as possible from the child about the absent father.
- Contacting the incarcerated father is the role and responsibility of the caseworker. Call the Prison Locator Service System at 518-457-0034 to find out whether the father is incarcerated in New York State.
- The courts, local departments of social services, and New York State voluntary authorized agencies may use the Putative Father Registry (800-345-5437), if the father is registered, to access the name and address of a father of a child born out of wedlock. The purpose is to notify

the father of his child's placement in foster care and the date and time of proceedings involving the custody of the child, including permanency hearings, so that he has the opportunity to be a part of the child's placement and permanency process. (See Appendix A for more information.)

- Attempt to locate the absent father, as well as relatives of the absent father, by using the phone book and Internet phone books for out-of-town locations. Call directory assistance at (area code) 555-1212.
- Send a letter to the last known address. If that address is not current, it may be returned with a forwarding address.
- Send a postal clearance form to the post office in the town where the absent father last resided. They may be able to provide you with an actual home address for individuals who have post office boxes.
- Try to obtain information from relatives and friends about the absent father. This is very important and may be easier initially than locating the absent parent. When friends or family are located, they may be hesitant to give location information about the absent father. Telling the friend or family member to have the absent parent call the caseworker about the child can often lead to the desired contact. This approach is also useful when calling places of employment or other places where the absent father may go. When contacting friends or relatives, ask them for other information in addition to the individual's address. Ask if they know where the absent father works and visits, if he has a cell phone number, and if they know the names of friends and other relatives who may have the father's address.
- Talk informally with members of the child's community such as church members, local recreational groups, or any other local community organization where either the child or the family may have been involved. Although these are informal conversations, it is still important to identify who you are and your reasons for initiating the conversation. These conversations should be consistent with applicable confidentiality limitations.
- Check the Welfare Management System (WMS) for information on the absent father. This provides the names of people that the individual may have lived with in the past. Contacting those individuals may result in locating the absent father.
- Check CONNECTIONS. Absent fathers may be listed on past CPS reports along with other case members. List the absent father in the child's CONNECTIONS case. CONNECTIONS provides an implied role (and access) to any case in which there are people in common with the people in the child's case.
- Contact the following law enforcement agencies in the area where the absent father lived:
 - Police departments (state, county, town, city, village)
 - Probation departments
 - County jails
 - NYS Department of Correctional Services
 - NYS Division of Parole

- NYS Sex Offender Registry

Go to www.criminaljustice.state.ny.us for a directory of all state numbers for each agency statewide.

- Conduct a person search on the Internet to help find addresses and telephone numbers for absent fathers.
- Make a request to child support enforcement unit to access the Federal Parent Locator Service as described in Appendix D. Details of making this request will be provided in a forthcoming Administrative Directive.

Recommended Actions for Child Welfare Administrators

Child welfare administrators can make the search process easier for their caseworkers if they:

- Develop a summary sheet for caseworkers to use when documenting what efforts have been made so far to locate absent fathers. (See Appendix B for a sample summary sheet.)
- Provide new staff, including caseworkers, and LDSS legal counsel with training on the expectations around locating absent fathers.
- Provide new caseworkers with close supervision and technical assistance when beginning the process of locating absent fathers.
- Develop standards to guide caseworkers in appropriate practice:
 - In addition to the mother, and consistent with applicable confidentiality limitations, involve additional resources in providing information pertaining to the location of an absent father (e.g., children, grandparents, aunts, uncles, foster parents, clergy, and school personnel).
 - Starting with the initial contact with the family, the caseworker should discuss the family composition. When the father is absent, begin asking appropriate questions to help in the search for the father. A genogram or family map can be a helpful tool in working with the family to identify all members and their relationships.
 - Set expectations that locating absent fathers is a common practice in all cases and that the local department of social services and voluntary authorized agency administration support this practice.
 - When the local department of social services and a contract agency are sharing case responsibilities, they will need to decide who will be responsible for identifying the absent father and his extended family. When the case manager, case planner, and caseworker roles are assigned in CONNECTIONS, it must be clearly recognized who will be responsible for locating the absent father and his extended family.
- Develop the use of liaisons in family court to assist caseworkers in accessing information the courts may have regarding absent fathers.
- When a caseworker has completed a diligent search and the absent father and his extended family cannot be found, a diligent search petition should be submitted to Family Court.

Summary

Since family compositions are often complex, locating absent fathers and their extended families can involve many factors. An absent father may have had a negative relationship with the child's mother or with the children that will need to be addressed through effective casework. The mother may be involved in a new relationship or marriage, making the participation of the newly located absent father a more sensitive issue. It is possible that within one family more than one absent father needs to be identified and located. Familial issues such as substance abuse, domestic violence, child abuse or maltreatment, incarceration, or child support can make the task of reuniting an absent father with his child more complicated. However, child welfare practice standards have come to recognize that the father is essential to the child's service plan. Failing to identify and locate the father may result in a child losing out on a potential relationship or placement option with either the father himself or his extended family. Children may be denied valuable information about their own medical, social, and genetic history, as well as the opportunity to fully understand their own identity and develop a well-rounded sense of self. For children who will be placed with an adoptive family, precious time in their lives is lost when the search for the father whose rights must be terminated is not begun as early as possible.

Fathers, too, are recognized to have legal rights in planning for their children. The child welfare system is now acknowledging the rights of fathers to be notified and to be involved with their child's life.

Effective family engagement practices—including the use of family meetings, full disclosure, mediation, and other strategies—will be essential skills for child welfare professionals working with families where parents have become estranged. At the root of this work, however, is the belief that both parents and their extended families are essential elements of every child's life, and that most parents will want to be involved in planning for their child if their participation is invited, encouraged, and supported. For child welfare professionals, the focus on the child's safety, well-being, and permanency includes the important tasks of locating and involving both parents and their extended family, whenever possible.

References

- Mallon, G. "Engaging Fathers in Permanency Planning: Early Identification of Paternal Resources," *Permanency Planning Today*, Winter 2003.
- Ott, A. *Tools for Permanency*. National Resource Center for Foster Care and Permanency Planning, Hunter College School of Social Work of the City University of New York, September 1998.
- U.S. Department of Health and Human Services. *Promoting Responsible Fatherhood Through Child Care*, April 2004.

APPENDIX A

New York State Putative Father Registry

The Putative Father Registry contains the names and addresses of:

- any person adjudicated by a court in New York State to be the father of a child born out of wedlock;
- any person adjudicated by a court of another state or territory of the United States to be the father of an out-of-wedlock child, where a certified copy of the court order has been filed with the registry by such person or any other person;
- any person who filed with the registry, before or after the birth of a child born out of wedlock, a notice of intent to claim paternity to the child (form LDSS 2724, “Notice of Intent to Claim Paternity of a Child Born Out of Wedlock,” available online at www.ocfs.state.ny.us/main/Forms);
- any person who filed with the registry an instrument acknowledging paternity pursuant to section 4-1.2 of the Estates, Powers and Trusts Law.

The courts, local departments of social services, and New York State voluntary authorized agencies use the Putative Father Registry to search for the name and address of the father of a child born out of wedlock, so the father can be notified of court proceedings impacting the custody of the child, and be a part of the child’s placement process. The results of a search cannot be divulged to another person, except if the court orders the information to be shared and it is being used for good cause.

Two ways the father of an out-of-wedlock child can acknowledge his paternity are by completing the “Acknowledgment of Paternity” form (LDSS 4418 – see appendixes E and F, attached to this guidance paper), or by completing the “Instrument to Acknowledge Paternity of an Out of Wedlock Child” (form OCFS 3780 – available online at www.ocfs.state.ny.us/main/Forms).

Acknowledgment of Paternity form LDSS 4418 (LDSS 4418 NYC in New York City):

An Acknowledgment of Paternity LDSS 4418 signed by both the mother and the father will legally establish who the child’s father is. It will have the same force and effect as a court order establishing paternity for the child. An Acknowledgment of Paternity will eliminate the need to have a family court hearing to decide who the child’s father is, and will establish the duty of both parents to provide support for the child, which may be retroactive to the birth of the child. When a man signs an Acknowledgment of Paternity, he waives his right to a court hearing to determine if he is the father of the child. The Acknowledgment of Paternity form is signed by the mother and father, and witnessed by two people not related to either parent. Hospital staff sends the Acknowledgment of Paternity to the birth registrar who upon filing it, in turn, sends a copy to the Putative Father Registry. The Acknowledgment of Paternity may also be executed and filed at any time after the discharge of the mother and child from the hospital, and in such instances, should be filed (by either the mother or father or the child support program) with the birth registrar of the district in which the birth certificate has been filed.

The LDSS 4418 advises the parties of their rights and responsibilities in signing the form. It establishes paternity legally for the child with the same force and effect as an order of paternity, and thus gains child support and establishes the rights of parties to inherit from each other, provided it is filed with the birth registrar. It requires the signature of both parents, and provides a timeframe for rescinding the acknowledgment. Districts are encouraged to pursue Acknowledgments of Paternity via LDSS 4418 so that parents and their child gain all legal rights available.

Instrument to Acknowledge Paternity of an Out of Wedlock Child form OCFS 3780:

Another way a father may acknowledge paternity is to complete form OCFS 3780. This form is completed by the biological father to claim paternity of a child born out of wedlock. A Notary Public must fill out the bottom portion. The father claiming paternity then mails the form to the New York State Putative Father Registry at the following address:

New York State Office of Children and Family Services
New York State Adoption Services/Putative Father Registry
52 Washington Street, Room 323 North
Rensselaer, NY 12144
1-800-345-5437

Upon receipt of either form, the Office of Children and Family Services places the father on the Putative Father Registry. Anyone with questions may contact the New York State Putative Father Registry at 1-800-345-5437.

APPENDIX B

Locating Absent Father Summary Sheet—Sample Form*

Case Name: _____

Identifying Information for Father

Father's Name: _____

Last Known Address: _____

Father's Date of Birth: _____

Father's Social Security Number: _____

Cell Phone #: _____

Relatives: _____

Employer (name, address and phone number): _____

Summary of Contacts to Locate Father:

Date of Contact	Information Provided By:	Summary of Contact:

*It is suggested that a summary sheet such as this be attached to the front of the case record for easy access to information about an absent father and his extended family. See pages 6 and 12 for further details.

APPENDIX C

Definitions

1. “Absent Father” and “Putative Father”

An absent father and a putative father are defined in state regulations in 18 NYCRR 347.2(a) and (b):

(a) An absent parent includes the biological parent, stepparent, or adoptive parent of any child where such parent is reported to be absent from the household. With respect to a child in foster care, an absent parent also includes a biological parent, stepparent, or adoptive parent of any child where such parent was present in the household when the child entered foster care.

(b) A putative father is an individual alleged to be the natural father of any child born out of wedlock.

2. “Consent Father” versus “Notice Father”

If the child was born out of wedlock, then the agency must determine what rights the putative father has regarding the child, in order to determine what action is necessary to free the child legally. The first question that the agency must decide—if the mother is going to surrender her rights or the agency is considering filing to terminate her rights—is: what rights does the father have?

Consent Fathers:

Fathers of children born out of wedlock who are consent fathers have the same rights as mothers and must either surrender the child or have his parental rights involuntarily terminated.

If the child was placed for adoption more than six months after birth, then the father is a consent father as above if he has either:

- Paid a reasonable and fair sum, in accordance with his means, for child support and visited the child at least monthly or maintained contact with the custodian of the child when not prevented from doing so,

OR

- The father has had regular communication with the child or with the person or agency caring for the child, when physically or financially unable to visit the child or prevented from doing so by the person or authorized agency having lawful custody of the child. A father who openly lived with the child for six months during the year before the child was placed and who during such period held himself out to be the father is deemed to have maintained substantial and continuous contact. [See section 111(1)(d) of the Domestic Relations Law.]

If the child was placed for adoption less than six months after birth, then the father is a consent father as above if he:

- Manifests a willingness to assume full legal custody of the child. The action by the father to assume full custody must take place within the first six months of the child’s placement for adoption. The steps that need to be evaluated include public acknowledgment of paternity, payment of pregnancy and birth related expenses, action taken to establish legal responsibility for the child, and other actions evincing a commitment to the child.

This standard was established by the New York State Court of Appeals in the Matter of Raquel Marie X., 76 N.Y.2d 387,559 N.Y.S. 2d 855 (1990).

If the man in question does not fit in the categories above, then the agency must consider the next possible category: Is he a father entitled to notice of certain legal actions?

Notice Fathers:

If a father falls into any of the following categories, he is entitled to formal legal notice of any procedures regarding the adoption of the child, the termination or surrender of the mother's rights or any procedures involving the voluntary placement of the child in care. The legal notice is specifically outlined in the law. The notice father is offered the opportunity to provide the court with evidence regarding the child's best interests.

- Any man adjudicated by a NYS court as the father of the child (the "legal father").
- Any man who was adjudicated as the father in another state AND registered that adjudication with New York State's Putative Father Registry.
- Any man who has filed intent to claim paternity of the child with the Putative Father Registry (see form LDSS-2724, "Notice of Intent to Claim Paternity of a Child Born Out of Wedlock," available online at www.ocfs.state.ny.us/main/Forms).
- Any man who is listed on the child's birth certificate as the father.
- Any man who lived with the child and mother and held himself out to be the child's father at the time that the child went into care or when the legal proceeding is commenced.
- Any man identified as the father in a written and sworn statement by the mother.
- Any man who married the mother before the child was six months old and before any surrender or initiation of a proceeding to terminate parental rights.
- Any man who filed with the Putative Father Registry or filed an instrument acknowledging paternity. [See sections 111-a of the Domestic Relations Law and 384-c of the Social Services Law.]

Note: A person who has been convicted of rape in the first degree involving forcible compulsion, as set forth in section 130.35 of the Penal Law, is not entitled to notice of a proceeding involving the child who was conceived as a result of such rape.

APPENDIX D

Federal Parent Locator Service (FPLS) — List of Databases

FPLS is a computerized network of information on individuals, including their Social Security numbers, most recent home address, wage and benefit information, and employment data. The FPLS obtains such information from federal and state agencies, including:

- **Criminal Justice System** – Provides information on persons known to the federal, state and city prisons.
- **Department of Motor Vehicles** - Provides addresses from the records of the New York State DMV.
- **Department of Taxation and Finance** – Provides information from New York State tax records.
- **Unemployment Insurance Benefits** – Provides information on individuals listed with the Department of Labor as receiving unemployment insurance benefits.
- **Internal Revenue Service** – Provides the address on the most recent tax return filed by the absent parent. Computer tape updated weekly. Can identify the person’s Social Security number.
- **Social Security Administration** – Provides employer address from information drawn from its employer files. Provides home addresses for individuals receiving Social Security benefits. Electronically updated weekly. Can identify the person’s Social Security number.
- **Department of Veterans Affairs** – Indicates whether the parent is receiving compensation, pension or educational benefits; the amount; and where the check is being sent.
- **Department of Defense** – Provides information on parents on active duty or retired from the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service, and the National Oceanic and Atmospheric Administration. Provides the military unit addresses for parent on active duty. For retirees, provides the address used by the financial centers to mail checks and other information.
- **National Personnel Records Center** – Provides address on parents who work or worked for the Federal Government or the U.S. Postal Service. Information updated monthly.
- **State Employment Security Agencies** – Provides employer addresses and wage information, plus home addresses, of parents receiving unemployment compensation benefits.

In addition, states report newly hired employees to a National Directory of New Hires, which is also part of FPLS.

APPENDIX E

Acknowledgment of Paternity (Form LDSS-4418)

LDSS-4418 (Rev. 8/98)

NEW YORK STATE DEPARTMENT OF HEALTH

NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

NOTICE REGARDING YOUR LEGAL RIGHTS AND THE CONSEQUENCES OF SIGNING AN ACKNOWLEDGMENT OF PATERNITY

This notice is to help you decide whether or not you wish to sign an Acknowledgment of Paternity. An Acknowledgment provides you with a way to legally establish paternity for your child. New York Law says that you must receive oral and written notice of your legal rights and the consequences of signing an Acknowledgment of Paternity. Before signing an Acknowledgment of Paternity, PLEASE READ the following information.

WHAT YOU SHOULD CONSIDER BEFORE SIGNING AN ACKNOWLEDGMENT OF PATERNITY:

YOU MAY NOT SIGN AN ACKNOWLEDGMENT OF PATERNITY IF:

- **The mother was married at any time** during the pregnancy or when the child was born because her husband (or former husband) is considered the legal father of the child unless a court determines otherwise; **or**
- **The mother is unmarried and more than one man** could be the father of the child; **or**
- **The child is not yet born.** You may only sign an Acknowledgment of Paternity **after** the birth of the child.

You may wish to speak to a lawyer before signing an Acknowledgment of Paternity. You have a right to seek legal representation and supportive services including counseling. Hospital staff are prepared to speak to you about questions you may have regarding establishing paternity. Hospital staff will also provide you with the telephone number of the support collection unit to answer questions you may have regarding the Acknowledgment of Paternity or establishing paternity.

WHAT IT MEANS IF YOU SIGN AN ACKNOWLEDGMENT OF PATERNITY:

An Acknowledgment of Paternity signed by both the mother and the father will legally establish who the child's father is. An Acknowledgment of Paternity will have the same force and effect as a court order establishing paternity for the child. It will eliminate the need to have a family court hearing to decide who the child's father is and will establish the duty of both parents to provide support for the child which may be retroactive to the birth of the child.

When a man signs an Acknowledgment of Paternity, he waives his right to a court hearing to determine if he is the father of the child.

Signing an Acknowledgment of Paternity may be the basis for the father to establish custody and visitation rights to the child, and may also be the basis for requiring his consent prior to an adoption proceeding.

When an Acknowledgment of Paternity is filed with the birth registrar in the district where the birth certificate is filed it will establish the child's right to inheritance from the father. Filing the Acknowledgment with the Putative Father Registry may establish the child's right to inheritance from the father. The Putative Father Registry is the state registry which maintains a record of the name and address of persons who acknowledge paternity or who have been determined by a court to be the father of a child born out of wedlock. The Putative Father Registry may only release the name and address of such persons upon request to a court or authorized agency or to another person but only by order of a court.

The child may have the last name of either parent, a combination of last names, or any other last name the parents agree on. The choice of name will not affect the legal status of the child. Please indicate on the Acknowledgment of Paternity the child's full name as it appears on the birth certificate. If the birth certificate was already filed and you wish to change the child's name enter both the name as it appears on the birth certificate and the new name.

Either parent has a right to ask the court to cancel the Acknowledgment of Paternity by filing a petition with the family court. The request must be made within the earlier of 60 days from the date of signing an Acknowledgment of Paternity or the date of an administrative or judicial proceeding (including a proceeding to establish a support order) relating to the child in which either parent is a party. The “date of an administrative or judicial proceeding” is the date by which the party is required to answer the petition. When more than 60 days have passed since the signing of an Acknowledgment of Paternity, either parent may only challenge the Acknowledgment of Paternity in court on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the party challenging an Acknowledgment of Paternity.

WHAT IT MEANS IF YOU DO NOT SIGN AN ACKNOWLEDGMENT OF PATERNITY:

If an Acknowledgment of Paternity is not signed by both parents, the man will not have a duty to support the child unless an order is made after a hearing in family court establishing him as the father of the child. If the court declares the man to be the father of the child, the court may make an order of support which may be retroactive to the birth of the child.

If you are named as the father of a child in a court hearing to establish paternity, you have a right to free legal representation if the court determines you are unable to pay for legal representation. You also have a right to genetic marker tests or to DNA tests, which will help the court determine if you are the child's father.

If you refuse to sign an Acknowledgment of Paternity, your refusal **cannot** be considered to be a failure to cooperate in establishing paternity for the child if you apply for or receive public assistance for the child.

The father's name **cannot** appear on the child's birth certificate **unless both parents sign** an Acknowledgment of Paternity or unless a court determines paternity.

WHAT NEEDS TO BE DONE WITH THE ACKNOWLEDGMENT OF PATERNITY AFTER YOU SIGN IT:

If you sign an Acknowledgment of Paternity at a hospital or a social services agency, the original **will be filed for you** with the registrar of the district in which the birth occurred and in which the birth certificate has been filed. The Acknowledgment of Paternity also will be filed with the Putative Father Registry.

If you are signing an Acknowledgment of Paternity without assistance from the hospital or social services agency, **you must file** the original with the registrar of the district in which the birth certificate has been filed. The registrar will file a copy with the Putative Father Registry.

IMPORTANT:

- By signing the Acknowledgment of Paternity before two witnesses who are not related to you, you are stating that you have received oral and written notice regarding your legal rights and the consequences that result from signing an Acknowledgment of Paternity, and that a copy of this notice has been provided to you.
- If you have any doubts about the child's paternity, after reading this notice and having received oral notice, **do not** sign an Acknowledgment of Paternity.
- If you wish to sign an Acknowledgment of Paternity, after reading this notice and having received oral notice, please complete the Acknowledgment of Paternity on Page 4 of this form.

If you have questions regarding the Acknowledgment of Paternity or establishing paternity for your child, you may contact the Support Collection Unit located within your county Department of Social Services.

Questions regarding this form as it relates to the birth certificate process should be directed to the local birth registrar where the Acknowledgment of Paternity has been or will be filed.

If you wish to sign the Acknowledgment of Paternity, please complete the Acknowledgment of Paternity on page 4.

LDSS-4418 (Rev. 8/98)

NEW YORK STATE DEPARTMENT OF HEALTH
NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
Pursuant to Section 4135-b of Public Health Law

(For Official Use Only)

Hospital Code: _____ (4 DIGIT PFI No.)

Local district birth number: _____

Local register number: _____

ACKNOWLEDGMENT OF PATERNITY

(Please Type or Print with black Ink)

INDICATE, BY CHECKING THE APPROPRIATE BOX, WHERE THE ACKNOWLEDGMENT IS BEING SIGNED:
 HOSPITAL CHILD SUPPORT OFFICE BIRTH REGISTRAR OTHER _____

INFORMATION ABOUT THE CHILD FOR WHOM THE ACKNOWLEDGMENT OF PATERNITY IS SIGNED:

PRINT CHILD'S FULL NAME AS IT NOW APPEARS ON THE BIRTH CERTIFICATE: (First) (Middle.) (Last)
PRINT CHILD'S NAME AS IT WILL APPEAR ON NEW BIRTH CERTIFICATE: (First) (Middle.) (Last)

PLACE OF BIRTH: (Name and Address of Hospital where child was born):
DATE OF BIRTH: MONTH DAY YEAR
SEX: FEMALE MALE

ACKNOWLEDGMENT OF PATERNITY BY FATHER:

I, _____, residing at _____,
First Middle Last Name House/Apt. Number and Street
In the City of _____, State of _____, Zip Code _____
my place of birth, (City, State, Or Foreign Country) _____, my date of birth ____/____/____,
Month Day Year
Social Security Number: _____, hereby acknowledge that I am the biological father of the child named above.
I UNDERSTAND THAT SIGNING THIS ACKNOWLEDGMENT WILL ESTABLISH THE PATERNITY OF THE CHILD AND HAVE THE SAME FORCE AND EFFECT AS AN ORDER OF FILIATION ENTERED AFTER A COURT HEARING INCLUDING AN OBLIGATION TO PROVIDE SUPPORT FOR THE CHILD. EXCEPT THAT ONLY IF THIS ACKNOWLEDGMENT IS FILED WITH THE REGISTRAR WHERE THE BIRTH CERTIFICATE IS FILED WILL THE ACKNOWLEDGMENT HAVE SUCH FORCE AND EFFECT WITH RESPECT TO INHERITANCE RIGHTS. I HAVE RECEIVED WRITTEN AND ORAL NOTICE OF MY LEGAL RIGHTS AND THE CONSEQUENCES OF SIGNING THE ACKNOWLEDGMENT OF PATERNITY, AND I UNDERSTAND WHAT THE NOTICE STATES. A COPY OF THE WRITTEN NOTICE HAS BEEN PROVIDED TO ME. I CERTIFY THAT THE ABOVE INFORMATION IS TRUE.
SIGNATURE: _____ Date ____/____/____,
Month Day Year
The above named _____, signed and affirmed before us this ____ day of _____, _____, that the information contained herein is true.

First Witness Second Witness
(Witnessed by two people not related to the mother or father.)

ACKNOWLEDGMENT OF PATERNITY BY MOTHER:

I, _____, residing at _____,
First Middle Last Name House/Apt. Number and Street
In the City of _____, State of _____, Zip Code _____
my place of birth, (City, State, Or Foreign Country) _____, my date of birth ____/____/____,
Month Day Year
Social Security Number: _____, hereby consent to the acknowledgment of paternity for my child named above, and acknowledge that the man named above is the only possible father of my child who was born to me. I state that I was not married at any time during the pregnancy or when the child was born OR, I state that I was not married when the child was born or at any time during the pregnancy but I have subsequently married the child's biological father.
I UNDERSTAND THAT SIGNING THIS ACKNOWLEDGMENT WILL ESTABLISH THE PATERNITY OF THE CHILD AND HAVE THE SAME FORCE AND EFFECT AS AN ORDER OF FILIATION ENTERED AFTER A COURT HEARING INCLUDING AN OBLIGATION TO PROVIDE SUPPORT FOR THE CHILD. EXCEPT THAT ONLY IF THIS ACKNOWLEDGMENT IS FILED WITH THE REGISTRAR WHERE THE BIRTH CERTIFICATE IS FILED WILL THE ACKNOWLEDGMENT HAVE SUCH FORCE AND EFFECT WITH RESPECT TO INHERITANCE RIGHTS. I HAVE RECEIVED WRITTEN AND ORAL NOTICE OF MY LEGAL RIGHTS AND THE CONSEQUENCES OF SIGNING THE ACKNOWLEDGMENT OF PATERNITY, AND I UNDERSTAND WHAT THE NOTICE STATES. A COPY OF THE WRITTEN NOTICE HAS BEEN PROVIDED TO ME. I CERTIFY THAT THE ABOVE INFORMATION IS TRUE.
I am currently in receipt of public assistance and/or child support services from a social services district in New York state.
 NO YES If "Yes", identify the county and address of the social services district, if known: _____.
SIGNATURE: _____ Date ____/____/____,
Month Day Year
My maiden name is (Last name only): _____.
The above named _____, signed and affirmed before us this ____ day of _____, _____, that the information contained herein is true.

First Witness Second Witness
(Witnessed by two people not related to the mother or father.)

IMPORTANT NOTICE: This form must be completed and filed with the registrar of the district in which the birth occurred and in which birth certificate has been or will be filed.

(For Official Use Only)

The above ACKNOWLEDGMENT OF PATERNITY is hereby filed with the registrar of _____
on _____ (Date). Registrar : _____

APPENDIX F

Acknowledgment of Paternity (New York City) (Form LDSS-4418NYC)

LDSS-4418 NYC (Rev. 8/98)

NEW YORK CITY DEPARTMENT OF HEALTH, VITAL RECORDS

NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

NOTICE REGARDING YOUR LEGAL RIGHTS AND THE CONSEQUENCES OF SIGNING AN ACKNOWLEDGMENT OF PATERNITY

This notice is to help you decide whether or not you wish to sign an Acknowledgment of Paternity. An Acknowledgment provides you with a way to legally establish paternity for your child. New York Law says that you must receive oral and written notice of your legal rights and the consequences of signing an Acknowledgment of Paternity. Before signing an Acknowledgment of Paternity, PLEASE READ the following information.

WHAT YOU SHOULD CONSIDER BEFORE SIGNING AN ACKNOWLEDGMENT OF PATERNITY:

YOU MAY NOT SIGN AN ACKNOWLEDGMENT OF PATERNITY IF:

- **The mother was married at any time** during the pregnancy or when the child was born because her husband (or former husband) is considered the legal father of the child unless a court determines otherwise; **or**
- **The mother is unmarried and more than one man** could be the father of the child; **or**
- **The child is not yet born.** You may only sign an Acknowledgment of Paternity **after** the birth of the child.

You may wish to speak to a lawyer before signing an Acknowledgment of Paternity. You have a right to seek legal representation and supportive services including counseling. Hospital staff are prepared to speak to you about questions you may have regarding establishing paternity. Hospital staff will also provide you with the telephone number of the support collection unit to answer questions you may have regarding the Acknowledgment of Paternity or establishing paternity.

WHAT IT MEANS IF YOU SIGN AN ACKNOWLEDGMENT OF PATERNITY:

An Acknowledgment of Paternity signed by both the mother and the father will legally establish who the child's father is. An Acknowledgment of Paternity will have the same force and effect as a court order establishing paternity for the child. It will eliminate the need to have a family court hearing to decide who the child's father is and will establish the duty of both parents to provide support for the child which may be retroactive to the birth of the child.

When a man signs an Acknowledgment of Paternity, he waives his right to a court hearing to determine if he is the father of the child.

Signing an Acknowledgment of Paternity may be the basis for the father to establish custody and visitation rights to the child, and may also be the basis for requiring his consent prior to an adoption proceeding.

When the Acknowledgment is filed with the New York City Department of Health, it will establish the child's right to inheritance from the father. Filing the Acknowledgment with the Putative Father Registry may establish the child's right to inheritance from the father. The Putative Father Registry is the state registry which maintains a record of the name and address of persons who acknowledge paternity or who have been determined by a court to be the father of a child born out of wedlock. The Putative Father Registry may only release the name and address of such persons upon request to a court or authorized agency or to another person but only by order of a court.

The child may have the last name of either parent, a combination of last names, or any other last name the parents agree on. The choice of name will not affect the legal status of the child. Please indicate on the Acknowledgment of Paternity the child's full name as it appears on the birth certificate. If the birth certificate has already been filed and you wish to change the child's last name enter both the last name as it appears on the birth certificate and the new last name.

Either parent has a right to ask the court to cancel the Acknowledgment of Paternity by filing a petition with the family court. The request must be made within the earlier of 60 days from the date of signing an Acknowledgment of Paternity or the date of an administrative or judicial proceeding (including a proceeding to establish a support order) relating to the child in which either parent is a party. The "date of an administrative or judicial proceeding" is the date by which the party is required to answer the petition. When more than 60 days have passed since the signing of an Acknowledgment of Paternity, either parent may only challenge the Acknowledgment of Paternity in court on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the party challenging an Acknowledgment of Paternity.

WHAT IT MEANS IF YOU DO NOT SIGN AN ACKNOWLEDGMENT OF PATERNITY:

If an Acknowledgment of Paternity is not signed by both parents, the man will not have a duty to support the child unless an order is made after a hearing in family court establishing him as the father of the child. If the court declares the man to be the father of the child, the court may make an order of support which may be retroactive to the birth of the child.

If you are named as the father of a child in a court hearing to establish paternity, you have a right to free legal representation if the court determines you are unable to pay for legal representation. You also have a right to genetic marker tests or to DNA tests, which will help the court determine if you are the child's father.

If you refuse to sign an Acknowledgment of Paternity, your refusal **cannot** be considered to be a failure to cooperate in establishing paternity for the child if you apply for or receive public assistance for the child.

The father's name **cannot** appear on the child's birth certificate **unless both parents sign** an Acknowledgment of Paternity or unless a court determines paternity.

WHAT NEEDS TO BE DONE WITH THE ACKNOWLEDGMENT OF PATERNITY AFTER YOU SIGN IT:

If you sign an Acknowledgment of Paternity at a hospital or a social services agency for a child born in New York City, the original will be filed for you with the New York City Department of Health. The Acknowledgment of Paternity also will be filed with the Putative Father Registry.

If you are signing an Acknowledgment of Paternity without assistance from the hospital or social services agency, you must file the original with the New York City Department of Health at 125 Worth Street, Box 4, New York, NY 10013 - Attention: Corrections Unit, Room 144. A copy will be filed with the Putative Father Registry.

IMPORTANT:

- By signing the Acknowledgment of Paternity before two witnesses who are not related to you, you are stating that you have received oral and written notice regarding your legal rights and the consequences that result from signing an Acknowledgment of Paternity, and that a copy of this notice has been provided to you.
- If you have any doubts about the child's paternity, after reading this notice and having received oral notice, **do not** sign an Acknowledgment of Paternity.
- If you wish to sign an Acknowledgment of Paternity, after reading this notice and having received oral notice, please complete the Acknowledgment of Paternity on Page 3 of this form.

MAIL pages 3 and 4 of this form to:

<p>New York City Department of Health Office of Vital Records Attention: Corrections Unit, Room 144 125 Worth Street, Box 4 New York, NY 10013</p>
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If you want to obtain a new birth certificate, either:
Enclose a check or money order for \$15.00, or
Return a newborn birth certificate (Form no. VR-133); it may not be a
photocopy, and it must have been issued within the last year.

FATHER

Name _____
Address _____ Apt. _____
City _____ State _____ Zip _____

Mailing address of Father must be printed here.

A copy of this Acknowledgment will be mailed to him
when it is filed with the New York City Department of
Health.

(Fold Here)

(Fold Here)

Mother's telephone number(s)

Daytime _____
Evening _____

MOTHER

Name: _____
Address _____ Apt. _____
City: _____ State: _____ Zip _____

Mailing address of Mother must be printed here.

A copy of this Acknowledgment will be mailed to her
when it is filed with the New York City Department of
Health.