

4502

2011-2012 Regular Sessions

I N   S E N A T E

April 7, 2011

---

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to birth certificates

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 2 of section 4135 of the public health law, as  
2     amended by chapter 398 of the laws of 1997, is amended and a new subdi-  
3     vision 4 is added to read as follows:  
4     2. The name, IF KNOWN, of the putative father of a child born out of  
5     wedlock shall [not] be entered on the certificate of birth [prior to  
6     filing without (i) an acknowledgment of paternity pursuant to section  
7     one hundred eleven-k of the social services law or section four thousand  
8     one hundred thirty-five-b of this article executed by both the mother  
9     and putative father, and filed with the record of birth; or (ii) notifi-  
10    cation having been received by, or proper proof having been filed with,  
11    the record of birth by the clerk of a court of competent jurisdiction or  
12    the parents, or their attorneys of a judgment, order or decree relating  
13    to parentage].  
14    4. A FATHER LISTED ON A CHILD'S BIRTH CERTIFICATE MAY CONTEST THE  
15    PATERNITY OF SUCH CHILD PURSUANT TO SECTION ONE HUNDRED ELEVEN-K OF THE  
16    SOCIAL SERVICES LAW. UPON ADJUDICATION THAT SUCH PERSON LISTED ON THE  
17    CHILD'S BIRTH CERTIFICATE IS NOT THE FATHER, A NEW BIRTH CERTIFICATE  
18    SHALL BE ISSUED PURSUANT TO SUBDIVISION ONE OF SECTION FOUR THOUSAND ONE  
19    HUNDRED THIRTY-EIGHT OF THIS ARTICLE WITHOUT SUCH PERSON'S NAME.  
20    S 2. This act shall take effect on the thirtieth day after it shall  
21    have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD07600-03-1