STATE OF NEW YORK

9316

IN SENATE

February 27, 2026

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

AN ACT to amend the family court act, the civil practice law and rules, the domestic relations law, the executive law, the judiciary law, the social services law, the general obligations law, the vehicle and traffic law, the alcoholic beverage control law, and the education law, in relation to substituting parentage for paternity and filiation; and to repeal certain provisions of the family court act relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (iii) of subdivision (a) of section 115 of the family court act, as amended by chapter 222 of the laws of 1994, is amended to read as follows:

(iii) proceedings to determine [~~paternity~~] **parentage** and for the support of children born [~~out-of-wedlock~~] **out of wedlock**, as set forth in [~~article~~] **articles** five **and five-C of this act**;

§ 2. Subdivision (b) of section 154 of the family court act, as added by chapter 214 of the laws of 1998, is amended to read as follows:

(b) In a proceeding to establish [~~paternity~~] **parentage** or to establish, modify or enforce support, the court may send process without the state in the same manner and with the same effect as process sent within the state in the exercise of personal jurisdiction over any person subject to the jurisdiction of the court under section three hundred one or three hundred two of the civil practice law and rules or under section 580-201 of article five-B of [~~the family court~~] **this** act, notwithstanding that such person is not a resident or domiciliary of the state.

§ 3. Paragraph (viii) of subdivision (a) of section 262 of the family court act, as added by chapter 456 of the laws of 1978, is amended to read as follows:

(viii) the respondent in any proceeding under [~~article~~] **articles** five **and five-C** of this act in relation to the establishment of [~~paternity~~] **parentage**.

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

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§ 4. Subdivision (a) of section 418 of the family court act, as amended by chapter 214 of the laws of 1998, is amended to read as follows:

(a) The court, on its own motion or motion of any party, when [~~paternity~~] **parentage** is contested **under this article**, shall order the [~~mother,~~] **parties and** the child [~~and the alleged father~~] to submit to one or more genetic marker or DNA marker tests of a type generally acknowledged as reliable by an accreditation body designated by the secretary of the federal department of health and human services and performed by a laboratory approved by such an accreditation body and by the commissioner of health or by a duly qualified physician to aid in the determination of whether the alleged [~~father~~] **parent** is or is not the [~~father~~] **parent** of the child. No such test shall be ordered, however, **where the acknowledgment was signed by the intended parent of a child born through assisted reproduction pursuant to subparagraph (ii) of paragraph (b) of subdivision one of section forty-one hundred thirty-five-b of the public health law, or** upon a written finding by the court that it is not in the best interests of the child on the basis of res judicata, equitable estoppel or the presumption of legitimacy of a child born to a married [~~woman~~] **couple**. The record or report of the results of any such genetic marker or DNA test shall be received in evidence, pursuant to subdivision (e) of rule forty-five hundred eighteen of the civil practice law and rules where no timely objection in writing has been made thereto. Any order pursuant to this section shall state in plain language that the results of such test shall be admitted into evidence, pursuant to rule forty-five hundred eighteen of the civil practice law and rules absent timely objections thereto and that if such timely objections are not made, they shall be deemed waived and shall not be heard by the court. If the record or report of results of any such genetic marker or DNA test or tests indicate at least a ninety-five percent probability of [~~paternity~~] **parentage**, the admission of such record or report shall create a rebuttable presumption of [~~paternity~~] **parentage**, and, if unrebutted, shall establish the [~~paternity~~] **parentage** of and liability for the support of a child pursuant to this article and article five of this act.

§ 5. Subdivisions (a), (b) and (c) of section 439 of the family court act, subdivision (a) as amended by section 21 of part L of chapter 56 of the laws of 2020, subdivision (b) as amended by chapter 568 of the laws of 2024 and subdivision (c) as amended by chapter 576 of the laws of 2005, are amended to read as follows:

(a) The chief administrator of the courts shall provide, in accordance with subdivision (f) of this section, for the appointment of a sufficient number of support magistrates to hear and determine support proceedings. Except as hereinafter provided, support magistrates shall be empowered to hear, determine and grant any relief within the powers of the court in any proceeding under this article, articles five, five-A, five-B and five-C and sections two hundred thirty-four and two hundred thirty-five of this act, and objections raised pursuant to section five thousand two hundred forty-one of the civil practice law and rules. Support magistrates shall not be empowered to hear, determine and grant any relief with respect to issues specified in section four hundred fifty-five of this article, issues of contested parentage involving claims of equitable estoppel, custody, visitation including visitation as a defense, determinations of parentage made pursuant to section 581-407 of this act, and orders of protection or exclusive possession of the home, which shall be referred to a judge as provided in subdivision (b) or (c) of this section. Where an order of [~~filiation~~]

parentage is issued by a judge in a [~~paternity~~] parentage proceeding and child support is in issue, the judge, or support magistrate upon referral from the judge, shall be authorized to immediately make a temporary or final order of support, as applicable. A support magistrate shall have the authority to hear and decide motions and issue summonses and subpoenas to produce persons pursuant to section one hundred fifty-three of this act, hear and decide proceedings and issue any order authorized by subdivision (g) of section five thousand two hundred forty-one of the civil practice law and rules, issue subpoenas to produce prisoners pursuant to section two thousand three hundred two of the civil practice law and rules and make a determination that any person before the support magistrate is in violation of an order of the court as authorized by section one hundred fifty-six of this act subject to confirmation by a judge of the court who shall impose any punishment for such violation as provided by law. A determination by a support magistrate that a person is in willful violation of an order under subdivision three of section four hundred fifty-four of this article and that recommends commitment shall be transmitted to the parties, accompanied by findings of fact, but the determination shall have no force and effect until confirmed by a judge of the court.

(b) In any proceeding to establish [~~paternity~~] parentage which is heard by a support magistrate, the support magistrate shall advise the [~~mother and putative father~~] parties of the right to be represented by counsel and [~~shall advise the mother and putative father~~] of their right to blood grouping or other genetic marker or DNA tests in accordance with section five hundred thirty-two of this act. The support magistrate shall order that such tests be conducted in accordance with section five hundred thirty-two of this act. The support magistrate shall be empowered to hear and determine all matters related to the proceeding including the making of an order of [~~filiation~~] parentage pursuant to section five hundred forty-two of this act and an application to change the name of the child pursuant to section sixty of the civil rights law, provided, however, that where the respondent denies [~~paternity~~] parentage and [~~paternity~~] parentage is contested on the grounds of equitable estoppel, the support magistrate shall not be empowered to determine the issue of [~~paternity~~] parentage, but shall transfer the proceeding to a judge of the court for a determination of the issue of [~~paternity~~] parentage. Where an order of [~~filiation~~] parentage is issued by a judge in a [~~paternity~~] parentage proceeding and child support is in issue, the judge, or support magistrate upon referral from the judge, shall be authorized to immediately make a temporary or final order of support, as applicable. Whenever an order of [~~filiation~~] parentage is made by a support magistrate, the support magistrate also shall make a final or temporary order of support.

(c) The support magistrate, in any proceeding in which issues specified in section four hundred fifty-five of this [~~act~~] article, or issues of custody, visitation, including visitation as a defense, orders of protection or exclusive possession of the home are present or in which [~~paternity~~] parentage is contested on the grounds of equitable estoppel, shall make a temporary order of support and refer the proceeding to a judge. Upon determination of such issue by a judge, the judge may make a final determination of the issue of support, or immediately refer the proceeding to a support magistrate for further proceedings regarding child support or other matters within the authority of the support magistrate.

§ 5-a. Subdivision (a) of section 439 of the family court act, as amended by section 2 of chapter 468 of the laws of 2012, is amended to read as follows:

(a) The chief administrator of the courts shall provide, in accordance with subdivision (f) of this section, for the appointment of a sufficient number of support magistrates to hear and determine support proceedings. Except as hereinafter provided, support magistrates shall be empowered to hear, determine and grant any relief within the powers of the court in any proceeding under this article, articles five, five-A, and five-B and sections two hundred thirty-four and two hundred thirty-five of this act, and objections raised pursuant to section five thousand two hundred forty-one of the civil practice law and rules. Support magistrates shall not be empowered to hear, determine and grant any relief with respect to issues specified in section four hundred fifty-five of this article, issues of contested [~~paternity~~] **parentage** involving claims of equitable estoppel, custody, visitation including visitation as a defense, and orders of protection or exclusive possession of the home, which shall be referred to a judge as provided in subdivision (b) or (c) of this section. Where an order of [~~filiation~~] **parentage** is issued by a judge in a [~~paternity~~] **parentage** proceeding and child support is in issue, the judge, or support magistrate upon referral from the judge, shall be authorized to immediately make a temporary or final order of support, as applicable. A support magistrate shall have the authority to hear and decide motions and issue summonses and subpoenas to produce persons pursuant to section one hundred fifty-three of this act, hear and decide proceedings and issue any order authorized by subdivision (g) of section five thousand two hundred forty-one of the civil practice law and rules, issue subpoenas to produce prisoners pursuant to section two thousand three hundred two of the civil practice law and rules and make a determination that any person before the support magistrate is in violation of an order of the court as authorized by section one hundred fifty-six of this act subject to confirmation by a judge of the court who shall impose any punishment for such violation as provided by law. A determination by a support magistrate that a person is in willful violation of an order under subdivision three of section four hundred fifty-four of this article and that recommends commitment shall be transmitted to the parties, accompanied by findings of fact, but the determination shall have no force and effect until confirmed by a judge of the court.

§ 6. Subdivision (b) of section 458-a of the family court act, as added by chapter 398 of the laws of 1997, is amended to read as follows:

(b) If the respondent, after receiving appropriate notice, fails to comply with a summons, subpoena or warrant relating to a [~~paternity~~] **parentage proceeding under article five of this act** or child support proceeding, the court may order the department of motor vehicles to suspend the respondent's driving privileges. The court may subsequently order the department of motor vehicles to terminate the suspension of the respondent's driving privileges; however, the court shall order the termination of such suspension when the court is satisfied that the respondent has fully complied with the requirements of all summonses, subpoenas and warrants relating to a [~~paternity~~] **parentage proceeding under article five of this act** or child support proceeding. Nothing in this subdivision shall authorize the court to terminate the respondent's suspension of driving privileges except as provided in this subdivision.

§ 7. Subdivisions (b) and (c) of section 458-b of the family court act, subdivision (b) as added and subdivision (c) as amended by chapter 398 of the laws of 1997, are amended to read as follows:

(b) If the respondent after receiving appropriate notice, fails to comply with a summons, subpoena or warrant relating to a [~~paternity~~] **parentage proceeding under article five of this act** or child support proceeding, and the court has determined that the respondent is licensed, permitted or registered by or with a board, department, authority or office of this state or one of its political subdivisions or instrumentalities to conduct a trade, business, profession or occupation, the court may order such board, department, authority or office to commence proceedings as required by law regarding the suspension of such license, permit, registration or authority to practice and to inform the court of the actions it has taken pursuant to such proceeding. The court may subsequently order such board, department, authority or office to terminate the suspension of the respondent's license, permit, registration or authority to practice; however, the court shall order the termination of such suspension when the court is satisfied that the respondent has fully complied with the requirements of all summonses, subpoenas and warrants relating to a [~~paternity~~] **parentage proceeding under article five of this act** or child support proceeding.

(c) If the court determines that the suspension of the license, permit or registration of the respondent would create an extreme hardship to either the licensee, permittee or registrant or to persons [~~whom he or she serves~~] **they serve**, the court may, in lieu of suspension, suspend the order described in subdivision (a) of this section to the licensing entity for a period not to exceed one year. If on or before the expiration of this period the court has not received competent proof presented at hearing that the respondent is in full compliance with [~~his or her~~] **the respondent's** support obligation and has fully complied with all summons, subpoenas and warrants relating to a [~~paternity~~] **parentage proceeding under article five of this act** or child support proceeding, the court shall cause the suspension of the order to be removed and shall further cause such order to be served upon the licensing entity.

§ 8. Subdivision (b) of section 458-c of the family court act, as added by chapter 398 of the laws of 1997, is amended to read as follows:

(b) If the respondent, after receiving appropriate notice, fails to comply with a summons, subpoena, or warrant relating to a [~~paternity~~] **parentage proceeding under article five of this act** or child support proceeding, the court may order any agency responsible for the issuance of a recreational license to suspend or to refuse to reissue a license to the respondent or to deny application for such license by the respondent. The court may subsequently order such agency to terminate the adverse action regarding the respondent's license; however, the court shall order the termination of such suspension or other adverse action when the court is satisfied that the respondent has fully complied with the requirements of all summons, subpoenas, and warrants relating to a [~~paternity~~] **parentage proceeding under article five of this act** or child support proceeding.

§ 9. The article heading of article 5 of the family court act is amended to read as follows:

[~~PATERNITY~~] **PARENTAGE** PROCEEDINGS

§ 10. Section 511 of the family court act, as amended by chapter 533 of the laws of 1999, is amended to read as follows:

§ 511. Jurisdiction. Except as otherwise provided, the family court has exclusive original jurisdiction in proceedings to establish [~~pater-~~

~~nity~~] parentage and, in any such proceedings in which it makes a finding of [~~paternity~~] parentage, to order support and to make orders of custody or of visitation, as set forth in this article. On its own motion, the court may at any time in the proceedings also direct the filing of a neglect petition in accord with the provisions of article ten of this act. In accordance with the provisions of section one hundred eleven-b of the domestic relations law, the surrogate's court has original jurisdiction concurrent with the family court to determine the issues relating to the establishment of [~~paternity~~] parentage.

§ 11. Section 512 of the family court act, subdivision (d) as added by chapter 665 of the laws of 1976, is amended to read as follows:

§ 512. Definitions. When used in this article,

(a) The phrase "child born out of wedlock" refers to a child who is begotten and born out of lawful matrimony.

(b) The word "child" refers to a child [~~born out of wedlock~~] live-born individual of any age whose parentage may be determined under this act or other law.

(c) [~~The word "mother" refers to the mother of a child born out of wedlock.~~

~~(d) The word "father" refers to the father of a child born out-of-wedlock~~] "Parentage" means a determination that a person is the legal parent of the child.

(d) "Parent" means an individual who has established a parent-child relationship created or recognized under this act or other law.

(e) "Alleged parent" means an individual who has not established a parentage but either seeks to establish parentage of, or is alleged by another, to be the parent of a child who is the subject of a proceeding under this article.

(f) "Record" means information inscribed in a tangible medium or stored in an electronic or other medium that is retrievable in perceivable form.

(g) "Spouse" means an individual married to another, or who has a legal relationship entered into under the laws of the United States or of any state, local or foreign jurisdiction, which is substantially equivalent to a marriage, including a civil union or domestic partnership.

(h) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

§ 12. Section 514 of the family court act, as amended by chapter 215 of the laws of 2009, is amended to read as follows:

§ 514. Liability [~~of father to mother~~] for expenses of pregnancy, confinement and recovery. The [~~father~~] court may determine which parent is liable for the reasonable expenses of the [~~mother's~~] gestating parent's confinement and recovery and such reasonable expenses in connection with [~~her~~] the pregnancy as determined by the court; provided, however, where the [~~mother's~~] gestating parent's confinement, recovery and expenses in connection with [~~her~~] the pregnancy were paid under the medical assistance program on the [~~mother's~~] gestating parent's behalf, the [~~father~~] non-gestating parent may be liable to the social services district furnishing such medical assistance and to the state department of health for medical assistance so expended. Such expenses, including such expenses paid by the medical assistance program on the [~~mother's~~] gestating parent's behalf, shall be deemed cash medical support and the court shall determine the obligation of the parties to contribute to the cost thereof pursuant to subparagraph five

of paragraph (c) of subdivision one of section four hundred thirteen of this act.

§ 13. Section 517 of the family court act, as amended by chapter 809 of the laws of 1985, is amended to read as follows:

§ 517. Time for instituting proceedings. Proceedings to establish the [~~paternity~~] **parentage** of a child may be instituted during the pregnancy of the [~~mother~~] **gestating parent** or after the birth of the child, but shall not be brought after the child reaches the age of twenty-one years, unless [~~paternity~~] **parentage** has been acknowledged by the [~~father~~] **non-gestating parent** in writing or by furnishing support.

§ 14. Section 518 of the family court act, as amended by chapter 310 of the laws of 1983, is amended to read as follows:

§ 518. Effect of death, absence, or mental illness of [~~mother~~] **gestating parent**. If, at any time before or after a petition is filed, the [~~mother~~] **gestating parent** dies or becomes mentally ill or cannot be found within the state, neither the proceeding nor the right to commence the proceeding shall abate but may be commenced or continued by any of the persons authorized by this article to commence a [~~paternity~~] **parentage** proceeding.

§ 15. Section 519 of the family court act, as added by chapter 434 of the laws of 1987 and subdivision (c) as amended by chapter 533 of the laws of 1999, is amended to read as follows:

§ 519. Effect of death, absence or mental illness of [~~putative father~~] **alleged parent**. If, at any time before or after a petition [~~if~~] **is** filed, the [~~putative father~~] **alleged parent** dies, or becomes mentally ill or cannot be found within the state, neither the proceeding nor the right to commence the proceeding shall necessarily abate but may be commenced or continued by any of the persons authorized by this article to commence a [~~paternity~~] **parentage** proceeding where:

(a) the [~~putative father~~] **alleged parent** was the petitioner in the [~~paternity~~] **parentage** proceeding; or,

(b) the [~~putative father~~] **alleged parent** acknowledged [~~paternity~~] **parentage** of the child in open court; or,

(c) a genetic marker or DNA test had been administered to the [~~putative father~~] **alleged parent** prior to [~~his~~] **the alleged parent's** death; or,

(d) the [~~putative father~~] **alleged parent** has openly and notoriously acknowledged the child [~~as his own~~].

§ 16. Section 521 of the family court act is amended to read as follows:

§ 521. Venue. Proceedings to establish [~~paternity~~] **parentage** may be originated in the county where the [~~mother~~] **gestating parent** or child resides or is found or in the county where the [~~putative father~~] **alleged parent** resides or is found. The fact that the child was born outside of the state of New York does not bar a proceeding to establish [~~paternity~~] **parentage** in the county where the [~~putative father~~] **alleged parent** resides or is found or in the county where the [~~mother~~] **gestating parent** resides or the child is found.

§ 17. Section 522 of the family court act, as amended by chapter 892 of the laws of 1986, is amended to read as follows:

§ 522. Persons who may originate proceedings. **(a)** Proceedings to establish the [~~paternity~~] **parentage** of [~~the~~] **a** child and to compel support under this article may be commenced by [~~the mother,~~]**:**

(1) the gestating parent or alleged non-gestating parent, whether a minor or not, [~~by a person alleging to be the father, whether a minor or not, by the~~] **or**

(2) a child or child's guardian or other person standing in a parental relation or being the next of kin of the child, or [~~by~~]

(3) an authorized representative of a support enforcement agency or other governmental agency authorized to maintain a parentage proceeding, a representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or

(4) a minor, in order to legally establish the child-parent relationship, or

(5) any authorized representative of an incorporated society doing charitable or philanthropic work, or if the [~~mother~~] gestating parent or child is or is likely to become a public charge on a county, city or town, by a public welfare official of the county, city or town where the [~~mother~~] gestating parent resides or the child is found.

(b) An alleged parent may file a petition to establish parentage notwithstanding an acknowledgment of parentage signed by the gestating parent and another alleged parent.

(c) If a proceeding is originated by a [~~public welfare official~~] support enforcement agency, other governmental agency or authorized representative of an incorporated society doing charitable or philanthropic work and thereafter withdrawn or dismissed without consideration on the merits, such withdrawal or dismissal shall be without prejudice to other persons.

§ 18. Section 523 of the family court act, as amended by chapter 398 of the laws of 1997, is amended to read as follows:

§ 523. Petition to establish parentage. (a) Proceedings are commenced by the filing of a verified petition, alleging that the person named as respondent, or the petitioner if the petitioner is a person alleging to be the child's [~~father~~] parent of a child born out of wedlock, is the [~~father~~] parent of the child and petitioning the court to issue a summons or a warrant, requiring the respondent to show cause why the court should not enter a declaration of [~~paternity~~] parentage, an order of support, and such other and further relief as may be appropriate under the circumstances. Petitions involving assisted reproduction and surrogacy shall be filed in accordance with article 5-C of this act.

(b) The petition shall be in writing and verified by the petitioner.

(c) Any such petition for the establishment of [~~paternity~~] parentage or the establishment, modification and/or enforcement of a child support obligation for persons not in receipt of family assistance, which contains a request for child support enforcement services completed in a manner as specified in section one hundred eleven-g of the social services law, shall constitute an application for such services.

(d) In the event that the gestating parent signed an acknowledgment of parentage with a person other than the alleged parent, the signatory to the acknowledgment of parentage is a necessary party and must be named as a respondent.

§ 19. Section 524 of the family court act, as amended by chapter 59 of the laws of 1993 and subdivision (b) as amended by chapter 398 of the laws of 1997, is amended to read as follows:

§ 524. Issuance of summons. (a) On receiving a petition sufficient in law [~~commencing~~] to commence a [~~paternity~~] parentage proceeding, the court shall cause a summons to be issued, requiring the respondent to show cause why the [~~declaration of paternity,~~] order of [~~filiation~~] parentage, order of support and other and further relief [~~prayed for by~~] requested in the petition should not be made.

(b) The summons shall contain or have attached thereto a notice stating: (i) that the respondent's failure to appear shall result in the default entry of an order of [~~filiation~~] parentage by the court upon proof of a respondent's actual notice of the commencement of the proceeding; and (ii) that a respondent's failure to appear may result in the suspension of [~~his or her~~] the respondent's driving privileges; state professional, occupational and business licenses; and sporting licenses and permits.

§ 20. Subdivision (c) of section 525 of the family court act, as amended by chapter 59 of the laws of 1993, is amended to read as follows:

(c) In any case, whether or not service is attempted under subdivision (a) or (b) of this section, service of a summons and petition under this section may be effected by mail alone to the last known address of the person to be served. Service by mail alone shall be made at least eight days before the time stated in the summons for appearance. If service is by mail alone, the court will enter an order of [~~filiation~~] parentage by default if there is proof satisfactory to the court that the respondent had actual notice of the commencement of the proceeding, which may be established upon sufficient proof that the summons and petition were in fact mailed by certified mail and signed for at the respondent's correct street address or signed for at the post office. If service by certified mail at the respondent's correct street address cannot be accomplished, service pursuant to subdivision one, two, three or four of section three hundred eight of the civil practice law and rules shall be deemed good and sufficient service. Upon failure of the respondent to obey a summons served in accordance with the provisions of this section by means other than mail alone, the court will enter an order of [~~filiation~~] parentage by default. The respondent shall have the right to make a motion for relief from such default order within one year from the date such order was entered.

§ 21. Section 531 of the family court act, as amended by chapter 665 of the laws of 1976, is amended to read as follows:

§ 531. Hearing. The trial shall be by the court without a jury. The [~~mother or the alleged father~~] gestating parent and the alleged parent shall be competent to testify but the respondent shall not be compelled to testify. If the [~~mother is~~] parties are married, they both [~~she and her husband~~] may testify to nonaccess. If the respondent shall offer testimony of access by others at or about the time charged in the complaint, such testimony shall not be competent or admissible in evidence except when corroborated by other facts and circumstances tending to prove such access. The court may exclude the general public from the room where the proceedings are heard and may admit only persons directly interested in the case, including officers of the court and witnesses.

§ 22. Subdivisions (a) and (c) of section 532 of the family court act, subdivision (a) as amended by chapter 214 of the laws of 1998 and subdivision (c) as added by chapter 773 of the laws of 1982 as relettered by chapter 311 of the laws of 1983, are amended to read as follows:

(a) The court shall advise the parties of their right to one or more genetic marker tests or DNA tests and, on the court's own motion or the motion of any party, shall order the [~~mother~~] gestating parent, [~~her~~] the child and the alleged [~~father~~] parent, and, if appropriate, the non-gestating signatory to an acknowledgement of parentage to submit to one or more genetic marker or DNA tests of a type generally acknowledged as reliable by an accreditation body designated by the secretary of the

federal department of health and human services and performed by a laboratory approved by such an accreditation body and by the commissioner of health or by a duly qualified physician to aid in the determination of whether the alleged [~~father~~] parent is or is not the [~~father~~] parent of the child. No such test shall be ordered, however, upon a written finding by the court that it is not in the best interests of the child on the basis of res judicata, equitable estoppel, or the presumption of legitimacy of a child born to a married [~~woman~~] couple. The record or report of the results of any such genetic marker or DNA test ordered pursuant to this section or pursuant to section one hundred eleven-k of the social services law shall be received in evidence by the court pursuant to subdivision (e) of rule forty-five hundred eighteen of the civil practice law and rules where no timely objection in writing has been made thereto and that if such timely objections are not made, they shall be deemed waived and shall not be heard by the court. If the record or report of the results of any such genetic marker or DNA test or tests indicate at least a ninety-five percent probability of [~~paternity~~] parentage, the admission of such record or report shall create a rebuttable presumption of [~~paternity~~] parentage, and shall establish, if unrebutted, the [~~paternity~~] parentage of and liability for the support of a child pursuant to this article and article four of this act.

(c) The cost of any test ordered pursuant to subdivision (a) of this section shall be, in the first instance, paid by the moving party. If the moving party is financially unable to pay such cost, the court may direct any qualified public health officer to conduct such test, if practicable; otherwise, the court may direct payment from the funds of the appropriate local social services district. In its order of disposition, however, the court may direct that the cost of any such test be apportioned between the parties according to their respective abilities to pay or be assessed against the party who does not prevail on the issue of [~~paternity~~] parentage, unless such party is financially unable to pay.

§ 23. Section 534 of the family court act, as amended by chapter 665 of the laws of 1976, is amended to read as follows:

§ 534. Adjournment on motion of court. On its own motion, the court may adjourn the hearing after it has made a finding of [~~paternity~~] parentage to enable it to make inquiry into the surroundings, conditions and capacities of the child, into the financial abilities and responsibilities of both parents or for other proper cause. If the court so adjourns the hearing, it may require the respondent to give an undertaking to appear.

§ 24. Section 536 of the family court act, as amended by chapter 892 of the laws of 1986, is amended to read as follows:

§ 536. Counsel fees. Once an order of [~~filiation~~] parentage is made, the court in its discretion may allow counsel fees to the attorney for the prevailing party or parties, if [~~he or she is~~] they are unable to pay such counsel fees. Representation by an attorney pursuant to paragraph (b) of subdivision nine of section one hundred eleven-b of the social services law shall not preclude an award of counsel fees to an applicant which would otherwise be allowed under this section.

§ 25. Section 541 of the family court act, as amended by chapter 665 of the laws of 1976, is amended to read as follows:

§ 541. Order dismissing petition. If the court finds [~~the male party is not the father~~] that the alleged parent is not a parent of the child, it shall dismiss the petition. If a neglect petition was filed in the [~~paternity~~] parentage proceeding, the court retains jurisdiction over

the neglect petition whether or not it dismisses the [~~paternity~~] parentage petition.

§ 26. Section 542 of the family court act, as amended by chapter 354 of the laws of 1993, and subdivisions (a), (b) and (c) as amended by chapter 398 of the laws of 1997, is amended to read as follows:

§ 542. Order of [~~filiation~~] parentage. (a) If the court finds that the [~~male party~~] alleged parent is the [~~father~~] parent of the child, it shall make an order of [~~filiation, declaring paternity. Such order shall contain the social security number of the declared father~~] parentage.

(b) If the respondent willfully fails to appear before the court subsequent to the administration and analysis of a genetic marker test or DNA test administered pursuant to sections four hundred eighteen and five hundred thirty-two of this act or section one hundred eleven-k of the social services law, and if such test does not exclude the respondent as being the [~~father~~] parent of the child or the court determines that there exists clear and convincing evidence of [~~paternity~~] parentage, the court shall enter an order of temporary support notwithstanding that [~~paternity~~] parentage of such child has [~~not~~] neither been established nor has an order of [~~filiation~~] parentage been entered against the respondent. The respondent shall be prospectively relieved from liability for support under such order of temporary support upon the respondent's appearance before the court.

(c) If the respondent willfully fails to comply with an order made by either the court pursuant to sections four hundred eighteen and five hundred thirty-two of this act or by a social services official or designee pursuant to section one hundred eleven-k of the social services law, and willfully fails to appear before the court when otherwise required, the court shall enter an order of temporary support notwithstanding that [~~paternity~~] parentage of the subject child has [~~not~~] neither been established nor has an order of [~~filiation~~] parentage been entered against the respondent. The respondent shall be prospectively relieved from liability for support under such order of temporary support upon the respondent's compliance with such order and subsequent appearance before the court.

(d) If the gestating parent signed an acknowledgment of parentage with another person whom the court has determined is not the parent of the child, the court shall make an order vacating the acknowledgment of parentage at the same time that it makes the order of parentage.

§ 27. Section 543 of the family court act is amended to read as follows:

§ 543. Transmission of order of [~~filiation~~] parentage. When an order of [~~filiation~~] parentage is made, the clerk of the court shall forthwith transmit to the state commissioner of health on a form prescribed by [~~him~~] the commissioner a written notification as to such order, together with such other facts as may assist in identifying the birth record of the person whose [~~paternity~~] parentage was in issue. When it appears to the clerk that the person whose [~~paternity~~] parentage was established was born in New York city, [~~he~~] the clerk shall forthwith transmit the written notification aforesaid to the commissioner of health of the city of New York instead of to the state commissioner of health.

§ 28. Section 544 of the family court act is amended to read as follows:

§ 544. Transmission of abrogation of [~~filiation~~] parentage order. If an order of [~~filiation~~] parentage is abrogated by a later judgment or order of the court that originally made the order or by another court on appeal, that fact shall be immediately communicated in writing by the

clerk of the court that originally made the order of [~~filiation~~] parentage to the state commissioner of health on a form prescribed by [~~him~~] the commissioner. If notice of the order was given to the commissioner of health of New York city, notice of abrogation shall be transmitted to [~~him~~] the commissioner of health of the city of New York.

§ 29. Section 545 of the family court act, as amended by chapter 849 of the laws of 1986, subdivision 1 as amended by chapter 215 of the laws of 2009 and subdivision 2 as added by chapter 892 of the laws of 1986, is amended to read as follows:

§ 545. Order of support by parents. 1. In a proceeding in which the court has made an order of [~~filiation~~] parentage, the court shall direct the parent or parents possessed of sufficient means or able to earn such means to pay weekly or at other fixed periods a fair and reasonable sum according to their respective means as the court may determine and apportion for such child's support and education, until the child is twenty-one. The order shall be effective as of the earlier of the date of the application for an order of [~~filiation~~] parentage, or, if the children for whom support is sought are in receipt of public assistance, the date for which their eligibility for public assistance was effective. Any retroactive amount of child support shall be support arrears/past-due support and shall be paid in one sum or periodic sums as the court shall direct, taking into account any amount of temporary support which has been paid. In addition, such retroactive child support shall be enforceable in any manner provided by law including, but not limited to, an execution for support enforcement pursuant to subdivision (b) of section fifty-two hundred forty-one of the civil practice law and rules. The court shall direct such parent to make [~~his or her~~] the parent's residence known at all times should [~~he or she~~] they move from the address last known to the court by reporting such change to the support collection unit designated by the appropriate social services district. The order shall contain the social security numbers of the named parents as required by section four hundred forty of this act. The order may also direct each parent to pay an amount as the court may determine and apportion for the support of the child prior to the making of the order of [~~filiation~~] parentage, and may direct each parent to pay an amount as the court may determine and apportion for the funeral expenses if the child has died. The necessary expenses incurred by or for the mother in connection with her confinement and recovery and such expenses in connection with the pregnancy of the mother shall be deemed cash medical support, and the court shall determine the obligation of either or both parents to contribute to the cost thereof pursuant to subparagraph five of paragraph (c) of subdivision one of section four hundred thirteen of this act. In addition, the court shall make provisions for health insurance benefits in accordance with the requirements of section four hundred sixteen of this act.

2. The court, in its discretion, taking into consideration the means of the [~~father~~] respondent and [~~his~~] such respondent's ability to pay and the needs of the child, may direct the payment of a reasonable sum or periodic sums to the [~~mother~~] other parent as reimbursement for the needs of the child accruing from the date of the birth of the child to the date of the application for an order of [~~filiation~~] parentage.

§ 30. Section 548-a of the family court act, as added by chapter 398 of the laws of 1997, is amended to read as follows:

§ 548-a. [~~Paternity~~] Parentage or child support proceedings; suspension of driving privileges. (a) If the respondent, after receiving appropriate notice, fails to comply with a summons, subpoena or warrant

relating to a [~~paternity~~] **parentage** or child support proceeding, the court may order the department of motor vehicles to suspend the respondent's driving privileges.

(b) The court may subsequently order the department of motor vehicles to terminate the suspension of the respondent's driving privileges; however, the court shall order the termination of such suspension when the court is satisfied that the respondent has fully complied with the requirements of all summonses, subpoenas and warrants relating to a [~~paternity~~] **parentage** or child support proceeding.

§ 31. Section 548-b of the family court act, as added by chapter 398 of the laws of 1997, is amended to read as follows:

§ 548-b. [~~Paternity~~] **Parentage** or child support proceedings; suspension of state professional, occupational and business licenses. (a) If the respondent, after receiving appropriate notice, fails to comply with a summons, subpoena or warrant relating to a [~~paternity~~] **parentage** or child support proceeding, and the court has determined that the respondent is licensed, permitted or registered by or with a board, department, authority or office of this state or one of its political subdivisions or instrumentalities to conduct a trade, business, profession or occupation, the court may order such board, department, authority or office to commence proceedings as required by law regarding the suspension of such license, permit, registration or authority to practice and to inform the court of the actions it has taken pursuant to such proceeding.

(b) The court may subsequently order such board, department, authority or office to terminate the suspension of the respondent's license, permit, registration or authority to practice; however, the court shall order the termination of such suspension when the court is satisfied that the respondent has fully complied with all summons, subpoenas and warrants relating to a [~~paternity~~] **parentage** or child support proceeding.

§ 32. Section 548-c of the family court act, as added by chapter 398 of the laws of 1997, is amended to read as follows:

§ 548-c. [~~Paternity~~] **Parentage** or child support proceedings; suspension of recreational licenses. If the respondent, after receiving appropriate notice, fails to comply with a summons, subpoena, or warrant relating to a [~~paternity~~] **parentage** or child support proceeding, the court may order any agency responsible for the issuance of a recreational license to suspend or to refuse to reissue a license to the respondent or to deny application for such license by the respondent. The court may subsequently order such agency to terminate the adverse action regarding the respondent's license; however, the court shall order the termination of such suspension or other adverse action when the court is satisfied that the respondent has fully complied with the requirements of all summons, subpoenas, and warrants relating to a [~~paternity~~] **parentage** or child support proceeding.

§ 33. Subdivision (a) of section 549 of the family court act, as amended by chapter 85 of the laws of 1996, is amended to read as follows:

(a) If an order of [~~filiation~~] **parentage** is made [~~or if a paternity agreement or compromise is approved by the court~~], in the absence of an order of custody or of visitation entered by the supreme court the family court may make an order of custody or of visitation, in accordance with subdivision one of section two hundred forty of the domestic relations law, requiring one parent to permit the other to visit the child or children at stated periods.

§ 34. Subdivision (h) of section 551 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(h) to pay the reasonable counsel fees and disbursements involved in obtaining or enforcing the order of the person who is protected by such order if such order is issued or enforced, whether or not an order of [~~filiation~~] parentage is made;

§ 35. Section 561 of the family court act is amended to read as follows:

§ 561. Proceedings to compel support by [~~mother~~] parents. Proceedings may be initiated under article four of this act to compel a [~~mother~~] parent who fails to support [~~her~~] the child to do so in accord with the provisions of article four of this act.

§ 36. Section 562 of the family court act is REPEALED.

§ 37. Section 563 of the family court act is amended to read as follows:

§ 563. [~~Paternity~~] Parentage and support proceedings combined; apportionment. When a proceeding to establish [~~paternity~~] parentage is initiated under this article, the court on its own motion or on motion of any person qualified under article four of this act to file a support petition may direct the filing of a petition under article four to compel the [~~mother~~] parent to support [~~her~~] the child. If the court enters an order of [~~filiation~~] parentage, it may apportion the costs of the support and education of the child between the parents according to their respective means and responsibilities.

§ 38. Section 564 of the family court act, as added by chapter 440 of the laws of 1978, is amended to read as follows:

§ 564. Order of [~~filiation~~] parentage in other proceedings. (a) In any proceeding in the family court, whether under this act or under any other law, if there is an allegation or statement in a petition that a person is the [~~father~~] parent of a child who is a party to the proceeding or also is a subject of the proceeding and if it shall appear that the child is a child born [~~out-of-wedlock~~] out of wedlock, the court may make an order of [~~filiation~~] parentage declaring the [~~paternity~~] parentage of the child in accordance with the provisions of this section.

(b) The court may make such an order of [~~filiation~~] parentage if (1) both parents are before the court, (2) the [~~father~~] alleged parent waives both the filing of a petition under section five hundred twenty-three of this [~~act~~] article and the right to a hearing under section five hundred thirty-three of this [~~act~~] article, and (3) the court is satisfied as to the [~~paternity~~] parentage of the child from the testimony or sworn statements of the parents.

(c) The court may in any such proceeding in its discretion direct [~~either the mother or~~] any [~~other~~] person empowered under section five hundred twenty-two of this [~~act~~] article to file a verified petition under section five hundred twenty-three of this [~~act~~] article.

(d) The provisions of part four of this article five shall apply to any order of [~~filiation~~] parentage made under this section. The court may in its discretion direct a severance of proceedings upon such order of [~~filiation~~] parentage from the proceeding upon the petition referred to in subdivision (a) of this section.

(e) For the purposes of this section the term "petition" shall include a complaint in a civil action, an accusatory instrument under the criminal procedure law, a writ of habeas corpus, a petition for supplemental relief, and any amendment in writing of any of the foregoing.

§ 39. The article heading of article 5-A of the family court act, as added by chapter 685 of the laws of 1975, is amended to read as follows:

SPECIAL PROVISIONS RELATING TO ENFORCEMENT OF SUPPORT AND ESTABLISHMENT OF [~~PATERNITY~~] PARENTAGE

§ 40. The section heading and subdivisions 1 and 8 of section 571 of the family court act, the section heading as added by chapter 685 of the laws of 1975 and subdivisions 1 and 8 as amended by section 111 of part B of chapter 436 of the laws of 1997, are amended to read as follows:

Enforcement of support and establishment of [~~paternity~~] parentage. 1. Any inconsistent provision of this law or any other law notwithstanding, in cases where a social services official has accepted, on behalf of the state and a social services district, an assignment of support rights from a person applying for or receiving family assistance in accordance with the provisions of the social services law, the social services official or an authorized representative of the state is authorized to bring a proceeding or proceedings in the family court pursuant to article four of this act to enforce such support rights and, when appropriate or necessary, to establish the [~~paternity~~] parentage of a child pursuant to article five of this act.

8. Any other inconsistent provision of law notwithstanding, if an applicant for or recipient of family assistance is pregnant, and a proceeding to establish [~~paternity~~] parentage has been filed, and the allegation of [~~paternity~~] parentage is denied by the respondent there shall be a stay of all [~~paternity~~] parentage proceedings until sixty days after the birth of the child.

§ 41. Section 817 of the family court act, as amended by chapter 628 of the laws of 1978, is amended to read as follows:

§ 817. Support, [~~paternity~~] parentage and child protection. On its own motion and at any time in proceedings under this article, the court may direct the filing of a child protective petition under article ten of this [~~chapter~~] act, a support petition under article four, or a [~~paternity~~] parentage petition under article five or five-C of this act and consolidate the proceedings.

§ 42. Section 1084 of the family court act, as added by chapter 457 of the laws of 1988, is amended to read as follows:

§ 1084. [~~Out-of-wedlock~~] Out of wedlock children; [~~paternity~~] parentage. No visitation right shall be enforceable under this part concerning any legal parent or any person claiming to be a parent of an [~~out-of-wedlock~~] out of wedlock child without an adjudication of the [~~paternity~~] parentage of such person by a court of competent jurisdiction, or without an acknowledgement of the [~~paternity~~] parentage of such person executed pursuant to applicable provisions of law.

§ 43. Subdivisions (d) and (g) of rule 4518 of the civil practice law and rules, subdivision (d) as amended and subdivision (g) as added by chapter 398 of the laws of 1997, are amended to read as follows:

(d) Any records or reports relating to the administration and analysis of a genetic marker or DNA test, including records or reports of the costs of such tests, administered pursuant to sections four hundred eighteen and five hundred thirty-two of the family court act or section one hundred eleven-k of the social services law are admissible in evidence under this rule and are prima facie evidence of the facts contained therein provided they bear a certification or authentication by the head of the hospital, laboratory, department or bureau of a municipal corporation or the state or by an employee delegated for that purpose, or by a qualified physician. If such record or report relating to the administration and analysis of a genetic marker test or DNA test

or tests administered pursuant to sections four hundred eighteen and five hundred thirty-two of the family court act or section one hundred eleven-k of the social services law indicates at least a ninety-five percent probability of [~~paternity~~] **parentage**, the admission of such record or report shall create a rebuttable presumption of [~~paternity~~] **parentage**, and shall, if unrebutted, establish the [~~paternity~~] **parentage** of and liability for the support of a child pursuant to articles four and five of the family court act.

(g) Pregnancy and childbirth costs. Any hospital bills or records relating to the costs of pregnancy or birth of a child for whom proceedings to establish [~~paternity~~] **parentage**, pursuant to sections four hundred eighteen [~~and~~]**,** five hundred thirty-two **and article five-C** of the family court act or section one hundred eleven-k of the social services law have been or are being undertaken, are admissible in evidence under this rule and are prima facie evidence of the facts contained therein, provided they bear a certification or authentication by the head of the hospital, laboratory, department or bureau of a municipal corporation or the state or by an employee designated for that purpose, or by a qualified physician.

§ 44. Subdivision 4 of section 75-a of the domestic relations law, as added by chapter 386 of the laws of 2001, is amended to read as follows:

4. "Child custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, **parentage or** paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, person in need of supervision, contractual emancipation, or enforcement under title three of this article.

§ 45. The section heading and subdivisions 1 and 3 of section 111-b of the domestic relations law, as added by chapter 575 of the laws of 1980, are amended to read as follows:

Determination of issue of [~~paternity~~] **parentage** by surrogate; limitations. 1. In the course of an adoption proceeding conducted pursuant to this article the surrogate shall have jurisdiction to determine any issue of [~~paternity~~] **parentage** arising in the course of the same proceeding and to make findings and issue an order thereon.

3. A judge of the family court shall continue to exercise all of the powers relating to adoption and declaration of [~~paternity~~] **parentage** conferred upon the family court by law.

§ 46. Paragraph (j) of subdivision 1 of section 240 of the domestic relations law, as amended by chapter 624 of the laws of 2002, is amended to read as follows:

(j) The order shall be effective as of the date of the application therefor, and any retroactive amount of child support due shall be support arrears/past due support and shall, except as provided for herein, be paid in one lump sum or periodic sums, as the court shall direct, taking into account any amount of temporary support which has been paid. In addition, such retroactive child support shall be enforceable in any manner provided by law including, but not limited to, an execution for support enforcement pursuant to subdivision (b) of section fifty-two hundred forty-one of the civil practice law and rules. When a child receiving support is a public assistance recipient, or the order of support is being enforced or is to be enforced pursuant to section one hundred eleven-g of the social services law, the court shall establish the amount of retroactive child support and notify the parties that such

amount shall be enforced by the support collection unit pursuant to an execution for support enforcement as provided for in subdivision (b) of section fifty-two hundred forty-one of the civil practice law and rules, or in such periodic payments as would have been authorized had such an execution been issued. In such case, the courts shall not direct the schedule of repayment of retroactive support. Where such direction is for child support and [~~paternity~~] **parentage** has been established by a voluntary acknowledgement of [~~paternity~~] **parentage** as defined in section forty-one hundred thirty-five-b of the public health law, the court shall inquire of the parties whether the acknowledgement has been duly filed, and unless satisfied that it has been so filed shall require the clerk of the court to file such acknowledgement with the appropriate registrar within five business days. Such direction may be made in the final judgment in such action or proceeding, or by one or more orders from time to time before or subsequent to final judgment, or by both such order or orders and the final judgment. Such direction may be made notwithstanding that the court for any reason whatsoever, other than lack of jurisdiction, refuses to grant the relief requested in the action or proceeding. Any order or judgment made as in this section provided may combine in one lump sum any amount payable to the custodial parent under this section with any amount payable to such parent under section two hundred thirty-six of this article. Upon the application of either parent, or of any other person or party having the care, custody and control of such child pursuant to such judgment or order, after such notice to the other party, parties or persons having such care, custody and control and given in such manner as the court shall direct, the court may annul or modify any such direction, whether made by order or final judgment, or in case no such direction shall have been made in the final judgment may, with respect to any judgment of annulment or declaring the nullity of a void marriage rendered on or after September first, nineteen hundred forty, or any judgment of separation or divorce whenever rendered, amend the judgment by inserting such direction. Subject to the provisions of section two hundred forty-four of this article, no such modification or annulment shall reduce or annul arrears accrued prior to the making of such application unless the defaulting party shows good cause for failure to make application for relief from the judgment or order directing such payment prior to the accrual of such arrears. Such modification may increase such child support nunc pro tunc as of the date of application based on newly discovered evidence. Any retroactive amount of child support due shall be support arrears/past due support and shall be paid in one lump sum or periodic sums, as the court shall direct, taking into account any amount of temporary child support which has been paid. In addition, such retroactive child support shall be enforceable in any manner provided by law including, but not limited to, an execution for support enforcement pursuant to subdivision (b) of section fifty-two hundred forty-one of the civil practice law and rules.

§ 47. Subdivision (b) of section 244-b of the domestic relations law, as added by chapter 398 of the laws of 1997, is amended to read as follows:

(b) If the respondent, after receiving appropriate notice, fails to comply with a summons, subpoena or warrant relating to a [~~paternity~~] **parentage proceeding under article five of the family court act** or child support proceeding, the court may order the department of motor vehicles to suspend the respondent's driving privileges. The court may subsequently order the department of motor vehicles to terminate the suspen-

sion of the respondent's driving privileges; however, the court shall order the termination of such suspension when the court is satisfied that the respondent has fully complied with all summonses, subpoenas and warrants relating to a [~~paternity~~] **parentage proceeding under article five of the family court act** or child support proceeding.

§ 48. Subdivision (b) of section 244-c of the domestic relations law, as added by chapter 398 of the laws of 1997, is amended to read as follows:

(b) If the respondent, after receiving appropriate notice, fails to comply with a summons, subpoena or warrant relating to a [~~paternity~~] **parentage proceeding under article five of the family court act** or child support proceeding, and the court has determined that the respondent is licensed, permitted or registered by or with a board, department, authority or office of this state or one of its political subdivisions or instrumentalities to conduct a trade, business, profession or occupation, the court may order such board, department, authority or office to commence proceedings as required by law regarding the suspension of such license, permit, registration or authority to practice and to inform the court of the actions it has taken pursuant to such proceeding. The court may subsequently order such board, department, authority or office to terminate the suspension of the respondent's license, permit, registration or authority to practice; however, the court shall order the termination of such suspension when the court is satisfied that the respondent has fully complied with all summons, subpoenas and warrants relating to a [~~paternity~~] **parentage proceeding under article five of the family court act** or child support proceeding.

§ 49. Subdivision (b) of section 244-d of the domestic relations law, as added by chapter 398 of the laws of 1997, is amended to read as follows:

(b) If the respondent, after receiving appropriate notice, fails to comply with a summons, subpoena, or warrant relating to a [~~paternity~~] **parentage proceeding under article five of the family court act** or child support proceeding, the court may order any agency responsible for the issuance of a recreational license to suspend or to refuse to reissue a license to the respondent or to deny application for such license by the respondent. The court may subsequently order such agency to terminate the adverse action regarding the respondent's license; however, the court shall order the termination of such suspension or other adverse action when the court is satisfied that the respondent has fully complied with the requirements of all summons, subpoenas, and warrants relating to a [~~paternity~~] **parentage proceeding under article five of the family court act** or child support proceeding.

§ 50. Paragraph (a) of subdivision 6 of section 256 of the executive law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

(a) Each probation agency or department and state operated probation services shall provide for intake, investigation, supervision and conciliation services relating to custody, visitation and [~~paternity~~] **parentage** proceedings and may provide for such services in support proceedings under the provisions of articles four, five, five-A and six of the family court act. For purposes of this subdivision, intake services: (i) relating to support proceedings under article four and relating to [~~paternity~~] **parentage** proceedings under articles five and five-A of the family court act, shall include referral to the office of temporary and disability assistance's child support enforcement unit in cases where a person is applying for or receiving public assistance or

where a person chooses to utilize the services of such unit; (ii) relating to support proceedings under article four of the family court act, shall include services rendered to the payors of support orders seeking to modify such orders.

§ 51. Paragraphs a and g of subdivision 2-a of section 90 of the judiciary law, as amended by chapter 398 of the laws of 1997, are amended to read as follows:

a. The provisions of this subdivision shall apply in all cases of an attorney licensed, registered or admitted to practice in this state who has failed after receiving appropriate notice, to comply with a summons, subpoena or warrant relating to a [~~paternity~~] **parentage proceeding under article five of the family court act** or child support proceeding involving [~~him or her~~] **the attorney** personally, or who is in arrears in payment of child support or combined child and spousal support which matter shall be referred to the appropriate appellate division by a court pursuant to the requirements of section two hundred forty-four-c of the domestic relations law or pursuant to section four hundred fifty-eight-b or five hundred forty-eight-b of the family court act.

g. This subdivision two-a applies to [~~paternity~~] **parentage** and child support proceedings commenced under, and support obligations paid pursuant to any order of child support or child and spousal support issued under provisions of section two hundred thirty-six or two hundred forty of the domestic relations law, or article four, five, five-A or five-B of the family court act.

§ 52. The section heading and subdivision 1 of section 110-a of the social services law, the section heading as added by chapter 773 of the laws of 1974 and subdivision 1 as amended by chapter 456 of the laws of 1978, are amended to read as follows:

Special provisions for legal services to enforce support to recover costs of public assistance and care and to establish [~~paternity~~] **parentage**. 1. Any inconsistent provision of law notwithstanding, the appropriating body of a social services district may authorize and make provision for the social services commissioner of such district to obtain: (a) necessary legal services on a fee for service basis or other appropriate basis which the department may approve, to obtain support from spouses and parents, to recover costs of public assistance and care granted, to establish [~~paternity~~] **parentage**, and to initiate and prosecute proceedings for the commitment of the guardianship and custody of destitute or dependent children to authorized agencies, pursuant to the provisions of this chapter and the domestic relations law, the family court act and other laws, and (b) necessary services of private investigators, licensed pursuant to section seventy of the general business law, on a fee for service or other appropriate basis which the department may approve, to provide investigative assistance in efforts of the district to locate absent parents [~~and fathers~~] of children born out of wedlock.

§ 53. The title heading of title 6-A of article 3 of the social services law, as added by chapter 685 of the laws of 1975, is amended to read as follows:

ESTABLISHMENT OF [~~PATERNITY~~] **PARENTAGE** AND ENFORCEMENT OF SUPPORT

§ 54. Subdivisions 1, 2-a and subparagraph 1 of paragraph (d) of subdivision 4-a of section 111-b of the social services law, subdivision 1 as added by chapter 685 of the laws of 1975, subdivision 2-a as amended by chapter 815 of the laws of 1987 and subparagraph 1 of para-

graph (d) of subdivision 4-a as added by chapter 398 of the laws of 1997, are amended to read as follows:

1. The single organizational unit within the department shall be responsible for the supervision of the activities of state and local officials relating to establishment of [~~paternity~~] parentage of children born [~~out-of-wedlock~~] out of wedlock, location of absent parents and enforcement of support obligations of legally responsible relatives to contribute for the support of their dependents.

2-a. The department shall prepare a notice which shall be distributed by social services officials to persons who may be required to assign support rights which notice shall explain the rights and obligations that may result from the establishment of [~~paternity~~] parentage and the right of the assignor to be kept informed, upon request, of the time, date and place of any proceedings involving the assignor and such other information as the department believes is pertinent. The notice shall state that the attorney initiating the proceeding represents the department.

(1) information on administrative actions and administrative and judicial proceedings and orders relating to [~~paternity~~] parentage and support;

§ 55. Paragraph g of subdivision 2 of section 111-c of the social services law, as amended by section 18 of part L of chapter 56 of the laws of 2020, is amended to read as follows:

g. obtain from respondent, when appropriate and in accordance with the procedures established by section one hundred eleven-k of this [~~chapter~~] title, an acknowledgement of parentage or an agreement to make support payments, or both;

§ 56. Subdivision 1 of section 111-d of the social services law, as amended by chapter 502 of the laws of 1990, is amended to read as follows:

1. The provisions of section one hundred fifty-three of this chapter shall be applicable to expenditures by social services districts for activities related to the establishment of [~~paternity~~] parentage of children born [~~out-of-wedlock~~] out of wedlock, the location of deserting parents and the enforcement and collection of support obligations owed to recipients of aid to dependent children and persons receiving services pursuant to section one hundred eleven-g of this title.

§ 57. The section heading and subdivision 1 of section 111-g of the social services law, as amended by section 1 of part Z of chapter 57 of the laws of 2008, are amended to read as follows:

Availability of [~~paternity~~] parentage and support services. 1. The office of temporary and disability assistance and the social services districts, in accordance with the regulations of the office of temporary and disability assistance, shall make services relating to the establishment of [~~paternity~~] parentage and the establishment and enforcement of support obligations available to persons not receiving family assistance upon application by such persons. Such persons must apply by (i) completing and signing a form as prescribed by the office of temporary and disability assistance, or (ii) filing a petition with the court or applying to the court in a proceeding for the establishment of [~~paternity~~] parentage and/or establishment and/or enforcement of a support obligation, which includes a statement signed by the person requesting services clearly indicating that such person is applying for child support enforcement services pursuant to this title.

§ 58. Section 111-p of the social services law, as added by chapter 398 of the laws of 1997, is amended to read as follows:

§ 111-p. Authority to issue subpoenas. The department or the child support enforcement unit coordinator or support collection unit supervisor of a social services district, or [~~his or her~~] **the department's** designee, or another state's child support enforcement agency governed by title IV-D of the social security act, shall be authorized, whether or not a proceeding is currently pending, to subpoena from any person, public or private entity or governmental agency, and such person, entity or agency shall provide any financial or other information needed to establish [~~paternity~~] **parentage** and to establish, modify or enforce any support order. If a subpoena is served when a petition is not currently pending, the supreme court or a judge of the family court may hear and decide all motions relating to the subpoena. If the subpoena is served after a petition has been served, the court in which the petition is returnable shall hear and decide all motions relating to the subpoena. Any such person, entity, or agency shall provide the subpoenaed information by the date as specified in the subpoena. Such subpoena shall be subject to the provisions of article twenty-three of the civil practice law and rules. The department or district may impose a penalty for failure to respond to such information subpoenas pursuant to section twenty-three hundred eight of the civil practice law and rules.

§ 59. Section 111-r of the social services law, as added by chapter 398 of the laws of 1997, is amended to read as follows:

§ 111-r. Requirement to respond to requests for information. All employers, as defined in section one hundred eleven-m of this [~~article~~] **title** (including for-profit, not-for-profit and governmental employers), are required to provide information promptly on the employment, compensation and benefits of any individual employed by such employer as an employee or contractor, when the department or a social services district or its authorized representative, or another state's child support enforcement agency governed by title IV-D of the social security act, requests such information for the purpose of establishing [~~paternity~~] **parentage**, or establishing, modifying or enforcing an order of support. To the extent feasible, such information shall be requested and provided using automated systems, and shall include, but is not limited to, information regarding the individual's last known address, date of birth, social security number, plans providing health care or other medical benefits by insurance or otherwise, wages, salaries, earnings or other income of such individual. Notwithstanding any other provision of law to the contrary, such officials are not required to obtain an order from any judicial or administrative tribunal in order to request or receive such information. The department shall be authorized to impose a penalty for failure to respond to such requests of five hundred dollars for an initial failure and seven hundred dollars for the second and subsequent failure.

§ 60. The opening paragraph of subdivision 1 of section 111-s of the social services law, as added by chapter 398 of the laws of 1997, is amended to read as follows:

For the purpose of establishing [~~paternity~~] **parentage**, or establishing, modifying or enforcing an order of support, the department or a social services district or its authorized representative, and child support enforcement agencies of other states established pursuant to title IV-D of the social security act, without the necessity of obtaining an order from any other judicial or administrative tribunal and subject to safeguards on privacy and information security, shall have access to information contained in the following records:

§ 61. Subparagraph 1 of paragraph (a) of subdivision 2 of section 111-v of the social services law, as added by chapter 398 of the laws of 1997, is amended to read as follows:

(1) safeguards against unauthorized use or disclosure of information relating to procedures or actions to establish [~~paternity~~] parentage or to establish or enforce support;

§ 62. Subdivision 16 of section 131 of the social services law, as added by chapter 214 of the laws of 1998, is amended to read as follows:

16. If, in accordance with section one hundred fifty-eight, three hundred forty-nine-b or other provisions of this chapter, the social services official determines that an individual is not cooperating in establishing [~~paternity~~] parentage or in establishing, modifying, or enforcing a support order with respect to a child of the individual, and the individual does not have good cause for such failure or is not otherwise excepted from so cooperating in accordance with regulations of the department, the assistance given to the household shall be reduced by twenty-five percent.

§ 63. Subdivisions 1 and 3 of section 132-a of the social services law, as added by chapter 184 of the laws of 1969, are amended to read as follows:

1. When an investigation is required by section one hundred thirty-two of this article and other provisions of this chapter for the purpose of determining the eligibility for public assistance and care of an applicant pregnant with or who is the [~~mother~~] gestational parent of an out of wedlock child such investigation shall include diligent inquiry into the [~~paternity~~] parentage of such child.

3. In appropriate cases, such applicant shall be required to file a petition in the family court instituting proceedings to determine the [~~paternity~~] parentage of [~~her~~] the child, and [~~she~~] such parent shall be required to assist and cooperate in establishing such [~~paternity~~] parentage. However, such a petition shall not be required to be filed if the child has been surrendered to the social services official for adoption or if such surrender is under consideration in accordance with the provisions of section one hundred thirty-two of this article.

§ 64. Paragraph (b) of subdivision 1 and subdivision 2 of section 349-b of the social services law, paragraph (b) of subdivision 1 as amended by chapter 398 of the laws of 1997 and subdivision 2 as added by chapter 685 of the laws of 1975, are amended to read as follows:

(b) to cooperate with the state and the social services official, in accordance with standards established by regulations of the department consistent with federal law, in establishing the [~~paternity~~] parentage of a child born [~~out-of-wedlock~~] out of wedlock for whom assistance under this title is being applied for or received, in their efforts to locate any absent parent and in obtaining support payments or any other payments or property due such person and due each child for whom assistance under this title is being applied for or received, except that an applicant or recipient shall not be required to cooperate in such efforts in cases in which the social services official has determined, in accordance with criteria, including the best interests of the child, as established by regulations of the department consistent with federal law, that such applicant or recipient has good cause to refuse to cooperate. Each social service district shall inform applicants for and recipients of family assistance required to cooperate with the state and local social services officials pursuant to the provisions of this paragraph, that where a proceeding to establish [~~paternity~~] parentage has been filed, and the allegation of [~~paternity~~] parentage has been denied

by the respondent, that there shall be a stay of all [~~paternity~~] parentage proceedings and related local social services proceedings until sixty days after the birth of the child. Such applicants and recipients shall also be informed that public assistance and care shall not be denied during the stay on the basis of refusal to cooperate pursuant to the provisions of this paragraph.

2. The amount of the payments due from the absent parent in meeting [~~his~~] such parent's support obligations under this section shall be the amount of a current court support order or, in the absence of a court order, if such parent agrees to meet [~~his~~] the parent's support obligation, an amount to be determined in accordance with a support formula established by the department and approved by the secretary of the federal department of health[~~, education and welfare~~] and human services.

§ 65. Paragraphs (a), (d), (e) and (f) of subdivision 1 of section 352-a of the social services law, paragraphs (a), (d) and (e) as added by chapter 187 of the laws of 1969 and paragraph (f) as amended by chapter 685 of the laws of 1975, are amended to read as follows:

(a) to ascertain who may be the [~~putative father~~] parent of such child born out of wedlock, and take appropriate steps to establish the [~~paternity~~] parentage thereof in accordance with applicable provisions of law;

(d) to establish cooperative arrangements with the family court, county attorneys, corporation counsels and other law enforcement officials, for the establishment of [~~paternity~~] parentage and location of missing parents of such children and for the enforcement of their obligations to support or contribute to support of such children to the extent of their ability;

(e) to provide pertinent information to such court and law enforcement officials to enable them to assist in locating [~~putative fathers~~] alleged and deserting parents of such children, in establishing [~~paternity~~] parentage and in securing support payments therefrom, provided that there is an agreement between such social services official and such court and such law enforcement officials insuring that such information will be used only for the purpose intended;

(f) to reimburse, to the extent that state and federal requirements authorize or require, appropriate courts and law enforcement officials for activities related to the requirements of this chapter and the family court act with respect to establishment of [~~paternity~~] parentage and for services they have undertaken on behalf of such official.

§ 66. Subparagraph 3 of paragraph (d) of subdivision 1 of section 366 of the social services law, as amended by section 2 of part CCC of chapter 56 of the laws of 2022, is amended to read as follows:

(3) cooperates with the appropriate social services official or the department in establishing [~~paternity~~] parentage or in establishing, modifying, or enforcing a support order with respect to [~~his or her~~] the child; provided, however, that nothing herein contained shall be construed to require a payment under this title for care or services, the cost of which may be met in whole or in part by a third party; notwithstanding the foregoing, a social services official shall not require such cooperation if the social services official or the department determines that such actions would be detrimental to the best interest of the child, applicant, or recipient, or with respect to pregnant women during pregnancy and during the one year period beginning on the last day of pregnancy, in accordance with procedures and criteria

established by regulations of the department consistent with federal law; and

§ 67. Subdivisions 1, 2, 3 and 4 of section 372-c of the social services law, subdivisions 1 and 2 as amended by section 20 of part L of chapter 56 of the laws of 2020 and subdivisions 3 and 4 as added by chapter 665 of the laws of 1976, are amended to read as follows:

1. The department shall establish a putative father registry which shall record the names and addresses of: (a) any person adjudicated by a court of this state to be the parent of a child born out of wedlock; (b) any person who has filed with the registry before or after the birth of a child out of wedlock, a notice of intent to claim parentage of the child; (c) 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; (d) any person who has filed with the registry an instrument acknowledging [~~paternity~~] **parentage** pursuant to section 4-1.2 of the estates, powers and trusts law **or section forty-one hundred thirty-five-b of the public health law**.

2. A person filing a notice of intent to claim parentage of a child or an acknowledgement of [~~paternity~~] **parentage** shall include therein [~~his~~] **such person's** current address and shall notify the registry of any change of address pursuant to procedures prescribed by regulations of the department.

3. A person who has filed a notice of intent to claim [~~paternity~~] **parentage** may at any time revoke a notice of intent to claim [~~paternity~~] **parentage** previously filed therewith and, upon receipt of such notification by the registry, the revoked notice of intent to claim [~~paternity~~] **parentage** shall be deemed a nullity nunc pro tunc.

4. An unrevoked notice of intent to claim [~~paternity~~] **parentage** of a child may be introduced in evidence by any party, other than the person who filed such notice, in any proceeding in which such fact may be relevant.

§ 68. Subdivision 4 of section 3-503 of the general obligations law, as amended by chapter 398 of the laws of 1997, is amended to read as follows:

4. Every application shall state in bold face that persons who are four months or more in arrears in child support or who have failed to comply with a summons, subpoena or warrant relating to a [~~paternity~~] **parentage proceeding under article five of the family court act** or child support proceeding may be subject to suspension of their business, professional, drivers and/or recreational licenses and permits including, but not limited to, licences issued pursuant to section 11-0713 of the environmental conservation law.

§ 69. The subdivision heading of subdivision 4-e of section 510 of the vehicle and traffic law, as amended by chapter 601 of the laws of 2007, is amended to read as follows:

4-e. Suspension and disqualification for failure to make child support payments or failure to comply with a summons, subpoena or warrant relating to a [~~paternity~~] **parentage proceeding under article five of the family court act** or child support proceeding.

§ 70. Paragraphs (a) and (d) of subdivision 4 of section 119 of the alcoholic beverage control law, paragraph (a) as amended and paragraph (d) as added by chapter 398 of the laws of 1997, are amended to read as follows:

(a) The provisions of this subdivision shall apply in all cases of licensee or permittee failure after receiving appropriate notice, to

comply with a summons, subpoena or warrant relating to a [~~paternity~~] **parentage proceeding under article five of the family court act** or child support proceeding and arrears in payment of child support or combined child and spousal support referred to the authority by a court pursuant to the requirements of section two hundred forty-four-c of the domestic relations law or pursuant to section four hundred fifty-eight-b or five hundred forty-eight-b of the family court act.

(d) Upon receipt of an order from the court based on failure to comply with a summons, subpoena, or warrant relating to a [~~paternity~~] **parentage proceeding under article five of the family court act** or child support proceeding, the authority, if it finds such person has been issued a license or permit, shall within thirty days of receipt of such order from the court, provide notice to the licensee or permittee that [~~his or her~~] **the licencee's** license shall be suspended in sixty days unless the conditions in paragraph (e) of this subdivision are met.

§ 71. The section heading and subdivisions 1 and 5 of section 6509-c of the education law, as added by chapter 398 of the laws of 1997, are amended to read as follows:

Additional definition of professional misconduct; failure to comply in [~~paternity~~] **parentage** or child support proceedings; limited application. 1. The provisions of this section shall apply in all cases of licensee or registrant failure after receiving appropriate notice, to comply with a summons, subpoena or warrant relating to a [~~paternity~~] **parentage** or child support proceeding referred to the board of regents by a court pursuant to the requirements of section two hundred forty-four-c of the domestic relations law or pursuant to section four hundred fifty-eight-b or five hundred forty-eight-b of the family court act.

5. This section applies to [~~paternity~~] **parentage** or child support proceedings commenced under, and support obligations paid pursuant to any order of child support or child and spousal support issued under provisions of section two hundred thirty-six or two hundred forty of the domestic relations law, or article four, five, five-A or five-B of the family court act.

§ 72. This act shall take effect on the first day of November after it shall have become a law; provided, however, that:

(a) the amendments to subdivision (a) of section 439 of the family court act made by section five of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision 19 of section 246 of chapter 81 of the laws of 1995 as amended, when upon such date the provisions of section five-a of this act shall take effect; and

(b) the amendments to subdivision 4-e of section 510 of the vehicle and traffic law made by section sixty-nine of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.