

NOTES AND INSTRUCTIONS

Each parent should carefully read all notes and instructions before parents complete and sign Acknowledgment of Paternity Statement (AOP).

Establishment of paternity means the establishment of the parent-child relationship. This Acknowledgment of Paternity (AOP) shall be signed under penalty of perjury by the mother and by the man seeking to establish paternity.

1. **SINGLE MOTHER:** When a proper AOP is received by the State Registrar, the father will be added to the child's Certificate of Birth.
 - a. The signatories understand that an acknowledgment of paternity is the equivalent of a judicial adjudication of paternity of this child and that a challenge to the acknowledgement is permitted only under limited circumstances and is barred after two years.
2. **MOTHER IS OR WAS FORMERLY MARRIED:** When a mother is or was married within three hundred days of the birth of the child, the name of the husband shall be entered on the certificate of birth, including situations when:
 - a. The husband may not be the genetic father.
 - b. The mother has been separated (legally or otherwise) from the husband, regardless of the period of the separation.
 - c. The mother was legally married or attempted to marry, and the child is born within 300 days after the termination of the marriage (unless the final divorce decree specifies that the husband is not the natural father).

AFFIDAVIT OF DENIAL OF PATERNITY (DOP) (Form VSB 908B): If a married or formerly married mother claims that her husband or ex-husband is not the genetic father of the child and the genetic father would like to acknowledge paternity, the husband may complete a voluntary Denial of Paternity (DOP).

At that time, the mother and genetic father must submit an AOP along with the DOP. The AOP and DOP may be filed separately or simultaneously, but neither is valid unless both are filed with the State Registrar.

AOP and DOP RESCISSION: The Rescission of an AOP or DOP is only allowed by means of a judicial proceeding [40-11A-307].

Legal Citations:

"Acknowledged father" means a man who has established a father-child relationship pursuant to Article 3 of the New Mexico Uniform Parentage Act.

"Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.

"Presumed father" means a man who, by operation of law pursuant to Section 2-204 [40-11A-204 NMSA 1978] of the New Mexico Uniform Parentage Act, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding; A man is presumed to be the father of a child if:

- 1) he and the mother of the child are married to each other and the child is born during the marriage
- 2) he and the mother of the child were married to each other and the child is born within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity or divorce or after a decree of separation;
- 3) before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within three hundred days after its termination by death, annulment, declaration of invalidity or divorce or after a decree of separation;
- 4) after the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether or not the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child, and:
 - a. the assertion is in an acknowledgement of paternity on a form provided and filed by the Bureau of Vital Records and Health Statistics (bureau);
 - b. he agreed to be and is named as the child's father on the child's birth certificate; or
 - c. he promised in a record to support the child as his own; or
- 5) for the first two years of the child's life, he resided in the same household with the child and openly held out the child as his own.

Instructions for Parents to complete AOP:

- ❖ Each parent must sign in the presence of a Notary Public and a Notary must notarize each signature. Each signature must have its own notary seal.
- ❖ Alterations, erasures, white outs, cross outs, write over's, etc., will not be accepted and will invalidate the completed form.
- ❖ The New Mexico State Registrar will place the filed AOP, the original Certificate of Live Birth Registration and all other evidence of the child's paternity in a closed sealed file.
- ❖ Parents are requested to make a photocopy of the completed and signed AOP for each parent and mail the completed and signed Original to the Bureau of Vital Records for processing. Please keep these parent copies in a safe and secure place.
- ❖ The Bureau of Vital Records and Health Statistics (BVRHS) shall make available to Human Services Department (HSD) the birth certificate, the mother's and father's Social Security numbers and paternity acknowledgments or denials. HSD shall use these records only in conjunction with its duties as the state IV-D agency responsible for the child support program under Title IV-D of the Federal Social Security Act and NMSA Sec. 24-14-13H.
- ❖ Requirements are pursuant to the Vital Statistics Act, the New Mexico Uniform Parentage Act (UPA) and applicable state and federal regulations.

Please submit the completed and notarized Acknowledgment of Paternity statement along with any applicable fees, to the New Mexico Bureau of Vital Records and Health Statistics (BVRHS).

Fees:

- If a filed birth certificate is amended or revised as a result of an AOP, the fee to change the record to reflect the new information is \$10.00.
- The fee for the issuance of one (1) certified copy of a birth certificate is \$10.00.
- Make payment for amendment and/or birth certificate payable to BVRHS.



Mailing Address:

New Mexico Vital Records and Health Statistics
2554 Camino Entrada
Post Office Box 26110
Santa Fe, NM 87502

Telephone: (505) 827-0121 Toll Free: 1-866-534-0051

All forms are available through the New Mexico Bureau of Vital Records and Health Statistics. If you have any questions regarding an AOP, please call New Mexico Vital Records at 1-866-534-0051 or visit our [website](#).

