

NOTES AND INSTRUCTIONS

- ❖ Please read Rights and Responsibilities before you complete and sign Acknowledgment of Paternity Statement.
- ❖ Please complete the form in black ink. Forms with errors, alterations, erasures or white out will not be accepted.
- ❖ Mail completed and notarized Acknowledgment of Paternity statement along with *\$20.00 payable by check or money order to New Mexico Vital Records (*\$10.00 amendment fee and \$10.00 for one certified birth certificate).
- ❖ Please make your check or money order payable to New Mexico Vital Records
- ❖ Each parent is encouraged to keep a photocopy of the completed form for their personal files should any legal questions arise at a later date.
- ❖ A photocopy should also be sent to the hospital or facility medical records office where the child was born.
- ❖ If you have any questions regarding paternity, please call New Mexico Vital Records at 1-866-534-0051.

RIGHTS AND RESPONSIBILITIES

Children have a right to know their parents and parents have specific rights and responsibilities including, but not limited to, the duty to support their children, provide adequate medical care to their children and have visitation rights.

1. **UNMARRIED MOTHER:** When a properly completed **ACKNOWLEDGMENT OF PATERNITY STATEMENT** is received by the State Registrar of New Mexico Vital Records and Health Statistics, along with the required fees, a new certificate of birth will be established to add the father's name and will be substituted for the original certificate of birth.

Important note to parents: The original certificate of birth and any filed paternity form(s) will be placed in a special file and sealed. The special file will not be open for inspection by anyone, including parents, except by court order. Both parents are encouraged to keep a photocopy of the completed form for their personal files should any legal questions arise at a later date. A photocopy should also be sent to the medical records office of the hospital or facility where the child was born.

2. **MARRIED MOTHER:** When a mother is married at the time of either conception or birth, the name of the husband shall be entered on the certificate of birth.

This also includes situations when:

- The husband may not be the biological father.
- The mother has been separated (legally or otherwise) from the husband, regardless of the period of the separation.
- The mother was legally married at the time of the conception, but divorced before the birth (unless the final divorce decree specifies that the husband is not the natural father).

2a. THERE ARE TWO (2) EXCEPTIONS TO THE "MARRIED MOTHER" RULE:

- I. If a married mother claims that her husband is not the father of the child and the mother claims that she has not cohabited with her husband for ten or more months preceding the birth of this child and the mother does not know her husband's whereabouts, the mother may file an affidavit to that effect (*Form VSB 908A*) with the New Mexico State Registrar.
 - **Form VSB 908A: AFFIDAVIT of HUSBAND'S NON PATERNITY BY NATURAL MOTHER**
- II. If a married mother claims that her husband is not the father of the child and the husband agrees that he is not the father, and files an affidavit (*Form VSB 908B*) with the New Mexico State Registrar, the biological father may then complete an Acknowledgment of Paternity Statement.
 - **Form VSB 908B: AFFIDAVIT of NON PATERNITY BY HUSBAND**

AFFIDAVIT OF PATERNITY RESCISSION: Either party may rescind this Acknowledgment of Paternity within 60 days, after which only a court may order the alteration of the material acknowledgment herein. Amendments of birth records are subject to New Mexico Vital Records statute and regulations. Removal of a father's name from a vital record will require a court order.

- **Form VSB 908C: RESCISSION OF ACKNOWLEDGMENT OF PATERNITY**

VSB FORMS: All VSB forms are available through the Bureau of Vital Records and Health Statistics, Post Office Box 26110, 1105 St. Francis Drive, Santa Fe, NM 87502