

## PROVING BLOOD RELATIONSHIP TO A CHILD\*

Sometimes grandparents and other relatives, particularly on the father's side of the family, must prove that they are related to children. Proof of blood relationship is absolutely necessary for grandparents seeking visitation, and it is certainly a factor in deciding custody, guardianship and adoption. To prove blood relationship, New York has a special procedure, Family Court Act Section 522 (FCA 522).

### GRANDPARENTS AND RELATIVES HAVE STATUTORY RIGHT TO DETERMINATION OF GRANDCHILD'S PATERNITY

The following individuals have a right to seek a paternity determination: the mother, the person alleging to be the child's father, the child, the child's guardian, another person standing in a parental relation to the child, or a person being the next of kin of the child. Especially where grandparents' standing to pursue visitation rights under Domestic Relations Law Section 72 (DRL 72) is challenged on the question of their blood relationship to the child, they may need to prove that their son is the father of the child.

### GRANDPARENTS OR RELATIVES HAVE RIGHT TO CONTINUE PATERNITY SUIT EVEN WHEN THE FATHER BECOMES UNAVAILABLE

This right may be exercised even when the putative (alleged) father has died, becomes mentally ill, or has left the state before paternity has been determined. A paternity suit may continue even where the putative father is now unavailable, and it may be filed and maintained by a child's relatives where the putative father acknowledged he was the father in open court, had completed a genetic marker or DNA test prior to his death, or openly acknowledged the child was his while alive.

### CHILDREN HAVE AN ENFORCEABLE RIGHT TO HAVE PATERNITY DETERMINED

Children, too, have the right to find out who their father is. The child also has a right to establish his paternity for a range of reasons, including but not limited to inheritance; the right to recover benefits under Workers' Compensation Law, Veteran's Benefits Act, and Social Security Act; the right to recover serviceman's life insurance policies and military allowance; the right to notice for the father in adoption proceedings; the right to support by parents; and custody or visitation for the father.

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