

Voluntary Acknowledgments of Parentage

A voluntary acknowledgment of parentage or voluntary declaration of parentage (also called a VAP, or VDOP in some states) is a document that establishes a legal relationship between a parent and a child. VAPs must be signed by the person who gave birth and the person establishing their parental rights. These forms are available at every hospital after birth of a child. They can also be filled out after birth with the state department in charge of the program. In most states, unmarried parents who do not give birth can only be included on their children's birth certificate if they sign a VAP or get a court order.

Most states only allow men who believe they are genetic fathers of their children to sign VAPs. A small but growing number of states now explicitly allow parents of any gender and non-genetic parents to sign VAPs.

VAPs are the same as a court order. This means that parents who sign valid VAPs must be recognized by all U.S. states. It is important to recognize, however, that until VAPs are more widely available to parents regardless of gender or genetic connection, they may be vulnerable. NCLR strongly recommends that all non-birth parents get an adoption or judgment from a court recognizing that they are a legal parent, even if they are married, and even if they are listed as a parent on the birth certificate and have signed a VAP.

States That Allow Same Sex Parents to Sign Voluntary Acknowledgments of Parentage

Currently, a number of states have a state statute or appellate court decision allowing or that will allow parents of any gender and non-genetic parents to sign a VAP. They are:

1. California¹
2. Maryland²
3. Massachusetts³
4. Nevada⁴
5. New York (effective February 15, 2021)⁵
6. Vermont⁶
7. Washington⁷

Last updated: June 2020

¹ Cal. Fam. Code § 7573(a)(2) (West).

² Md. Code Ann., Fam. Law § 5-1028(c)(1)(vi) (West). The form (called an Affidavit of Parentage) may be requested from Maryland Department of Health's Division of Vital Records at 410-764-3182.

³ *Partanen v. Gallagher*, 59 N.E.3d 1133, 1139 (2016). The form is available at <https://www.mass.gov/files/documents/2016/09/pn/voluntary-ack-of-parentage-form.pdf>.

⁴ Nev. Rev. Stat. Ann. § 440.285 (West). The form is available at <http://dpbh.nv.gov/uploadedFiles/dpbhnavgov/content/Programs/BirthDeath/Docs/Declaration%20of%20Paternity.pdf>.

⁵ N.Y. Pub. Health Law § 4135-b.1(b)(ii) (McKinney) (effective February 15, 2021).

⁶ Vt. Stat. Ann. tit. 15C, § 301 (West). The form is available at <https://dcf.vermont.gov/sites/dcf/files/OCS/Docs/Establishing-Parentage-Form.pdf>.

⁷ Wash. Rev. Code Ann. § 26.26A.200 (West).