

SURROGATE'S COURT OF THE COUNTY OF NEW YORK
ADMINISTRATION DEPARTMENT - ROOM 505
31 CHAMBERS STREET
NEW YORK NY 10007
(646) 386-5005

nycourts.gov/forms/surrogates/administration

Petitions for Letters of Administration
Estate of a deceased man who had a non-marital child or non-marital children
(See Estates, Powers, and Trust Law 4-1.2)

With respect to each non-marital child:

- 1) Complete and file "Schedule A - Non Marital Persons (Persons Born Out of Wedlock)."
- 2) File a copy of the child's birth certificate.
- 3) If an Order of Filiation was issued, or if the decedent executed an Acknowledgment of Paternity in accordance with Public Health Law 4135-b, file a copy.

• **If an Order of Filiation or Acknowledgment of Paternity exists with respect to all non-marital children, STOP.**

4) **If not**, add the following statement to the petition, at page 4, paragraph f., under, "State any other relief requested":

the court find that (Name[s] of non-marital child[ren]) is(are) the child(ren) and distributee(s) of the decedent.

5) File a Family Tree or Heirship Affidavit made by a disinterested person who can identify those family members who would share in the decedent's estate if the court were to find that the alleged non-marital child or children are not decedent's children therefore not entitled to share in his estate.

6) List such family members in the petition.

7) File a Waiver and Consent (form A-8) from each person listed in the petition (except the petitioner) containing the following statement:

(Name of decedent) openly and notoriously acknowledged (Name[s] of non-marital child[ren]) to be his child(ren). I understand that by signing this waiver, my share of the estate may be reduced or eliminated.

8) If a Waiver and Consent cannot be obtained from all persons listed in the petition, submit a completed citation (form A-2). Once the citation has been issued by the clerk and a court date scheduled, you arrange for service of the citation on each person who did not consent, then appear in court on the scheduled date.