


**PATERNITY  
GUIDE<sub>FOR</sub>  
UNMARRIED  
PARENTS**



Put Your  
Child  
First

Want to establish paternity? We can help you.

Call the Customer Service Bureau of the  
Child Support Enforcement Division at

**1 (800) 332-2733**

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# Put Your Child First

A child born to unmarried parents does not automatically have a legal father. Legal fatherhood can mean a lot to your child and to you as parents. Children with two parents involved in their lives are more likely to succeed in a variety of ways. This pamphlet will tell you how you can make this important commitment to your child and where to get help doing it.

## In this booklet you will find answers to the following questions:

- What is paternity?
- Why is it important to establish paternity?
- What are paternity tests?
- Who pays for the paternity tests?
- How does someone get services from the Child Support Enforcement Division?
- What if the parents are already living together and are both supporting their child? Do they really need to establish paternity?
- Will the child's birth certificate include the father's name?
- For some children born before 1994, the father's name is already on the birth certificate. Doesn't that child already have a legal father?
- Will the child have the father's last name?
- How long after a child is born can someone establish paternity for that child?
- What if the parent who is living with the child is not sure where the other parent is?
- What if the mother is or has been married to someone else?
- What if the father is married to someone else?
- Will information about me be given to the other parent?
- If I have to go to court to establish paternity, will I have to face the other parent?
- Will there be a trial?
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- What if the parents live in different states?
- How do I get a child support order for my child?
- What if the noncustodial parent is still in school or has no job? Why should either parent bother to establish paternity or get a child support order?
- Does the noncustodial parent have to pay child support if he or she lives in another state?

- How long will a noncustodial parent have to pay child support?
- What happens when a child's mother is going to marry someone other than the child's father and her husband may adopt the child? Why should either parent want to establish paternity for the child?
- Can the legal father visit his child if the child lives with his or her mother?
- How does establishing paternity affect custody of the child?
- Questions mothers often ask:  
What if I'm not sure who the father of my child is?  
I am afraid of the father. Do I still have to name him?
- Questions fathers often ask:  
What if I want to establish paternity, but the mother of my child doesn't?  
What if I'm not sure that I am the father?

## What is paternity?

**PATERNITY MEANS LEGAL FATHERHOOD.**

**If you and your child's other parent are not married to each other, you can establish paternity by**

- **signing a paternity acknowledgment form, or**
- **asking a court to establish paternity**

**Otherwise your child will have no legal father.**

### **WANT TO ESTABLISH PATERNITY?**

**WE CAN HELP YOU.** Call the Customer Service Bureau of the Child Support Enforcement Division at **1-800-332-2733**

## Why is it important to establish paternity?

### **IDENTITY**

When parents establish paternity for a child, they both say "Yes, this is my child." This gives a child a sense of identity and connection with both sides of the family. Knowing both parents can improve a child's chance of success in life.

### **HEALTH**

More and more, medical research shows how important it is to know about any diseases or physical problems or characteristics that may have been passed down from both sides of someone's family. Knowledge of both parents' family medical history will help doctors treat - or even prevent - medical problems that a child might have inherited.

### **FINANCIAL SUPPORT**

Families with children who are supported by two parents are more likely to have enough money to meet their needs than families supported by only one parent. By establishing paternity, both parents make a commitment to support their child to the best of their abilities.

### **BENEFITS**

When parents establish paternity, they make their child eligible for coverage under either parent's health insurance. If anything should happen to the father, the child may also be entitled to receive Social Security, pension, veteran's and inheritance benefits.

### **PUBLIC ASSISTANCE**

If a parent receives public assistance, he or she is required to cooperate with the Child Support Enforcement Division to establish paternity and a child support order. If the parent does not cooperate, his or her benefits may be reduced.

## How do I establish paternity for my child?

Parents who are not married to each other can establish paternity - legal fatherhood - for their child only if both parents sign a paternity acknowledgment form or if either of them asks a court to establish paternity.

### Signing a Paternity Acknowledgment Form: The Easy Way to Establish Paternity For Your Child

Parents can establish paternity for their child by signing a form called the VOLUNTARY ACKNOWLEDGMENT OF PARENTAGE. (This is sometimes called acknowledging paternity.) Once both parents have signed this form and their signatures have been notarized, the man becomes the legal father of the child and his name goes on the child's birth certificate. No one has to go to court.

Parents can acknowledge paternity this way in three places -

- **The hospital**

Parents can complete the *Voluntary Acknowledgment of Parentage* form shortly after the birth of their child, while the mother and child are still in the hospital. The birth registrar at the hospital can help with this. There is no fee when the parents sign the acknowledgment in the hospital.

- **City or Town Clerk's Office**

If parents do not establish paternity before they leave the hospital, they can still acknowledge paternity for their child by completing a *Voluntary Acknowledgment of Parentage* form and filing it at the city or town clerk's office in the community where the child was born. Both parents' signatures must be notarized, which the city or town clerk can do. The clerk may charge a fee for filing.

- **Registry of Vital Records and Statistics**

If it is not convenient to complete a *Voluntary Acknowledgment of Parentage* form in the community where the child was born, the parents may complete the form at the Registry of Vital Records and Statistics (RVRS), or mail the form with a check for \$25 to RVRS.

Parents can acknowledge paternity for their child any time in the child's life.

## Undoing a Paternity Acknowledgment

Legal fatherhood for the child is established as of the date both parents sign the acknowledgment form, if it is properly completed and filed. However:

- **If, within 60 days** of the date both parents signed, either parent comes to believe that the man named on the form may not be the father, one of the parents must file a case in Probate and Family Court and ask the court to "rescind" the acknowledgment (that is, have it declared null and void).
- **If, within 60 days** of signing, the parent questioning paternity is a party to a court hearing about the child (for instance, to establish a child support order or a custody and visitation order), the parent must raise the issue of the child's paternity at the hearing. Before the end of the 60 day period, the parent questioning paternity must file a case in Probate and Family Court asking to rescind the acknowledgment.
- **After 60 days, the** acknowledgment is as binding as a court judgment of paternity and has the same legal force and effect. However, parents can challenge the acknowledgment, BUT **only** in court, **only** within one year of the date both parents sign, and **only** on limited grounds of fraud, duress or material mistake of fact.

The court will generally order the parents and child to undergo paternity tests that determine whether the man is the biological father of the child by comparing certain genetic characteristics that show up in blood or tissue samples from the child and both parents. These samples are obtained either by a simple blood draw or by rubbing a cotton swab on the inside of the cheek.

If there are any questions about who a child's biological father really is, a parent should ask a judge or the Child Support Enforcement Division of the Massachusetts Department of Revenue for paternity tests BEFORE signing an acknowledgment form.

## Going To Court To Establish Paternity: A More Complicated way To Establish Paternity For Your Child

Another way to establish paternity is for either parent, their child, or us --- the Child Support Enforcement Division - to start a court action to establish paternity.

As part of this court action, the judge may order the mother, the man who may be the father, and the child to have paternity tests. These tests are generally quick and easy. After reviewing the test results and any other relevant information, the judge will decide whether or not the man is the father of the child. If the judge determines that he is the child's biological father, this will establish paternity for the child and the father's name will go on the child's birth certificate.

At any time during the court process, parents can sign a Voluntary Acknowledgment of Parentage form, and there will no longer be a need for a judge to determine paternity.

## What are paternity tests?

Paternity tests are used to determine whether a man is the biological father of the child. The tests can be done in two ways -

- a simple blood draw, or
- a 'buccal swab' test, where a cotton swab is rubbed on the cheeks inside the mouth

The mother, the child and the man who may be the father must all be tested to make this determination. The blood or saliva samples (from the cotton swab) will be compared to see what special characteristics -- known as 'genetic markers' - the child shares with the mother and the man who may be the father.

These tests are extremely accurate in showing whether or not a man is the biological father of a child.

## Who pays for the paternity tests?

If the tests show that the man is the child's biological father, he pays for the tests. If the tests show he is not the father and we (the Child Support Enforcement Division) are providing services to the family, then we pay the cost.

## How does someone get services from the Child Support Enforcement Division?

The Child Support Enforcement Division of the Massachusetts Department of Revenue can assist parents in establishing paternity and child support orders, collecting child support for the families it serves and asking courts to adjust child support orders when circumstances change. Any parent or guardian of a child under 18 years old can ask for our help with a child support order or with establishing paternity by calling our toll-free Customer Service Bureau at **1-800-332-2733**. If a parent receives public assistance, he or she can talk to a caseworker at the Department of Transitional Assistance about the services we provide. Applications for our services are also available on-line by visiting our Internet homepage at **[www.state.ma.us/cse](http://www.state.ma.us/cse)**. A parent does not have to be on public assistance for us to help. It does not cost any money to apply for child support services from us. When a parent applies for our services, we will do our best to help that parent establish paternity for their child and get the support to which he or she is entitled. Whether we succeed depends upon how much information the parent gives us, how up-to-date and accurate it is, and what financial resources are available to support the child once we locate the other parent.

## Some Common Questions:

### **What if the parents are already living together and are both supporting their child? Do they really need to establish paternity?**

Yes. Until they legally establish paternity, their child has no legal father, even if both parents are living with the child. Things may change. A parent may not always be around or feel the same way about helping out. When they establish paternity, parents ensure their child's rights to certain benefits that are available only if paternity has been legally established.

### **Will the child's birth certificate include the father's name?**

The birth certificate will include the father's name if --

- the parents acknowledge paternity by signing a *Voluntary Acknowledgment of Paternity* form in the hospital or later at a city or town clerks office or at the Registry of Vital Records and Statistics, or
- a judge establishes paternity in court and orders that the father's name be included on the birth certificate.

Otherwise, the space for the father's name will be left blank on the child's birth certificate.

### **For some children born before 1994, the father's name is already on the birth certificate. Doesn't that child already have a legal father?**

No. Before 1994, the father's name would appear on a child's birth certificate if both parents completed an affidavit in the hospital swearing that he was the child's father, but this did not establish legal fatherhood. The father's name may be on the birth certificate, but that child is not yet entitled to all the benefits of legal fatherhood unless the parents have been to court since then to establish paternity

If parents of a child born before 1994 want to establish legal fatherhood now, they can still do so, either by completing a *Voluntary Acknowledgment of Parentage* form at the city or town clerks office or at the Registry of Vital Records and Statistics, or by going to court.

### **Will the child have the father's last name?**

Generally, the mother can decide what the child's name will be. Parents can choose their child's first and last name together when they fill out the birth certificate and acknowledge paternity for their child in the hospital. They will have to go to court if they later decide to change their child's name.

### **How long after a child is born can someone establish paternity for that child?**

Paternity can be established at any time in a child's life. Parents can establish paternity for an older child by completing an acknowledgment form and filing it at the city or town clerks office in the community where the child was born or at the Registry of Vital Records and Statistics, or by going to court.

### **What if the parent who is living with the child is not sure where the other parent is?**

The Child Support Enforcement Division will try to locate the other parent if the parent living with the child (known as the custodial parent) applies for our services or receives public assistance. A custodial parent must give us as much information as possible about the other parent — for example, full name, Social Security number, date of birth, address, telephone number, the name and address of his or her employer, the names of his or her parents, or information about his or her motor vehicle (the manufacturer, model or license number).

### **What if the mother is not sure who the father is?**

If the mother applies for our services or receives public assistance, we will also try to help her find out who the father is. We will need her to provide us with some basic information about the man (or men) who may be the father. We will contact the man to ask him if he will acknowledge paternity voluntarily. If he will not, we can order paternity testing for the man, the mother and the child, or we, the man or the mother can start an action to establish paternity and ask the Probate and Family Court to order these tests.

### **What if the mother was married to someone other than the father when their child was born?**

If the mother was married to someone else —

- when the child was conceived,
- during the pregnancy, or
- at the time of the birth of the child,

then the man who was then married to her will be considered the legal father - even if they weren't living together.

Before the mother and the biological father can acknowledge paternity of their child, the mother and the mother's husband must sign a form called 'Affidavit of Denial of Paternity' that says that he and the mother agree he is not the father of the child.

The denial form must be accompanied by either a court order relating to the child's paternity or the biological father's acknowledgment form for a city or town clerk to accept it for filing.

### **What if the father is married to someone else?**

He can acknowledge paternity even if he is married to someone else.

### **Will information about me be given to the other parent?**

The process of acknowledging paternity requires that parents provide certain information about themselves. Also, parents generally need to know how to reach each other to discuss issues that relate to their child.

If you believe that you or your child could be in danger if the other parent learns your address, the Child Support Enforcement Division will take steps to keep the other parent from finding out your address. However, we cannot guarantee that the other parent will not learn your address or that the other parent will not contact you if we pursue your case.

### **If I have to go to court to establish paternity, will I have to face the other parent?**

You will have to face the other parent in court. The parents, someone from the Child Support Enforcement Division (if either parent is receiving child support services from us) or the parents' private attorneys (if either parent has one) will appear before the judge at the same time in a courtroom for a hearing.

### **Will there be a trial?**

If there is a court proceeding, there is usually a hearing rather than an actual trial. In the hearing, the judge listens to both sides and may order paternity tests. If the man who may be the father does not appear in court after he receives notice to appear, the judge can name him as the child's legal father even though he is not there. Once paternity is established, the judge may also make an order for child support. There will not be a jury for this hearing. Even if there is a full trial, it will be before a judge only.

Of course, parents can agree to sign the Voluntary Acknowledgment of Parentage form any time they want - even if the court process has already begun. Then there will be no need for the judge to decide paternity and that part of the hearing will end.

### **What if either parent is under 18 years old?**

#### **What if they both are?**

Parents of any age can and should establish paternity for their child.

### **What if the parents live in different states?**

They can still establish paternity for their child. There is a law for establishing paternity when the parents live in different states.

### **How do I get a Child support order for my child?**

Once paternity is established, if the parents are living apart, a judge will decide what the parent who does not live with the child (the noncustodial parent) should contribute to raise that child. The court can order the noncustodial parent to support his or her child financially and to provide medical insurance, if the parent has this benefit. This is called a child support order. If you are establishing paternity in court, the judge who rules on the paternity of your child will often also enter a child support order as part of the same hearing.

The amount of the child support order can be set in two ways:

- The judge will calculate the order for the parents, or
- The judge will approve an agreement between the parents or — if the custodial parent receives public assistance - between the noncustodial parent and the Child Support Enforcement Division.

The judge will order a noncustodial parent to pay a certain amount of money to support the child, based on the income of both parents and on the number of children covered by the order. The judge may also consider whether the noncustodial parent has another family to support. In Massachusetts, most child support orders are calculated using the Massachusetts Child Support Guidelines.

**What if the noncustodial parent is still in school or has no job? Why should either parent bother to establish paternity or get a child support order?**

A child benefits from knowing both parents. The noncustodial parent is responsible for his or her child even if he or she is still in school or has no job. Remember that supporting a child is a life-long commitment - not just a year or two, but 18 years or more.

In setting a child support order, the judge will look at the noncustodial parent's income and other circumstances to decide the amount of the child support order. The judge may also order the noncustodial parent to get a job after school to help support the child. As the noncustodial parent's circumstances change - for example, if he or she gets a job or wins the lottery - the amount of child support he or she must pay can change too.

**Does the noncustodial parent have to pay child support if he or she lives in another state?**

Yes. State and federal law provide for collecting child support and enforcing support orders across state lines.

**How long will a noncustodial parent have to pay child support?**

In Massachusetts, parents must pay support until their child turns 18 years old. In special situations, a judge may order a parent to pay child support up to the age of 23.

**What happens when a child's mother is going to marry someone other than the child's father and her husband may adopt the child? Why should either parent want to establish paternity for the child?**

It depends on the circumstances of a particular situation, but establishing paternity is generally a good idea for several reasons —

- The biological father of the child will have to be notified of any plans to adopt his child.
- He should be paying child support until the child is adopted.
- Circumstances may change with the mother's plans to marry or with her future husband's plans to adopt the child.
- The child will also benefit from having his or her biological father legally identified.

**Can the legal father visit his child if the child lives with the mother (or legal guardian)?**

If parents cannot work out visitation arrangements on their own, either parent can ask a court to order visitation once paternity is established.

**How does establishing paternity affect custody of the child?**

By law, when parents are not married, the mother has custody of their child unless a court orders otherwise. A father who has legally established paternity can ask a court to make a decision about custody and visitation. The court will decide what is best for the child. The Child Support Enforcement Division does not handle custody issues.

## Questions mothers often ask:

### **What If I'm not sure who the father of my child is?**

We can help you find out who the father is once you provide us with some basic information about the man who you believe may be the father. We will contact the man to ask him if he will acknowledge paternity voluntarily; if he will not, we will ask a court to order paternity tests. These tests are extremely accurate.

### **I am afraid of the father. Do I still have to name him?**

If you are afraid that the father will harm you or your child, you should take steps to protect yourself and your child. Speak to a social worker or a shelter for battered women about your concerns, and consult with court personnel about getting a restraining order.

### **For emergencies and assistance to battered women, call your local police or directory assistance for referrals to shelters.**

If you receive public assistance, the law requires you to cooperate with establishing paternity and an order for child support. If you do not cooperate, your benefits may be reduced. If you believe that giving this information about the father and cooperating with the Child Support Enforcement Division will put you or your child at risk of harm, you should talk to your caseworker at the Department of Transitional Assistance. If the Child Support Enforcement Division is already handling your child support case, talk to the person assigned to your child support case about claiming 'good cause'. 'Good cause' means that if you cooperate, you or your child will be at risk of serious physical or emotional harm. 'Good cause' not to cooperate also includes cases where the child was conceived as a result of incest or rape and cases in which the child is being considered for adoption. If you are found to have 'good cause' not to cooperate, then we will not pursue a paternity case or a child support order for you and your child.

## Questions fathers often ask:

### **What if I want to establish paternity, but the mother of my child doesn't?**

You can apply for our services and we will help you establish paternity.

### **What if I'm not sure that I am the father?**

If you are not sure that you are the father, you can ask a judge to order paternity tests for you, the mother and the child..

## How can I get more information?

**call 1-800-332-2733 (Toll-free nation-wide)**

**if you are hearing impaired, call 1-800-255-5587.**

**Visit us on the World Wide Web:**

**Internet address:** [www.state.ma.us/cse](http://www.state.ma.us/cse)

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