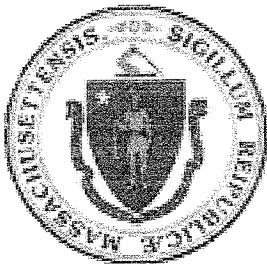


A SELF-HELP GUIDE TO:

***A Sample Agreement
for Custody, Support
and Visitation for
Never-Married Parents***

This sample agreement covers areas including:

- Legal and physical custody;
- Parenting schedule;
- Child support;
- Life and medical insurance;
- Income tax dependency.



**Suffolk County Probate & Family Court Registry
Richard Iannella, Register**

24 New Chardon Street, 3rd Floor
Boston, MA 02114
Phone: (617) 788-8300

Visit us on the Web at:
www.probatecourtiannella.com

PLEASE READ THIS CAREFULLY BEFORE USING THIS SAMPLE AGREEMENT FOR CUSTODY, SUPPORT AND VISITATION FOR NEVER-MARRIED PARENTS

This Sample Agreement for Custody, Support and Visitation for Never-Married Parents was prepared by the Court as a public service. Even though it has been reviewed by attorneys and judges, you must be aware that an agreement for Custody, Support and Visitation is a very important document. It establishes rights and obligations with respect to your child. A judge will review your agreement in order to determine if its provisions are fair and reasonable, that you understand your agreement and that the agreement is in the best interest of your child. This sample agreement contains basic provisions but may not be appropriate for your particular needs. Filing any documents with the Court can seriously affect your future. The Court recommends that you have an attorney review any agreement before you sign it so you can understand it fully.

Directions

1. This Sample Agreement assumes that paternity has been established by the Court, or by the parties signing a voluntary acknowledgment of paternity. For more information about establishing paternity for you child, please see a pamphlet called "Answers to Common Questions for Never-Married Parents" which is available on the General Information Board.
2. Please use a separate agreement for each child.
3. In some cases the Massachusetts Department of Revenue may have filed a court case seeking child support for your child. If this is the case and there is already an order for child support, do not complete paragraph 4 of the Agreement. Instead, please cross out this paragraph and have both parents initial it.
4. This Sample Agreement is very basic and may not address all of the issues which are important to you and your child. You may add any additional provisions if you wish or remove any provisions which do not apply. Please cross out and initial the paragraphs which do not apply. The pamphlet "Thinking about Parenting From the Practical Perspective" which is available on the General Information Board may be helpful to you in designing your parenting plan.

[PLEASE PRINT OR TYPE]

COMMONWEALTH of MASSACHUSETTS
The Trial Court
Probate and Family Court Department

ss.

Docket No. _____

_____ Plaintiff

v.

_____ Defendant

AGREEMENT FOR JUDGMENT OF SUPPORT/CUSTODY/VISITATION

AGREEMENT made ____ / ____ / ____ between _____
(Date) (Name of Father)

of _____
(Street Address) (City/Town, State, Zip)

(referred to as the Father), and _____
(Name of Mother)

of _____
(Street Address) (City/Town, State, Zip)

(referred to as the Mother).

The minor child's name is _____
(Child's Name)

The minor child was born on _____
(Child's Date of Birth)

This Agreement is made in order to settle and determine the care and custody and support of the minor child.

The Mother and Father agree as follows:

1. **LEGAL CUSTODY** (which parent(s) make(s) major decisions for the child, for example, health care, religion, education, etc.)

] The parties shall have shared legal custody of the minor child.

] The Father shall have sole legal custody of the minor child.

] The Mother shall have sole legal custody of the minor child.

2. **PHYSICAL CUSTODY** (where the child lives and which parent makes the day-to-day decisions regarding the child)

] The Father - Mother shall have sole physical custody of the minor child and

(Circle one)

the other parent shall have parenting time with the minor child in accordance with the Parenting Schedule below.

] The parties shall have shared physical custody of the minor child in accordance with the Parenting Schedule below.

3. **PARENTING SCHEDULE**

The Father - Mother shall have the right and opportunity to spend time with the child:

(Circle one)

] at all reasonable times upon _____ advance notice.

] on the following days and times: _____

transportation will be provided as follows: _____

Christmas and Thanksgiving shall be shared as follows: _____

school holidays shall be shared as follows: _____

summer vacation shall be as follows: _____

the child's birthdays shall be shared as follows: _____

the parties' birthdays shall be shared as follows: _____

Mother's Day and Father's Day shall be shared as follows: _____

any additional provisions: _____

4. **CHILD SUPPORT** *(Only for cases without a prior child support order - if there is a prior child support order, please cross out this entire paragraph and initial this change)*

Starting on / / , the Father - Mother shall pay child support as follows:
(Insert Date) (Circle One)

The sum of \$ each and every week - two weeks - month

by Wage Assignment which (choose ONE):

shall be payable directly to Father - Mother (this option is not available if either parent receives public assistance)
(Circle One)

OR

shall be payable through DOR *(note- you will need to complete a DOR application in all cases)*

The parties acknowledge that the child support order which would result from the application of the Child Support Guidelines is \$ _____ per week.

The agreed amount of support is **different** than the Guidelines amount because:

Child support shall terminate:

upon the child attaining the age of eighteen (18) years.

The parties hereby state that the Mother and/or Father do - do not receive public assistance. Public assistance includes TAFDC, MassHealth, foodstamps, etc.
(circle one)

Note- if either parent receives public assistance, this agreement must be signed by a representative of the Massachusetts Department of Revenue.

5. MEDICAL INSURANCE FOR CHILD

The Father- Mother shall be responsible for providing health insurance for the minor child:
(Circle One)

through his/her employment.

by obtaining and maintaining a private health insurance policy if and when available through employment.

The cost of all reasonable uninsured and unreimbursed medical, dental, hospital, orthodontic, optical, prescription medication and therapeutic counseling services for the minor child shall be paid as follows (**Choose one of the following**):

the first \$100.00 per calendar year by the custodial parent, who is, _____, with the remainder to be paid equally by the parties.

equally by the parties.

_____% by Father; _____% by Mother

6. LIFE INSURANCE (optional)

The Father shall maintain life insurance for the benefit of the minor child in the face amount of:

\$ _____, naming _____ as the beneficiary, and shall be required to keep the life insurance in effect until _____

The Mother shall maintain life insurance for the benefit of the minor child in the face amount of:

\$ _____, naming _____ as the beneficiary, and shall be required to keep the life insurance in effect until _____

Neither party shall be required to maintain life insurance for the benefit of the child.

7. TAX DEPENDENTS

The Mother shall claim the child as her dependent for state and federal income tax purposes.

The Father shall claim the child as his dependent for state and federal income tax purposes.

The parties shall alternate years in claiming the child as a dependent for state and federal income tax purposes as follows:

The Father - Mother shall claim the child for odd years, and
(Circle One)

The Father - Mother shall claim the child for even years
(Circle One)

SUBMISSION OF AGREEMENT TO COURT

The Father and Mother each agree that this Agreement for Judgment shall be submitted to the _____ Probate and Family Court for a judge's approval of the terms.

The parties further agree that the terms and provisions of this Agreement For Judgment shall be incorporated and merged into a Judgment of the Court.

Signed on _____
(Date)

(Father)

Signed on _____
(Date)

(Mother)

Commonwealth of Massachusetts

_____, ss.

Date: _____

Then personally appeared the above-named _____, and
acknowledged that – he – she – signed the foregoing as – his – her – free act and
deed.

Notary Public

Commission Expires: _____

Commonwealth of Massachusetts

_____, ss.

Date: _____

Then personally appeared the above-named _____, and
acknowledged that – he – she – signed the foregoing as – his – her – free act and
deed.

Notary Public
Commission Expires: _____