

Never Married Parents and their Children
*Questions and Answers***What does Paternity Mean?**

Paternity means legally establishing who is the father of a child. In some cases, this will be simple. In others, it will be more complicated. If you and the other parent of the child were never married you may need to establish paternity.

Why do you need to establish Paternity?

Establishing paternity creates a legal connection between a child's father and the child. Establishing paternity gives the child's father both rights and responsibilities regarding his child.

Did you establish paternity in the Hospital?

It is very likely that paternity was established at the time the child was born. Both the mother and the father may have signed an "Acknowledgment of Parentage." If the child was born after April 12, 1994 and the father's name is on the birth certificate it is very likely that paternity has been established. If the child was born after April 12, 1994 and the father's name is on the birth certificate and you wish to obtain a court order regarding child support, child custody, or visitation, use the "Complaint for Support, Custody, and Visitation" form and instructions.

What if the Father's name is not on the birth certificate?

If the Father's name is not on the birth certificate, it is unlikely that the parent's have signed an "Acknowledgment of Parentage". In this case if you wish to obtain a court order regarding child support, child custody, or visitation, use the "Complaint to Establish Paternity" form and instructions.

What if I was married to a person who was not the child's father when the child was born?

If you were married at the time the child was born or conceived, but the man that you were married to is not the child's father, you will need to file a "Complaint to Establish Paternity." IN this case you will have to name both your husband and the father of the child as defendants. Please see the form and instructions for "How to file for Paternity when the Husband is not the biological father of a child"

Produced by the Suffolk Probate & Family Court Community Outreach Program—Richard Iannella, Register

READ THIS:

Information provided by the Community Outreach Program IS NOT LEGAL ADVICE, It is information. This information is not a substitute for a competent lawyer.

When you sign a legal document or file any papers in court, it can seriously affect you in the future. You should always try to get legal advice before filing documents.

Bar Association lawyer referral services are listed in our brochure "Legal Resources in and around Suffolk County." Also listed are free legal service providers. You may be eligible for help.

Read this carefully. If you do not understand the information, ask for help. This is an outline of the procedure for filing a Complaint for Paternity or a Complaint for Support, Custody, and Visitation. In addition to these instructions, there are instructions for each individual form.

- | STEP | INSTRUCTION |
|------|---|
| 1 | <p>COMPLETE THE FOLLOWING FORMS : Fill out all the forms completely and in black ink. You may want to get an extra copy of the blank forms before you fill them, in case you make mistakes as you are completing the forms. There are detailed instructions for each form.</p> <ul style="list-style-type: none">✓ COMPLAINT FOR PATERNITY or COMPLAINT FOR SUPPORT, CUSTODY, VISITATION✓ AFFIDAVIT DISCLOSING CARE OR CUSTODY PROCEEDINGS✓ FINANCIAL STATEMENT (if you are requesting an order of child support)✓ AFFIDAVIT OF INDIGENCY. If you do not have much income, you may not have to pay the court fees related to the complaint. Fill out these forms if you think you cannot afford to pay the court fees.✓ MOTION FOR TEMPORARY ORDERS |
| 2 | <p>COPIES: Make one (1) copy of all the completed forms. Assemble the copies so that you have 2 COMPLETE SETS OF THE FORMS-- the originals and copies for yourself.</p> |
| 3 | <p>TAKE THE ORIGINALS TO THE CLERK TO BE FILED: Take the originals of the documents to Office of the Register of Probate, Richard Iannella, on the third floor of the court, for processing. If you file the papers in person and you have an existing court file, the first thing you should do at the Register's office is retrieve the file. Then see an Assistant or Deputy Register to file the papers. You may also file the papers by mail to:
Register of Probate, Richard Iannella
Suffolk Registry of Probate, Docketing Department
24 New Chardon Street
Boston, MA 02114-4703</p> |
| 4 | <p>GET A SUMMONS FORM FROM THE COURT. YOU must arrange for the papers to be delivered to the other party to the case. YOU MAY NOT serve them yourself. You must use either a sheriff or constable. (See detailed instructions on how to serve the defendant in a paternity case.)</p> |
| 5 | <p>FILE A REQUEST FOR TRIAL/PRE-TRIAL ASSIGNMENT. The defendant has 20 days after s/he has been served with the complaint, to file a written response, called an "Answer." If the defendant does not file an answer the case is considered "Uncontested." If the defendant does file an answer the case is considered "Contested." If you are the plaintiff, YOU must file a "Request for Trial Assignment" form with the court. You may not file this form until 20 days after the defendant has been served with the Complaint. The court will not assign a date for hearing until proof that the summons has been served is on file and also 20 days have passed since the date of service of the summons. The court will notify both parties by mail of the court date.</p> |

OTHER HELP: If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "Attorneys". Also, the Resource Center has a list of legal assistance and lawyer referral programs.