

AFFIDAVIT OF NONPATERNITY

THIS IS A LEGAL DOCUMENT. PRINT OR TYPE IN PERMANENT BLACK INK.

We acknowledge that the husband at the time of the child's birth or within 300 days of conception is not the father of the following child:

_____ / _____ / _____ / _____
 First Name Middle Name Last Name Sex (M/F)

who was born in _____ on _____
 (Place of Birth) City/Town/State (Date of Birth) Month-spelled out Day Year

Affidavit of Mother and Presumed Father (husband at time of child's birth or within 300 days of the birth):

MOTHER

_____ - - - - -
 First Name Middle Name Last Name Social Security #

PRESUMED FATHER

_____ - - - - -
 First Name Middle Name Last Name Social Security #

Born in _____ on _____
 City/State/Country (Date of Birth) Month-spelled out Day Year

CHECK ONE

We, _____ and _____ are married
 (name of mother) (name of presumed father)
 and were married at the time of this child's birth.

We, _____ and _____ were divorced
 (name of mother) (name of presumed father)

from each other on _____ but were legally married when the child was born or within 300 days prior to the birth.

We acknowledge that the presumed father is not the father of the above-named child. We understand that we may consult an attorney. We understand that by signing this affidavit we may both be giving up certain rights if the presumed father is not named the father of the above-named child. We do **not** want his name to appear on the child's birth certificate. We understand that his name **will** appear on the birth certificate unless the mother and the child's biological father complete a Voluntary Acknowledgment of Parentage or a court judgment is issued declaring that someone else is the father.

We do not object to this affidavit being filed with the court even if either of us is not present. We understand and agree that the court, based on this affidavit, may enter a judgment declaring that another man is the child's father. The information above is true to the best of our knowledge and belief.

MOTHER Signature: _____ Date: _____

Residence: _____
 No & Street Address City/Town State Zip

The personally appeared before me the above named _____ and affirmed under penalties of perjury that the foregoing is her free act and deed this _____ day of _____, _____.

Notary Public: _____ My Commission Expires: _____ Form Read in _____
 LANGUAGE

PRESUMED FATHER

Signature: _____ Date: _____

Residence: _____
 No & Street Address City/Town State Zip

The personally appeared before me the above named _____ and affirmed under penalties of perjury that the foregoing is her free act and deed this _____ day of _____, _____.

Notary Public: _____ My Commission Expires: _____ Form Read in _____
 LANGUAGE

This affidavit must be filled with the child's birth certificate at the office of the city or town clerk located in the city or town where the child was born.

What Does It Mean If You Sign This Form?

Paternity means fatherhood. For married people, the husband at the time of birth or within 300 days of the birth is presumed to be the father of a child born to his wife, and he does not have to take any further action to establish his paternity. Do not sign this form if the husband at the time of birth or within 300 days of the birth (presumed father) wants his name on the child's birth certificate.

By signing this Affidavit of Nonpaternity, both the husband (presumed father) and wife are stating that the presumed father is not the legal father of the child named on this form.

Since this form has legal consequences, you may want to consult an attorney before signing. The legal consequences include:

- * By signing this form, the presumed father gives up certain legal rights and responsibilities to be the father of the child, including the right to visitation and custody and the responsibility to support the child financially;
- * By signing this form, the presumed father may not be required to support the child financially;
- * By signing this form, the mother may give up the right to seek financial support from the presumed father and to have the presumed father's name on the child's birth certificate;
- * Signing this form may allow the presumed father to keep his name off the child's birth certificate. Even with the signing of the form, one of the following must occur for the presumed father's name to remain off the child's birth certificate or be removed from the child's birth certificate:

P The mother and biological father must complete a Voluntary Acknowledgement of Parentage;

OR

P a court determines that someone else is the father of the child.

- * If the form is not signed by the mother and the presumed father, the presumed father's name will appear on the birth certificate unless a court determines that someone else is the father;
- * If this form is signed by the mother and the presumed father, the biological father may be allowed to place his name on the birth certificate by completing a Voluntary Acknowledgment of Parentage; and
- * This form may be filed with the court in a subsequent proceeding to help determine whether or not the presumed father is the child's legal father.
- * This Affidavit is not a public record. It will be available only to the presumed father, the mother, and the child named on this form, the child's legal guardian or representative, or government officials in the conduct of their official duties.

Mother's Initials _____

Presumed Father's Initials _____

For questions regarding birth registration, call the Registry of Vital Records and Statistics at (617) 740-2630. For questions regarding paternity establishment, paternity testing or child support, call the Massachusetts Department of Revenue, Child Support Enforcement Division at (800) 332-2733.
