



NAVIGATING PARENTAGE IN MASSACHUSETTS — HOW TO CONFIRM LEGAL PARENTHOOD OF A NON-BIRTHING PARENT

WHAT IS “PARENTAGE” AND WHY DOES IT MATTER?

Parentage is a fancy word that refers to confirming a child’s **legal parents**. It is different from “paternity” because establishing parentage can refer to legal motherhood (maternity) as well as legal fatherhood (paternity).

Every day, children are born to married people and unmarried people, to heterosexual couples and same-sex couples, to people who are not (or no longer) in a relationship, and to biological parents who are married to a non-biological parent. Much of American family law treats married, heterosexual couples as the norm. When a family structure doesn’t fit into that historical framework, the non-birthing parent has to navigate a **specific legal process to be named on the child’s birth certificate and have rights as the child’s lawful parent**. Establishing parentage can benefit a child by helping to ensure that both parents support the child financially (via **child support and other benefits** like Social Security, a pension, and health insurance), as well as giving the child a fuller sense of identity and connection to both sides of their family.

Care teams can educate families about parentage processes to support them in **making informed decisions about their rights!**

CONSIDERATIONS FOR UNMARRIED PEOPLE

If a birthing parent and father/non-birthing parent are unmarried, they may agree to formalize the father/non-birthing parent’s parentage by filling out a **Voluntary Acknowledgment of Parentage**. People often take this step to ensure that their child has two legal parents. If the birthing parent and father/non-birthing parent do *not* agree on establishing parentage, the birthing parent (as well as certain other people, including the child) can initiate a **paternity action in Probate and Family Court**. This is a legal proceeding through which a judge decides — usually based on a paternity test — whether to issue an order of paternity, meaning that someone other than the birthing parent now has legal parenthood responsibilities.



KEY DOCUMENT!

Voluntary Acknowledgment of Parentage

Without this completed form, the state treats a child of unmarried parents as having no legal father/non-birthing parent.

R-132-00

COMMONWEALTH OF MASSACHUSETTS - VOLUNTARY ACKNOWLEDGEMENT OF PARENTAGE

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

We acknowledge that we are the biological parents of the following child (Name of child as it appears on the birth certificate).

First _____	Middle _____	Last _____	Sex (M/F) _____
Born in _____	_____	_____	Social Security # _____
<small>(Place of Birth)</small>	<small>City/Town</small>	<small>State</small>	<small>(Child's SSN - If available)</small>
_____	_____	_____	_____
<small>Month - spelled out</small>	<small>Day</small>	<small>Year</small>	

We voluntarily sign this acknowledgement to establish the child's paternity. We understand that this acknowledgement may be used to amend the child's birth certificate and the names of both parents will be on the child's birth certificate. We further understand that this acknowledgement is a legal document with the same binding effect as a court judgment of paternity. Blood and genetic tests may be used to deny paternity only in accordance with the terms described on the back of this form.

SAMPLE

SPEAK!

- Strengths-based screening for health-related social needs (HRSN)
- Person-centered priority-setting that considers support networks
- Education about available resources and key legal rights
- Advocating in role-aligned ways across the care team
- Knowing your limits and facilitating access to resources

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CONSIDERATIONS FOR MARRIED PEOPLE

Most of the time, if a person is married to the birthing parent at the time of the child's birth, the spouses complete the **Parent Worksheet for Certificate of Live Birth—Newborn** at the hospital. Each spouse's name will be listed on the birth certificate and each person will be recognized as the child's legal parent without any further action.



KEY DOCUMENT!

Parent Worksheet for Certificate of Live Birth—Newborn

Filled out by parent(s) at the hospital after the birth of a child. The [Registry of Vital Records and Statistics](#) uses this worksheet to complete the birth certificate.

Form R-19-12 06 2019 - PART A

Commonwealth of Massachusetts
Department of Public Health
Registry of Vital Records and Statistics

Parent Worksheet for Certificate of Live Birth—Newborn

The information you provide below will be used to create your child's birth certificate. The birth certificate is a permanent document that will be used throughout your child's life to prove his or her age, citizenship, identity and parentage.

It is very important that you provide complete and accurate information for ALL of the questions. Items marked with an asterisk (*) will be printed on the child's birth certificate, but every item is needed for legal and/or public health purposes. For example, addresses are used by health and medical researchers to study and improve the health of children and newborn infants. This information is collected in accordance with Massachusetts General Law (c.111, §24B).

Please print your answers neatly and accurately. The birth certificate is a permanent legal document that is a record of events and information at the time of your child's birth and may not be changed later except under very limited conditions.

Administrative Use Only

Enrolling Parent MCH

Child MCH

Log #

What if a birthing parent's spouse is *not* the child's biological parent?

The law still treats the spouse as the child's other legal parent with all associated parental rights and responsibilities! If the family wishes to have *the biological father's* name listed on the birth certificate instead of the *birthing parent's spouse*, and for both biological parents to have legal parenthood rights, **all three adults** must complete and sign legal documents:

- The biological father and birthing parent must sign a **Voluntary Acknowledgment of Parentage**; and
- The spouse and birthing parent must sign an **Affidavit of Non-Paternity** (or **Affidavit of Non-Parentage**).



KEY DOCUMENT!

Affidavit of Non-Paternity (or Affidavit of Non-Parentage)

Without this signed document, the law will treat the non-birthing spouse as the child's second legal parent.

COMMONWEALTH OF MASSACHUSETTS R-134-00

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 _____ (Place of Birth) on _____ (Date of Birth) Month-spelled out Day Year