

Establishing Parentage

(filing and general information)

Here are a few tips for filling out the forms:

- Always use full legal names, not nicknames
- Type or print neatly. Fillable versions of the forms are available on our website at: <https://www.vermontjudiciary.org/>
- You will file each form with the Court. Before you do that, make copies of your completed forms--one for yourself and one copy for each of the other parties. You will need to find a place to make copies. The court clerk can make a copy for you for a fee.
- If any children involved in this case receive (or have received) AFDC, TANF or Medicaid, make an extra copy of your court papers and mail them to the Office of Child support at: Vermont Office of Child Support, PO Box 1310, Williston, VT 05495

Cover sheet: You are the Plaintiff and the other party is the Defendant. If there are other parties involved, they will be listed as "Other Party." Write your full legal name in the blank before "Plaintiff." Write the other party's full name in the blank before "Defendant."

Summons & Complaint form: Fill in all appropriate blanks on the form. Near the end, under "Requests for Relief," check all the boxes that apply. (If you are not sure, check the box; you can drop that request later.)

Confidential Information Sheet: You are required by both State and Federal law to provide your social security number along with the children's social security numbers. This information is collected on the Confidential Information Sheet and will not be disclosed to the public except to the Office of Child Support for child support purposes.

Supplemental Information Sheet: If you have additional people to name in your complaint than there is room for on the Summons & Complaint form, please use this additional information sheet

*If you are requesting to establish yourself as a de facto parent, please complete and file an additional affidavit form. If you are involved in an assisted reproduction, please contact the Probate Division for assistance.

File the Forms

"File," or submit, the original Cover sheet, Statement of Confidential Information sheet, Summons & Complaint and Affidavit to the the Family Division Court in the county where the child lives.

The Court charges a fee to file your papers. If you cannot afford the court fees, you can ask the clerk for an Application to Waive Filing fees and service costs. Fill out this form, sign them in front of a Notary Public and file it with the clerk along with your other papers.

Serve the Forms

The court clerk handles service (delivers) the summons and complaint on the other parent. When you file your case, the clerk will ask you which method of service you prefer. If you make no request, the clerk will serve by certified mail.

Acceptance of Service: Even though the court clerk handles service when children are involved, if the other parent is agreeable, you may deliver the papers yourself, along with an Acceptance of Service form for them to sign. Be sure to list all of the documents you gave the other party on the Acceptance of Service form. If they agree to sign the form, you should file it with (send it to) the court. By signing this acceptance form, the other party is not agreeing to anything in the complaint. They are just saying that they received the papers, and the case can go forward. The court clerk may also serve the other party this way. If the other party does not sign the form to accept service, then you must use one of the following alternative ways of service.

Certified Mail: The court clerk will serve the papers on the other party by mailing them by certified mail, return receipt requested, with delivery restricted. You will need to provide the address, and you will pay the mailing fees unless the court waived your fees and costs for service. If the other party refuses to accept the certified mail, the court clerk can send the papers by first class mail. Not picking up the certified mail is not considered to be a refusal.

First Class Mail With Acknowledgment: The court clerk may serve the other party by using first class mail along with an acknowledgment form. This form is called a Notice of Action and Request for Waiver of Service of Summons. The other party should sign the acknowledgment form and return it to the court in the prepaid envelope within 21 days of delivery. If the other party does not do that, the court may later require them to pay you for the cost of sending the documents in another way. You are responsible for the fee for this type of service unless the court waived your fees and costs of service.

Personal Service by Sheriff: You can also arrange for the other party to be served by a sheriff or constable. If the other party does not voluntarily accept service by mail or in person, you will have to use this method. You will have to pay the sheriff to do this unless the court waived your fees and costs of service. The cost will depend in part on how many miles the sheriff drives and how many tries the sheriff makes before finding and serving the other party. You can save money by working with the sheriff or a constable located near the other party. You can find the contact information at the court house for every sheriff in Vermont. There is no online list of contact information for all the constables in Vermont. You can check with the town clerk of the town in question for information about the local constable.

If you want to mail the documents to the sheriff, call the sheriff in advance to find out how to do that. Sheriffs all have their own processes. The sheriff may ask for a deposit to cover the fee. You can also take the documents to the sheriff in person. Once the sheriff serves the documents, the sheriff will send you a Return of Service. That will list the documents the sheriff served and the amount the sheriff charged. You must file this Return of Service with the court.

Publication (See Court staff for details)

Establishing Parentage

When a child is born to married parents, the law recognizes them as the legal parents. If the parents are not married when the baby is born, the father, or any other possible "parent," is not legally recognized as the parent. A court order "establishing parentage" creates that legal recognition.

The law assumes that the birth mother is a child's legal parent. If the birth mother is married, the law assumes that her spouse is the child's legal parent. If she is not married, the other parent needs a legal order to establish parentage. This is true even if the mother and her partner are living together. And it is true even if the other claimed parent's name is on the birth certificate.

Under Vermont law, you can establish parentage until a child is 21 (or later in some cases).

If the law does not recognize you as your child's legal parent:

- You may not be entitled to contact with the child or a relationship with the child if the child's legally recognized parent denies you access;
- The child may not have access to health insurance through your employer, union or military service;
- The child may not be entitled to financial support from you, or to contact with you; and
- If you die, the child may not qualify for many benefits. These include Social Security, pension, inheritance rights, veterans' benefits, and life insurance.

Acknowledgment of Parentage

An Acknowledgment of Parentage form is a legally binding document. Both the legally recognized parent and the other parent must sign it. If both parents agree they are the parents, they may sign a Voluntary Acknowledgement of Parentage form. This form is available online, at hospitals and birthing centers, at OCS offices and at the courts.

By signing the document, both parents swear that they are the child's parents. Signing the Acknowledgment means that either parent may seek parental rights and responsibilities or ask for parent child contact. It also means that both parents have an obligation to provide financial support to the child.

You must file your acknowledgment with the Department of Health at the address listed on the form. If you do not, it won't be effective. You can rescind (withdraw) your voluntary acknowledgment of parentage within 60 days if there has been no court order.

If you file your form with the Department of Health within 6 months of the child's birth, your name will be added to the birth certificate. After 6 months you can only get the birth certificate changed by order of the Probate Court.

The Acknowledgment of Parentage establishes the parents of the child. It does not, however, determine parental rights and responsibilities, parent-child contact rights or child support obligations. If you do not live with the other parent, you need to file a parentage case in the Family Division of the Superior Court to obtain a court order resolving these important issues.

You may also file a Denial of Parentage in certain circumstances.

The Office of Child Support helps people establish legal parentage. For more information about the Acknowledgment of Parentage, contact the [Office of Child Support](#).

Proving Parentage in Court

Under Vermont law, you are presumed to be a parent if:

- the child is born while you and the other parent were legally married to each other
- the child was born no later than 300 days after the parties' marriage terminated
- the child was born after the person who gave birth to the child married another person and both individuals asserted parentage and agreed to be named on the child's birth certificate
- the child resided together with a person for the first two years of the child's life and the person and another parent openly held out the child as their child

If either party denies that an alleged parent is the biological parent, or feels some doubt, the party can file a parentage action and ask the court to order genetic testing. The reasons for such a request are:

- the parties were not married and an Acknowledgement of Parentage is not on file with the Health Department;
- the parties signed an Acknowledgement of Parentage form, but you have evidence that one of you is not the parent of the child. (You must specifically describe this evidence in an affidavit that you must give to the court.)
- the parties were married when the child was born but you have evidence that one of you is not the biological parent of the child. (You must specifically describe this evidence in an affidavit.)

You must also indicate who will pay for the testing. The Office of Child support (OCS) will pay for the genetic test if the parent who gave birth to the child and the child are receiving assistance or one of you has applied for services from OCS and there is no Voluntary Acknowledgement of Parentage. Otherwise, it is up to the parties to arrange and pay for the testing themselves. The court has information about laboratories and what they charge for a genetic test.

The court order will give the time and place for the parties and the child to appear to give their genetic sample. You will generally know the test results within 6 weeks.

After the genetic testing results come back, the court will schedule a parentage hearing unless the results show that the tested person cannot possibly be the parent of the child.

If you ignore a hearing notice and do not show up, you give up your right to present your arguments and concerns.