



**VERIFIED COMPLAINT
TO ESTABLISH
DE FACTO PARENTAGE
G. L. c. 209C, § 25**

Docket No.

**Massachusetts Trial Court
Probate and Family Court**

Plaintiff

V.

Defendant 1

Defendant 2

Division

Information About the Plaintiff

1. Name of the Plaintiff _____
First Name Middle Name Last Name

2. The Plaintiff's current address:

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)
Primary Phone #: _____ E-mail: _____

Information About the Defendant(s)

3.
Name of the Defendant 1. _____
First Name Middle Name Last Name

Defendant's current address:

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)
Primary Phone #: _____ E-mail: _____

I do not know the Defendant's current address and have listed their last known address below:

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)
Primary Phone #: _____ E-mail: _____

FORM ALERT: If the address or whereabouts of the Defendant is unknown you must file a Motion for Service by Alternate Means and Affidavit of Diligent Search (CJP 31) with a Military Affidavit (TC0002).

The Defendant is _____
(Relationship to the Child)

Name of the Defendant 2. _____
First Name Middle Name Last Name

Defendant's current address:

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)
Primary Phone #: _____ E-mail: _____

I do not know the Defendant's current address and have listed their last known address below:

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)

Primary Phone #: _____ E-mail: _____

FORM ALERT: If the address or whereabouts of the Defendant is unknown you must file a Motion for Service by Alternate Means and Affidavit of Diligent Search (CJP 31) with a Military Affidavit (TC0002).

The Defendant is _____
(Relationship to the Child)

Information About the Child

4. Name of the Child _____
First Name Middle Name Last Name

5. The Child's current address:

(Address) (Apt, Unit, No. etc.) (City/Town) (State) (Zip)

6. The Child's date of birth: _____ The Child's current age: _____
Date

FORM ALERT: A certified copy of the Child's birth certificate which has been certified by the Registry of Vital Records and Statistics (or the correct municipality) within the last six (6) months should be filed with this complaint.

- I do **not** have a current birth certificate (record) and **cannot** legally obtain one.
- AND** The Child was born in Massachusetts and I request that the Court order the Registry of Vital Records and Statistics to send a current copy of the Child's birth certificate to the Court.
- Check here if you would like all certified copies of documents filed with the Court to be returned to the person who submitted them after review and processing.

7. List the names and date of births of all household members of the Child including minor children.

| Name | Date of Birth |
|------|---------------|
| | |
| | |
| | |

8. List the names, addresses, phone numbers, and e-mail addresses of all parents, legal guardians, legal custodians of the Child and any other party to the proceeding. All parents, legal guardians, legal custodians, and any other party to the proceeding shall be entitled to notice.

| Name | Role (e.g. Parent, Legal Guardian, Legal Custodian, etc.) | Address | Phone Number | E-mail Address |
|------|---|--|---|---|
| | <input type="checkbox"/> Parent <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other party to the proceeding, explain: _____ | OR <input type="checkbox"/> The address is listed above. | OR <input type="checkbox"/> The phone number is listed above. | OR <input type="checkbox"/> the e-mail address is listed above. |

| | | | | |
|--|---|--|---|---|
| | <input type="checkbox"/> Parent <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other party to the proceeding, explain: _____ | OR <input type="checkbox"/> The address is listed above. | OR <input type="checkbox"/> The phone number is listed above. | OR <input type="checkbox"/> the e-mail address is listed above. |
| | <input type="checkbox"/> Parent <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other party to the proceeding, explain: _____ | OR <input type="checkbox"/> The address is listed above. | OR <input type="checkbox"/> The phone number is listed above. | OR <input type="checkbox"/> the e-mail address is listed above. |

Presumptions Against Standing and Specific Facts

9. The Plaintiff

- a) is or has been has **not** been the defendant to an abuse prevention order issued after notice ad hearing pursuant to G. L. c. 209A involving the Child, a parent of the Child or a household member of the Child;
- b) is or has been has **not** been the defendant to a protection order issued pursuant to G. L. c. 208, § 34B or § 34C involving the Child, a parent of the Child, or a household member of the Child;
- c) is or has been has **not** been the defendant to a harassment prevention order issued pursuant to G. L. c. 258E involving the Child, a parent of the Child, or a household member of the Child.

10. The Department of Children and Families has has **not** made a determination supporting an allegation of abuse against the Plaintiff with respect to the Child or another child in the same household.

11. The Plaintiff is or has been has **not** been the foster parent of the Child.

The Plaintiff can meet the de facto parent requirements despite being a foster parent (see G. L. c. 209C, § 25 (i)).

Please explain:

12. No Defendant is or has been engaged in military service pursuant to 50 U.S.C 358 App. 511 within the past three years. **OR**

A Defendant is or has been engaged in military service pursuant to 50 U.S.C 358 App. 511 within the past three years and consents in writing to this Complaint. The consent is filed with this Complaint. **AND**

The Defendant has not executed a military family care plan. **OR**

The Defendant has executed a military family care plan and the plan does not prevent the Plaintiff from meeting any of the requirements of G. L. c. 209C, § 25 (i). **OR**

The Defendant has executed a military family care plan and consents in writing to this Complaint. That consent is filed with this Complaint.

13. The Plaintiff did did **not** engage in duress, coercion or threat of harm to establish any element of De Facto

parentage as set forth in subsection (i).

Allegations in Support of De Facto Parentage Complaint

14. The Plaintiff has has **not** resided with the Child as a regular member of the Child's household for **not less than** three (3) years **or** 40% of the Child's life, whichever is shorter, but in no event less than 2 years.

If a shorter period of time than above, provide an explanation:

15. a) The Plaintiff has has **not** engaged in consistent care giving of the Child by (check all that apply):

providing education care

providing health care

shaping the Child's daily routine

addressing the Child's developmental needs

b) The Plaintiff engaged in consistent care giving of the Child individually.

OR

The Plaintiff engaged in consistent care giving of the Child cooperatively with another parent, namely:

(Name of Parent)

16. The Plaintiff undertook full and permanent responsibilities of a parent of the Child without expectation of payment or financial compensation.

17. The Plaintiff has has **not** held the Child out as their own.

18. Explain how the Plaintiff established a bonded and dependent relationship with the Child that is parental in a nature:

19. Every parent of the Child consented to the bonded and dependent relationship over a period of not less than six (6) months by:

holding out the Plaintiff as a parent of the Child

AND

engaging in shared decision making with the Plaintiff regarding significant issues of the Child's education, health, and welfare.

OR

impliedly consenting because, without good cause, they have not meaningfully engaged with the Child through direct contact, participation in decision making, or regular financial support for a period of 2 (two) years.

20. If each parent held out the Plaintiff as a parent of the Child, identify the time period: _____

21. The Plaintiff has has **not** attempted to meaningfully engage with the Child by

regularly requesting contact **OR** participating in decision making and was was **not** prevented from doing so by another person.

22. Adjudicating the Plaintiff to be the Child's parent is is **not** is in the best interest of the Child.

Requests to the Court

- 23. The Plaintiff requests that they be adjudicated as a legal parent of the Child.
- 24. The Plaintiff requests that a new birth certificate be issued for the Child pursuant to G. L. c. 46, § 13 (d) (4) and G. L. c. 209C, § 8.
- 25. The Plaintiff requests that the Child's legal name be changed on their birth certificate to:
_____ _____ _____
First Name Middle Name Last Name
and a new birth certificate to issue.
- 26. The Plaintiff requests an interpreter for any court hearings. Language: _____
- 27. Additional requests:

SIGNED UNDER THE PENALTIES OF PERJURY

I certify under the penalties of perjury that the foregoing statements are true to the best of my knowledge and belief.

Date: _____
Signature of Plaintiff _____
_____ (Print name)

Information on Attorney for Plaintiff, if any

Signature of Attorney _____
_____ (Print name)
_____ (Address) _____ (Apt, Unit, No. etc.)
_____ (City/Town) _____ (State) _____ (Zip)
Primary Phone #: _____
B.B.O. # _____
E-mail: _____