

A SMALL BUT SIGNIFICANT CHANGE TO PATERNITY FORMS

In July, 2015, the Probate and Family Court issued a revision to the forms relating to paternity, specifically forms CJD 106, Complaint to Establish Paternity, and CJD 109, Complaint for Custody-Support-Parenting Time pursuant to G.L.c. 209C. These new forms now contain a request for Custody and Parenting Time, as opposed to “visitation” by the non-biological parent.

This change is significant, as it officially recognizes the practice among many judges and attorneys to refer to the time spent between kids and their parents as what it is: parenting time. The previous version of the forms, which referred to time with the non-biological parent or the biological father of children born outside of marriage as visitation, diminished the role both parents play in a child’s life, and demeaned the other parent by referring to their time with the child/ren as “visits”. As one judge noted several years ago, “You visit someone in the hospital or jail, or maybe your aunt on a holiday. You don’t visit your kids, you parent them.”

Moreover, this change recognizes that even though parents may not be married, each parent’s role in a child’s life is important, and an unmarried parent should not be viewed as “less than” when characterizing his or her time with their child/ren. A parent whose role in a child’s life is respected and valued is more likely to be involved in the child’s life in a positive manner. This positive involvement will benefit the child throughout his or her life, and makes it more likely that both parents will contribute to the child’s financial needs. The message being sent by the Court establishes, at the outset of a paternity case, that each parent is important to a child, and each is expected to be a **parent**, as opposed to an occasional visitor in the child’s life.

While statutory law still provides that the biological mother has sole legal and physical custody of a child born out of wedlock until there is an Order or Judgment of the Court to the contrary even when both parents are named on the birth certificate, this change is a step in the right direction to treating parents who are unmarried with the same respect and expectations as parents who are married.

c. 2015 Attorney Karen M. Buckley
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