

In Massachusetts paternity needs to be established in order to determine the child's legal father if the parties are not married. There are different ways that it can be done.

One is, simply signing an Acknowledgement of Paternity. Father and mother state that the father is the child's father; and it would appear on the child's Birth Certificate and then the child is linked to the father.

You can also go to Court and either parent can file a Complaint to Establish Paternity with the Probate and Family Court (and occasionally the Juvenile Court). It is a case that is heard by a Judge and typically a DNA test will be ordered on the child and the putative father; and typically if the DNA test comes back positive, then the father is adjudicated to be the legal father.

One of the things in Massachusetts is if the child is born to a

married woman, the woman's husband is legally presumed to be the father of that child. If the mother had a relationship with someone else during the pregnancy, the woman's husband would still be considered the legal father; even though he is not biologically the father; although, there may be ways that the biological father can end up being adjudicated of being the legal father.

A paternity has to be established to deal with issues such as child support, custody and visitation. If paternity is not established, the State automatically grants the mother sole legal and sole physical custody; which means that she is the only one that has the ability to make decisions and that the alleged father does not have the ability to object.