

## Statements to Support a Declaration of Biological Parentage

**This form goes with Form 3. If you have not yet filled out Form 3, please do it now.**

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Now that you have filled out Form 3, you know something about "presumptions of parentage". Those are some of the general rules that the court uses when it says that a person is a parent, and has a duty to support a child. The rules are part of the laws of most 'reciprocating jurisdictions' (the place where the respondent lives). If you do not have one or more of the "presumptions of parentage", or if you believe the respondent will dispute parentage, you use Form 4. This ISO Guide will give you information to help you fill out Form 4.

You use Form 4 – along with Form 3 – if **either** of the following statements applies to your situation:

- You believe that the respondent will dispute parentage of the child. This means that you believe the respondent will say, "It's not my child", or "I should not have to support the child".
- You could not check off any of the 9 "presumptions of parentage" boxes on Form 3.

If you already have a court order, or a written agreement, saying that the respondent is the parent of the child, or will pay support, you **do not** need to fill out Form 4. Be sure to list the order or agreement in the Case History section of Form 1, and attach a copy.

Note: Form 4 is about **biological** parentage. Use Form 4 if you are asking the court for an order that the respondent is the 'natural', physical parent of the child. If the respondent is not a biological parent, read the "Note" on the Form 3 Guide.

You filled out a Form 3 for each child. You need a Form 4 if you believe the respondent will dispute parentage. You need one Form 4 for each child whose parentage may be disputed. Make sure you have one working copy, and one good copy for each child.

The mother of the child should fill out Form 4. The form starts with a statement that the person filling out

the form is the mother. On your working copy, fill in the full name of the child, the child's date of birth, and the name of the place where the child was born.

### 1. Parentage claim

In the box under paragraph 1, write in the name of the place, and the dates (or range of dates), when you had sexual intercourse with the respondent. The date or dates you write down tell the court that you had sex with the respondent during the time when you became pregnant. Check whether the pregnancy was full term, or not. If you did not have a full-term pregnancy, write a brief note. Examples: *4 weeks premature or due date July 1, born July 15.*

### 2. Facts about the claim

This part of Form 4 is a list of the kinds of details a parent often tells a court. Go through this list on your working copy of the form, checking off 'yes' or 'no' beside each statement. Think about each statement – this is the evidence the court will use when it makes an order. The respondent will receive a copy too. You may be asked to prove that each 'yes' statement is true.

For some of the statements, there are other check boxes. Read them carefully. If any apply to you and this child, check them.

### 3. Other information

Each of the statements has a letter beside it (a to q). In this section you will explain any of the 'yes' answers you gave in section 2. If you answered 'yes', write the letter (a to q) on the left side of the page, and give a short explanation to go with that letter. You do not have to go into a lot of detail, but you should only write facts that you can prove.

If you need more space, attach another page, and check the 'continued on attached sheet(s)' box.

### 4. Genetic testing

Remember that you are filling out Form 4 because the respondent may dispute parentage, or because none of the usual "presumptions of parentage"

exist for this child. This statement tells the court that you will agree to have genetic testing (DNA, a paternity test) done if the court orders it. There is no check box for this section. If the respondent disputes parentage, you may be asked to participate in genetic testing. If the court decides that genetic testing is the *only* way to confirm parentage, it can make an order. If you refuse to participate in genetic testing when a court has ordered it, the court can refuse to make a declaration of parentage and support order.

### 5. Other possible parents

A respondent might say, "Another man is the father, not me!" This statement answers that, in advance. Read the statement. What is your answer to the statement, "I had sexual intercourse with a man other than the respondent during the time 30 days before to 30 days after the date the child was conceived"? If 'No', check off the 'No' box, and move on to section 6.

If your answer is 'Yes', you are talking about a time a month before to a month after the date you became pregnant. This is the time when it might have been possible for another man to be the father. This is also why, on the first page, there's a question about whether it was a full term pregnancy.

For a 'Yes' answer, you need to fill out paragraphs a., b., and c. In paragraph a., write the name of any other man you had sex with during that '30 days before to 30 days after conception' period.

Under paragraph b., check 'no' if any person named is **not** a blood relative of the respondent. If a man is a blood relative, check yes. Write the man's name and his relationship with the respondent. If this man is a blood relative, the court may ask for a genetic test.

In paragraph c., write why you believe a person you have named is not the father. This ISO Guide cannot give a list of reasons. You know what happened. In general terms, the reasons may be about a method of birth control that was used, or the man's inability to father a child, or an obvious physical difference between the man and your child. Be specific about the reason.

### 6. Marriage

Marriage is one of the "presumptions of parentage". In this paragraph, you are saying, "I was married, but my husband was not the father of this child." If you were not married check off the 'No' box.

If you were married to someone *other than* the respondent when the child was born, check off the 'Yes' box. Fill in paragraphs a. and b. In paragraph a., list the name of the man you were married to, and his address.

In paragraph b., say why you do not believe your husband (at the time the child was born) could be the father of the child. There are too many reasons to give you a list in this ISO Guide. Think about your reasons. You do not need to go into a lot of detail. For some, a statement like, "My husband and I separated on (date), and I did not have sexual intercourse with him after that" will do just fine. You are telling the court, "this is why he could not be the father." If you have any documents, you can attach them to this form.

### Worksheet

When you finish your working copy of Form 4, you may have identified documents to attach to your 'good' copy. Go through your working copy now, and write down the names of any documents you need to get for this child. Remember, it is one Form 4 for each child where parentage might be disputed. As you get each document, check off the 'done' column, and keep the documents with your Form 4.

Document / To Do	Done

Form 4 is part of your evidence. You will sign it as claimant/applicant in the blank provided at the bottom of the form when you swear/affirm Form 1.