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**Department of Transitional Assistance**  
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**Field Operations Memo 2003-25**  
**October 3, 2003**

**To:** Transitional Assistance Office Staff

**From:**  Cescia Derderian, Assistant Commissioner for Field Operations

**Re:** TAFDC: Establishing Paternity

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**Background**

DTA and DOR are working together to collect the information needed to issue an order for genetic marker tests (GMT) when paternity has not been established for the child. Genetic marker tests, also called paternity tests, use the DNA from the father, mother and child to determine the probability of paternity. Critical to this process is the *Mother's Affidavit* which is signed by the mother identifying the father of the child.

To receive TAFDC benefits the custodial parent is required to cooperate with DOR, unless there is good cause, to establish paternity and a child support order. Cooperation includes signing the affidavit and appearing for GMT.

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**Purpose of Memo**

This memo provides:

- an explanation of DOR's policy regarding GMT, why an affidavit is required, how the GMT is done, and how GMT can protect the child; and
  - procedures for completing the necessary forms by the AU Manager or the applicant/recipient at the TAFDC application or an eligibility review, if the forms were not previously completed.
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**DOR Policy  
on Genetic  
Marker  
Testing**

In a TAFDC AU in which the mother (custodial parent/TAFDC assessed person) has assigned her rights to support to the Commonwealth and paternity has not yet been established, DOR counsel are required to issue an administrative order or seek a court order for GMT. There are some situations when DOR counsel will not seek a court order for GMT, such as paternity has been established, good cause has been claimed or the father is deceased.

If the parties do not agree to genetic marker testing, DOR counsel will seek a court order for testing prior to the execution of any agreement in which the parties acknowledge paternity.

If the mother is currently married or was married to someone other than the *alleged* father at the time the child was born or conceived, the husband is the “presumed” father of the child. DOR is required to notify the *presumed* father (husband) before seeking an order to establish the *alleged* father as the father of the child unless a prior court order/judgment found that the *presumed* father (husband) was not the father of the child.

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**Why a Mother’s  
Affidavit is  
Required**

DOR needs a sworn statement from the mother (custodial parent/TAFDC applicant/recipient) that sexual intercourse took place with the alleged father during the probable period of conception to have the authority to issue an order for the mother, father, and child to undergo GMTs. If the mother fails to sign the affidavit, she will be required to go to court, where the court will order the same test. The court will require an affidavit that the mother had sexual intercourse with the alleged father during the probable period of conception. Although the mother may not need to appear in court for a GMT order, there may be other times when her appearance in court is required, such as the final hearing to establish paternity and a child support order.

The mother completes the *Mother’s Affidavit* when she applies for TAFDC or during an eligibility review if the affidavit was not completed at application. With the signed affidavit, DOR will be able to hasten its efforts in obtaining a support order which will result in a quicker determination of child support payments for the child. Regular child support payments coupled with the mother’s earnings will expedite leaving public assistance.

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**How Genetic Marker Tests and Paternity Establishment is Done**

Genetic marker tests are done by rubbing a cotton swab on the inside of the cheek of the alleged father, mother, and the child. No blood is taken. A photograph and thumbprint of all parties are taken for identification purposes; in addition, the alleged father and the mother must sign an authorization form. DOR mails the test results to the parties within three to four weeks after testing is completed on the alleged father, mother and child.

If the test results indicate a probability of paternity of 97 percent or greater, the law presumes that the alleged father is the biological father of the minor child. DOR will then schedule a court hearing and notify both parties of the hearing date.

At the hearing, the parties can sign a form agreeing that the alleged father is the legal father of the child. The court may enter a judgment in accordance with that agreement.

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**How Genetic Marker Tests Protect Children**

Genetic marker tests can serve to protect a child from the painful experience that occurs if the man believed to be the father later attempts to *disestablish* paternity. The position DOR will take on a case in which the court is being asked to disestablish paternity depends on the specific facts of the case. However, the best way to avoid the difficulties and heartaches that disestablishment proceedings can mean for the child involved is to obtain GMT prior to an acknowledgment or adjudication of paternity.

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**Genetic Marker Testing Not Required**

A GMT is not required and will not be done when:

- 1) the mother claims good cause for not cooperating with DOR;
- 2) paternity has been established by either of the following conditions:
  - the child's date of birth is after 1994 and the father's name appears on the birth certificate. A father's name is put on the birth certificate after he signs a paternity acknowledgement form in the hospital certifying that he is the father of the child; or
  - a court order already exists; or
- 3) the child's father is deceased.

If any of these reasons exist, use the Comments section on the *Mother's Affidavit Referral Form* to document that GMT is not required for the AU and file the Referral form in the AU record for future reference.

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**AU Manager  
Responsibilities**

When a GMT is required to establish paternity, the AU Manager:

- provides the mother with the information sheet titled *Establishment of Paternity, Information for Mothers* (DTA Pat Info 8/5/03) (Attachment A);
- advises the mother to call DOR Customer Service Bureau at 1-800-332-2733 if further information is needed or she has questions about GMT;
- gives the mother the *Mother's Affidavit* form(s) **for each child** (DTA Mother's Aff 8/5/03) (Attachment B) to complete;
- while the mother completes the *Mother's Affidavit* form(s), completes the *Mother's Affidavit Referral Form* (DTA Mo Aff Referral Form 8/5/03) (Attachment C) by completing the first section with the DOR-Child Support Enforcement office information for the TAO and the DTA AU Manager's information, and entering the custodial parent's (mother's) information in the second section. The status section information on the affidavit is based on whether or not the custodial parent signs the affidavit; and
- reviews the completed *Mother's Affidavit*(s), making sure all the questions are answered and the form is signed and dated.

If the mother **signs** the *Mother's Affidavit*(s), the AU Manager:

- checks off the "custodial parent signed" status box on the *Mother's Affidavit Referral Form*;
- makes a copy of the *Mother's Affidavit*(s) and the *Mother's Affidavit Referral Form* for the AU record;
- attaches the *Mother's Affidavit*(s) to the *Mother's Affidavit Referral Form*; and
- sends the affidavit(s) and referral form to the TAO's assigned DOR-Child Support Enforcement office. For a TAFDC applicant, send both forms along with the Assignment of Rights (T-A34/36) to DOR after the TAFDC AU is approved.

**NOTE:** It is possible that a mother may sign an affidavit regarding one father but may refuse to sign an affidavit regarding a father of another child.

Once DOR receives the *Mother's Affidavit*, the paternity testing process will proceed.

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**AU Manager  
Responsibilities  
(continued)**

If the mother **does not sign** the *Mother's Affidavit*, the AU Manager:

- checks off the “custodial parent refused to sign” status box on the *Mother's Affidavit Referral Form*;
- asks the mother to write the reason for the refusal in the Comment section on the referral form. If the mother is unable to comply, the AU Manager should write the reason as stated by the mother;
- if the reason for refusing to sign the affidavit qualifies as a good cause reason for not cooperating with DOR, immediately annotates Section III on the T-A34/36 form that good cause has been claimed. Refer to the procedures in the User's Guide, Chapter XIII-G-36;
- makes a copy of the Referral form for the AU record; and
- sends the Referral form to TAO's assigned DOR-Child Support Enforcement office.
  - for a TAFDC applicant, the Referral form along with the Assignment of Rights form (T-A34/36) is sent to DOR after the TAFDC AU is approved;
  - for a TAFDC recipient who claims good cause, the Referral form along with the annotated T-A34/36 form is sent to DOR; and
  - for a TAFDC recipient who does not claim good cause, only the Referral is sent to DOR.

**At this time, if the mother refuses to sign the *Mother's Affidavit* the AU Manager takes no action to sanction the assessed person for noncooperation with DOR enforcement procedures. DOR makes the determination that the assessed person is not cooperating and if so, will notify the AU Manager at that time.**

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**DOR Forms**

Offices will receive DOR's three forms (*Establishment of Paternity Information for Mother, Mother's Affidavit* and *Mother's Affidavit Referral Form*) during the week of September 29. Additional supplies are to be ordered from Schraffts through the normal process.

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**Questions**

If you have any questions, please have your Hotline designee call the Policy Hotline at 617-348-8478.

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**MASSACHUSETTS DEPARTMENT OF REVENUE  
CHILD SUPPORT ENFORCEMENT DIVISION**

**ESTABLISHMENT OF PATERNITY  
Information for Mothers**

To receive TAFDC/public assistance benefits from the Department of Transitional Assistance (DTA) for you and your child, you are required to cooperate with the Child Support Enforcement Division of the Department of Revenue (DOR) to establish paternity and a child support order. If, however, cooperating with DOR puts you in fear of physical or emotional harm to you or your children, you may have "good cause" for not cooperating. If you think that you have good cause for not cooperating, please ask your DTA worker about how to file a good cause claim.

Here is some information about paternity establishment and the statement under oath that you are being asked to fill out. Please read this form and complete the sworn statement. Also, please read the brochure titled "Paternity Guide for Unmarried Parents" to learn more about the benefits of paternity establishment.

- **WHAT IS PATERNITY ESTABLISHMENT?**

If you and your child's father were not married to each other when your child was born, there is no legal relationship between him and your child until paternity is established by court order or acknowledgment of parentage by both parents. Paternity means legal fatherhood. To establish paternity is to establish legal fatherhood – to legally name your child's father. Paternity must be established before the father can be ordered to pay child support.-

- **WHAT INFORMATION DO I NEED TO PROVIDE ABOUT THE IDENTITY OF MY CHILD'S FATHER?**

You must provide as much information as you know about the identity of your child's alleged father, including his name and address, as well as his date of birth and Social Security number. Also, you must complete an affidavit in which you state under oath that sexual intercourse occurred with the alleged father during the probable period of conception (the time when you most likely became pregnant with your child).

- **WHY DO I NEED TO COMPLETE AN AFFIDAVIT IN WHICH I PROVIDE PERSONAL INFORMATION ABOUT MY SEXUAL RELATIONSHIP WITH THE CHILD'S ALLEGED FATHER?**

You need to complete the affidavit in which you state under oath that you had sexual intercourse with the alleged father during the probable period of conception because Massachusetts law allows DOR to arrange for paternity testing on the basis of that statement, without having to bring you and the alleged father to court to get an order for paternity testing. If DOR has your completed affidavit and can arrange for testing right away, your case can go faster, since you and your child will not have to go to court to get an order for testing. If you do not sign the affidavit, DOR may issue a determination of noncooperation to DTA and your benefits may be reduced.

- **HOW IS PATERNITY ESTABLISHED?**

DTA will refer the information on your case to DOR. Since you have completed the affidavit, DOR will then schedule paternity testing for you and your child and the man you named as the father. DOR will also take the steps necessary to establish a child support order. Paternity tests (also referred to as genetic marker tests) are done by rubbing a cotton swab on the cheeks inside the mouth. No blood is taken. Once the test results are complete, you and the man you named as the father will be notified of the results.

- **HOW CAN I GET MORE INFORMATION?**

If you have any questions or want more information, please call DOR's Customer Service Bureau at 1-800-332-2733, or visit our website at [www.mass.gov/dor](http://www.mass.gov/dor).





**MASSACHUSETTS DEPARTMENT OF REVENUE  
CHILD SUPPORT ENFORCEMENT DIVISION**

**MOTHER'S AFFIDAVIT**

1. My name is: \_\_\_\_\_.
2. I live in: \_\_\_\_\_, Massachusetts.  
(Town/County)
3. I am the mother of: \_\_\_\_\_.
4. My child was born on: \_\_\_\_\_.
5. The name of the father of my child is: \_\_\_\_\_.
6. I have known the father since: \_\_\_\_\_.
7. I had sexual intercourse with the father between \_\_\_\_\_  
(Month/Day/Year)  
and \_\_\_\_\_, which is the probable period of conception of my child.  
(Month/Day/Year)
8. I believe that the father is the biological father of my child because I had sexual intercourse with him during the probable period of conception.
9. I was not married to the father during the probable period of conception of my child or at the time of my child's birth.
10. Please check one of the following:
  - I have never been married.
  - I am/was married to \_\_\_\_\_ from: \_\_\_\_\_ to: \_\_\_\_\_.  
(Name of Husband) (Date of Marriage) (Date of Divorce if Divorced)

Signed under the penalties of perjury.

Date: \_\_\_\_\_





**MASSACHUSETTS DEPARTMENT OF REVENUE  
CHILD SUPPORT ENFORCEMENT DIVISION**

**DEPARTMENT OF TRANSITIONAL ASSISTANCE  
MOTHER'S AFFIDAVIT REFERRAL FORM**

<b>To:</b>	<b>From:</b>
<b>Phone:</b>	<b>Phone:</b>
<b>Date:</b>	<b>DTA Office:</b>

**Custodial Parent**

<b>Name:</b>	
<b>Date of Birth:</b>	<b>SSN:</b>
<b>Home Address:</b>	
<b>Home Phone: ( )</b>	<b>Work Phone: ( )</b>

**Status of Mother's Affidavit**

<input type="checkbox"/> <b>Custodial Parent Signed Mother's Affidavit.</b>
<input type="checkbox"/> <b>Custodial Parent Refused to Sign Mother's Affidavit (see Comments).</b>

**Comments (if custodial parent refused to sign Mother's Affidavit)**