

STATE OF VERMONT

SUPERIOR COURT

Unit

FAMILY DIVISION

Case No.

Plaintiff Name		Defendant Name
	v.	

**SUMMONS AND VERIFIED COMPLAINT TO ESTABLISH PARENTAGE
AND/OR RELATED OBLIGATIONS**

Plaintiff Information:

Name: _____ Date of Birth: _____
Street Address: _____ City/State/Zip: _____
Mailing Address (if different from Street Address): _____
City/State/Zip: _____ Email Address: _____
Daytime Phone: _____ Evening Phone: _____
Attorney Name: _____ Attorney Phone: _____

Defendant Information:

Name: _____ Date of Birth: _____
Street Address: _____ City/State/Zip: _____
Mailing Address (if different from Street Address): _____
City/State/Zip: _____ Email Address: _____
Daytime Phone: _____ Evening Phone: _____
Attorney Name: _____ Attorney Phone: _____

Other possible parent, if any (notice will be sent)

Name: _____ Date of Birth: _____
Street Address: _____ City/State/Zip: _____
Mailing Address (if different from Street Address): _____
City/State/Zip: _____ Email Address: _____
Daytime Phone: _____ Evening Phone: _____
Attorney Name: _____ Attorney Phone: _____

- ☐ Attached is a Supplemental Information Sheet (form 400-00817A)
Regarding additional Other Possible Parents

SUMMONS

THIS SUMMONS IS DIRECTED TO:

Name of Defendant

1. PLAINTIFF

Name of Plaintiff

HAS FILED A COMPLAINT TO ESTABLISH PARENTAGE AND/OR RELATED OBLIGATIONS for certain minor children. The children are named in the Complaint which begins on the next page. Do not throw these papers away. They are official papers that affect your rights.

2. **TO PROTECT YOUR RIGHTS, YOU SHOULD REPLY WITHIN 21 DAYS.** Your written response is called an Answer. You can get an official court form for an Answer to a Parentage Complaint at any Vermont Family Court or on the Judiciary web site at: <http://www.vermontjudiciary.org>
3. **YOU MUST RESPOND TO EACH CLAIM.** In your Answer, you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything requested in the Complaint, you should say so in your Answer.
4. **IF YOU DO NOT FILE AN ANSWER OR FILE AN APPEARANCE, THE COURT IS NOT REQUIRED TO NOTIFY YOU OF HEARINGS.** If you do not attend the court hearings, the Plaintiff may receive everything requested in the Complaint. You will not get a chance to tell your side of the story.
5. **YOU MUST GIVE OR SEND A COPY OF YOUR ANSWER TO THE PLAINTIFF.** If the Plaintiff has an attorney, you must give or send a copy of your Answer to the Plaintiff's attorney.
6. **YOU MUST GIVE OR SEND YOUR ORIGINAL ANSWER TO THE COURT at this address:**
Select Address
7. **LEGAL ASSISTANCE:** You may wish to get help from a lawyer. Even if you cannot get legal help, you must still give the Court a written Answer to protect your rights.

Date

Signature of Court Clerk

VERIFIED COMPLAINT FOR ESTABLISH PARENTAGE AND/OR RELATED OBLIGATIONS

FACTUAL INFORMATION

The Plaintiff states that the following facts are true:

1. Minor Children

The children who are the subject of this parentage action are:

Name of Child: _____	Date of Birth: _____
Name of Child: _____	Date of Birth: _____
Name of Child: _____	Date of Birth: _____
Name of Child: _____	Date of Birth: _____
Name of Child: _____	Date of Birth: _____

Quick Reference Guide: NOTE if you are unsure if you meet the criteria to be established as a “parent,” please seek legal advice before submitting this complaint with the court.

“Presumed parent” A person is presumed to be a parent of a child if:

- the person and the person who gave birth to the child are married to each other and the child is born during the marriage; or
- the person and the person who gave birth to the child were married to each other and the child is born not later than 300 days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution; or
- the person and the person who gave birth to the child married each other after the birth of the child and the person at any time asserted parentage of the child and the person agreed to be and is named as a parent of the child on the birth certificate of the child; or
- the person resided in the same household with the child for the first two years of the life of the child, including periods of temporary absence, and the person and another parent of the child openly held out the child as the person’s child.

“Acknowledged parent” means a person who has given birth to the child(ren) or who is the alleged genetic parent that has signed a Voluntary Acknowledgement of Parentage Form.

“Adjudicated parent” means a person who has been adjudicated by a court of competent jurisdiction to be a parent of the child(ren).

“De Facto Parent” is a person who has resided with the child(ren) as a regular member of the household for a significant period of time and meets other legal criteria.

“Intended parent” is a person, whether married or unmarried, who intends to be legally bound as a parent of the child(ren) resulting from assisted reproduction or a gestational carrier agreement.

2. Plaintiff is (check all that apply):

- ☐ the genetic or adoptive mother of the children named above;
- ☐ the genetic or adoptive father of the children named above;
- ☐ a child named above
- ☐ presumed parent

CHECK IF APPLICABLE:

- ☐ Plaintiff and Defendant were married on (date) _____.

List Child(ren) Name(s) _____
were born during our marriage;

- ☐ Plaintiff and Defendant were divorced on (date)_____.

List Child(ren) Name(s)_____

were born within 300 days after the date the marriage terminated (by divorce, annulment or operation of law);

- ☐ Plaintiff and Defendant married each other after the birth of

List Child(ren) Name(s)_____

Defendant asserted parentage of the child, and agreed to be and is named as a parent of

List Child(ren) Name(s)_____

on the birth certificate;

- ☐ Plaintiff and Defendant resided in the same household with

List Child(ren) Name(s)_____

for the first two years of his/her life, including periods of temporary absence, and Plaintiff and Defendant openly held out

List Child(ren) Name(s)_____

as the Plaintiff's/Defendant's child.

- ☐ acknowledged parent (a copy of the Voluntary Acknowledgement of Parentage form must be included)

- ☐ adjudicated parent

- ☐ de facto parent*

- ☐ intended parent

- ☐ a personal representative of a child named above

- ☐ Other: state the nature of parental relationship to the child(ren) _____

*A party filing as a de facto parent must file an additional affidavit.

See De Facto Parentage Guide for details

3. Defendant is (check all that apply):

- ☐ the genetic or adoptive mother of the children named above;

- ☐ the genetic or adoptive father of the children named above;

- ☐ presumed parent

CHECK IF APPLICABLE:

- ☐ Defendant and Plaintiff were married on (date)_____.

List Child(ren) Name(s)_____

were born during our marriage;

- ☐ Defendant and Plaintiff were divorced on (date)_____.

List Child(ren) Name(s)_____

were born within 300 days after the date the marriage terminated (by divorce, annulment or operation of law);

- ☐ Defendant and Plaintiff married after the birth of

List Child(ren) Name(s)_____

Plaintiff asserted parentage of the child, and agreed to be and is named as a parent of

List Child(ren) Name(s)_____

on the birth certificate;

- ☐ Defendant and Plaintiff resided in the same household with

List Child(ren) Name(s) _____

for the first two years of his/her life, including periods of temporary absence, and Plaintiff and Defendant openly held out

List Child(ren) Name(s) _____

as the Plaintiff's/Defendant's child.

- ☐ acknowledged parent (a copy of the Voluntary Acknowledgement of Parentage form must be included)

- ☐ adjudicated parent

- ☐ de facto parent*

- ☐ intended parent

- ☐ Other: state the nature of parental relationship to the child(ren) _____

*A party filing as a de facto parent must file an additional affidavit.

See De Facto Parentage Guide for details

4. Other possible parents (check one)

- ☐ The child(ren) *do not* have any other parents.

OR

- ☐ The child(ren) *do* have another parent named above. That parent's name is:

_____ and his/her address is:

The nature of the relationship is (please describe):

5. The court has jurisdiction because:

- ☐ Defendant resides in Vermont

- ☐ Defendant does not reside in Vermont (check all box that applies)

- ☐ Defendant is personally served with notice of the proceeding within Vermont

- ☐ Defendant submits to the Jurisdiction of Vermont by consent in a record by entering a general appearance, or by filing with the tribunal a responsive document having the effect of waiving any contest to personal jurisdiction

- ☐ Defendant resided with the child(ren) in Vermont from _____ to _____
date date

- ☐ Defendant resided in Vermont and provided prenatal expenses or support for the child(ren)

- ☐ The child(ren) resides in Vermont as a result of the acts or directives of the Defendant

- ☐ Defendant engaged in sexual intercourse in Vermont and the child(ren) may have been conceived by that act of intercourse

- ☐ Defendant asserted parentage of a child(ren) in the putative father registry maintained in Vermont by the Probate Division of Superior Court in the District of Chittenden

- ☐ Any other basis consistent with the constitution of Vermont and the United States for the exercise of personal jurisdiction

6. UCCJEA Jurisdiction:

- A. During the last five years, the children listed above have lived at the following addresses with the following household members:** *(Begin with the child's residence just before this court case and list all addresses for the past five years.)* Information required under 15 V.S.A. § 1071

Address <i>(include street/city/state)</i>	Dates <i>(from when to when)</i>	Names of all Persons <i>(living in the household with the child)</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Use additional page if you need more space. If children have lived at different addresses from each other, please indicate the addresses for each child.

- B. If the current address of any household member listed in the last column is different from the address listed above, please provide a current address for that person in the box above or on another page.**
- C. Please check the box below if the statement next to it is true.**
- ☐ I have participated as a party, witness, or in some other way in a case about the custody of this child or these children in a Vermont court or in another state.
 - ☐ I have information about a case concerning the custody of this child or these children that is now pending in a case in a Vermont court or in another state.
 - ☐ I have knowledge about a person who is not a party to this case who has physical custody of this child or these children or who claims to have custody of or visitation rights with this child or these children.

7. Public Assistance

- ☐ I receive assistance from the Division of Economic Services
- ☐ Defendant receives public assistance from the Division of Economic Services
- ☐ Other possible parent receives public assistance from the Division of Economic Services

8. Earlier action for parentage, divorce, annulment or separate support

- ☐ I have not filed for establishment of parentage, divorce, legal separation, annulment or separate support in any court against the ☐ Defendant ☐ Other possible parent AND, as far as I know, the ☐ Defendant ☐ Other possible parent has not brought an action for parentage, divorce, legal separation, civil union, annulment or separate support against me.
- ☐ I have filed or the ☐ Defendant ☐ Other possible parent has filed for establishment of parentage, divorce, legal separation, annulment or separate support before the date of the filing of this petition. *(If you check this box, you must complete the information below. Use an additional sheet of paper if necessary.)*

Type of Action	Who Filed	Where Filed <i>(Court, County, State)</i>	Year Filed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please attach a copy of any Court Order issued in a case listed above.

9. Relief from abuse/protective order or other proceedings:

- ☐ I have not filed a complaint for relief from abuse or a request for a protective order against the
☐ Defendant ☐ Other possible parent AND, as far as I know, the ☐ Defendant
☐ Other possible parent has not filed such an action against me.
- ☐ I have filed a complaint for relief from abuse or a request for a protective order against the
☐ Defendant ☐ Other possible parent OR ☐ Defendant ☐ Other possible parent has filed a
complaint for relief from abuse or a request for a protective order against me. (If you check this box, you
must complete the information below. Use an additional page if necessary.)

Type of Action	Who Filed	Where Filed (Court, County, State)	Year Filed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please attach a copy of any Court Order issued in a case listed above.

10. Military Service:

- ☐ The Plaintiff ☐ The Defendant ☐ Other possible parent is in the military service.
☐ The Plaintiff ☐ The Defendant ☐ Other possible parent is not in the military service.

Attachments:

- ☐ A copy of a genetic testing report.
☐ A copy of the Voluntary Acknowledgement of Parentage.
☐ A copy of the Denial of Parentage.
☐ A copy of the Birth Certificate.

REQUEST FOR RELIEF

I ask that the Family Court grant the following requests (check each box that applies)

1. ☐ **Parentage Order:** A finding that _____, _____ and
_____ (if applicable) are the parents of the child(ren) named in the complaint.
_____ name

2. ☐ **Parental Right and Responsibilities**

Legal parental rights and responsibilities:

- ☐ Shared jointly
☐ Given solely to ☐ Plaintiff ☐ Defendant ☐ Other

Physical parental rights and responsibilities:

- ☐ Shared jointly
☐ Given solely to ☐ Plaintiff ☐ Defendant ☐ Other

3. **Parent Child Contact for:** ☐ Plaintiff ☐ Defendant ☐ Other

4. **Name change of child(ren)**

- ☐ Not seeking name change
☐ Order that the names of the child(ren) be changed

Is now _____ changed to _____

Is now _____ changed to _____

Is now _____ changed to _____

Is now _____ changed to _____

Is now _____ changed to _____

5. ☐ **Order Genetic Testing**
6. ☐ **Child support and medical support for the minor child(ren)**
7. ☐ **Court costs**
8. ☐ **Attorney fees**
9. ☐ **I have attached a written agreement signed by Defendant and myself. I ask that the Court issue an order that includes the provisions of our written agreement.** *(In order to qualify for the reduced filing fee, the attached agreement must cover all the issues that the Plaintiff seeks to have the Court resolve.)*

I declare that the above statements are true and accurate to the best of my knowledge and belief. I understand that if the above statements are false, I will be subject to the penalty of perjury or to other sanctions in the discretion of the court.

Date: _____

Signature

Printed Name