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Finality Over Biology: Massachusetts SJC Upholds Strict Deadlines to Establish Parentage

BY CATHERINE E. SPANU • JUNE 13, 2025

In a recent ruling, the Massachusetts Supreme Judicial Court (“SJC”) affirmed the finality of voluntary acknowledgments of parentage (“VAPs”), even if later genetic evidence proves that a parent who signed a VAP has no biological connection to the child. The SJC’s decision in *A.D. v. K.S.* underscores the weight the law places on stability and finality for the child in determining a child’s legal parentage and affirms that the Probate and Family Court has no equitable authority to override the statutory deadlines for challenging a VAP.

BACKGROUND

A.D. gave birth to a daughter in 2017 and informed Q.T. that he was her father based on her belief at the time. Q.T. signed a VAP two days after the birth. By signing the VAP (a legal document allowing unmarried parents to establish parentage by signing a form), Q.T. became the child’s legal parent, and he was accordingly listed as such on her birth certificate.

A little over a month after Q.T. signed the VAP, a DNA test showed that Q.T. was not the child’s biological father. Despite this, neither Q.T. nor A.D. acted within the statutory 60-day window to rescind the VAP. Similarly, neither challenged the VAP on the basis of “fraud, duress or material mistake of fact” within the one-year time period allowed by the statute for a challenge to a VAP.

Years later, A.D. discovered that another man, K.S., was likely the child’s biological father through a DNA testing platform. The platform indicated there was a “strong genetic link” between K.S. and the child and labeled K.S. as the child’s father. After A.D. reached out to him, K.S. deleted his profile on the platform.

A.D. filed multiple actions to rescind the VAP establishing Q.T. as the child’s legal father and to instead establish K.S. as her legal father. DNA tests confirmed that K.S. was in fact her biological father. K.S. moved to dismiss the case, arguing that the VAP had become final under the law and could not be undone. A Probate and Family Court judge refused to

dismiss the action, instead rescinding the VAP, declaring K.S. the legal father, and ordering Q.T. to be removed from the child's birth certificate and K.S. to be added to it. K.S. appealed, and the SJC transferred the case to itself from the Appeals Court.

THE SJC'S RULING

The SJC reversed the Probate and Family Court's decision. The Court held that:

- Once the statutory deadlines to rescind a VAP have passed, the VAP is final and has the same effect as a court judgment.
- Probate judges do not have any equitable authority to override the statutory deadlines to challenge a VAP, even in the face of DNA evidence that the person who signed the VAP is not the child's biological parent and another person is.
- The law prioritizes the finality and stability of parentage over biology, especially when the biological parent has no existing relationship with the child.

The SJC emphasized that these strict timelines are a legislative policy choice geared at protecting children's emotional and financial stability. It also noted that equitable exceptions do not apply unless a substantial parent-child relationship already exists.

A.D. v. K.S. is a powerful reminder that when it comes to family law, certainty and finality may outweigh biology. Legal parentage is about more than DNA, it is about ensuring the well-being of children. Given the strictness of the deadlines in the statute as underscored by the SJC, it is crucial to consult with [experienced family law counsel](#) in a timely manner if you have any concerns or questions about signing a VAP or questions regarding the legal obligations that are created by doing so.