



# OBTAINING YOUR CHILD'S PASSPORT

A Guide for Unwed Domestic Violence Survivors

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## **Disclaimer**

We do not guarantee that any of the advice or assistance contained in this guide will lead to you successfully obtaining a passport for your child. We created this passport guide to assist unwed mothers who are survivors of domestic violence in obtaining a passport for their child.

This is only a guide and serves as general advice and assistance to unwed mothers in the passport process for their child.

## What is Parental Consent?

The U.S. Department of State wants to know that both parents consent to their child obtaining a passport. Typically, they require that both parents approve that a passport can be issued and that both parents apply with the child in person for a passport. However, getting consent from your child's father is not always possible.

If you are on speaking terms with your child's father and it is safe to reach out to him, then you should first try obtaining a statement of consent. See page 28 for a Statement of Consent example.

If your circumstances do not allow you to obtain the statement of consent from your child's father, then see below to see if any of the scenarios applies to you.

1. Do you have a family court order or judgment giving you custody? If so, see page 11.
2. Do you have a restraining order giving you custody? If so, see page 13.
3. Do you have a restraining order prohibiting contact with your child's father? If so, see page 16.
4. Are you unmarried and has there never been a court order or judgment regarding your child? If so, see page 19.
5. Is your child's father in jail? If so, see page 22.

## What Do I Need for My Child's Passport Appointment?

### **1. Your Child's Completed Passport Application (Form DS-11)**

- Use the State Department's [Form Filler tool](#) to fill out the form online, which you can then print.
  - o You must provide your child's Social Security Number if they have been issued one.
  - o If your child does NOT have a Social Security Number, you must submit a signed and dated statement that includes the phrase "I declare under penalty of perjury under the laws of the United States of America that the following is true and correct: [Child's full name] has never been issued a Social Security Number by the Social Security Administration."
- You can apply for a U.S. passport book, card, or both documents.
- Do NOT sign your child's application until instructed to do so by the passport agent.

### **2. Your Child's Original Birth Certificate**

- Your evidence must be an original or certified, physical copy. A certified copy is a document that has the seal or stamp of the official issuing authority.
- Your child's birth certificate must:
  - o Be issued by the city, county, or state of birth
  - o List the child's full name, date of birth, and place of birth
  - o List the parent(s)'s full names
  - o Has the date filed with the register's office (must have been filed within one year of birth)
  - o Has the register's signature
  - o Has the seal/stamp of the city, county, or state which issued the document
- You cannot submit digital evidence of your child's U.S. citizenship (such as a mobile birth certificate). You must submit physical evidence of U.S. citizenship AND a photocopy of the document.

### **3. 2 Black and White Copies of Your Child's Original Birth Certificate**

- In addition to the original or certified copy of your child's citizenship evidence, you must submit 2 copies of the document.
- The photocopy must be:
  - o Legible
  - o On white, 8.5" x 11" paper
  - o Black and white
  - o One-sided

#### **4. Proof of Parental Relationship**

- You must submit documentation that lists the parent(s) or legal guardian(s) of the child applying for the passport
- The following may be used to show a parental relationship:
  - o A U.S. birth certificate
  - o A foreign birth certificate
  - o An adoption decree
  - o A divorce/custody decree

#### **5. Your I.D.**

- The parent(s) or guardian(s) must present one of the following identification documents (ID) to the passport agent
  - o A valid or expired, undamaged U.S. passport book or passport card
  - o An in-state, fully valid driver's license
  - o Certificate of Naturalization
  - o Certificate of Citizenship
  - o Government employee ID
  - o U.S. military or military-dependent ID
  - o Current and valid foreign passport
  - o Matricula Consular (Mexican Consular ID)
  - o U.S. Permanent Resident Card (Green Card)
  - o Trusted Traveler IDs (including valid Global Entry, FAST, SENTRI, and NEXUS cards)
  - o Enhanced Tribal Cards and Native American tribal photo ID
- **Note:** You may be asked to present an additional ID when presenting one of these 3 documents:

- An in-state, fully valid learner's permit
- An in-state, fully valid non-driver ID with photo
- A temporary driver's license with photo
- If you cannot present one of these ID documents, please see Identification Information [here](#).

#### **6. A Photocopy of Your I.D.**

- Submit a photocopy of the front and back of each ID that you present
- Requirements
  - Photocopy must be on plain white, 8.5" x 11" standard paper
  - Photocopy cannot be double sided
  - Do not decrease the image size

#### **7. Your Child's Passport Photo**

- You must provide a photo of your child. Be sure the photo meets all of the [requirements](#).
  - Do not attach or staple your photo to the form. The passport employee will review the photo and staple it.
  - To take a photo of a newborn or infant, see here for [tips](#).

#### **8. Parental Consent**

- Both parents must authorize the issuance of a child's passport.
- You need to show that both parents consent to the passport or see if an exception applies to you (see page 4).



## **How Do I Make My Child a Passport Appointment?**

Appointments take place at the United States post Office. You can make an appointment on the USPS website using this link:

<https://www.usps.com/international/passports.htm>

You and your child must submit the completed application, including supporting documents, photos, and fees in person at a passport acceptance facility.

## How Much Does It Cost to Get My Child a Passport?

When applying for a passport using form DS-11, you will pay two separate fees (an application fee and an acceptance fee). Passports typically cost \$135.

Fees for child passport applications:

Product	Form	Application Fee	Execution/Acceptance Fee
Passport Book	<a href="#">DS-11</a>	\$100	\$35
Passport Card	<a href="#">DS-11</a>	\$15	\$35
Passport Book and Card	<a href="#">DS-11</a>	\$115	\$35

Expedited services cost an additional \$60. For information on forms of payment and a full list of fees and services, please see [Passport Fees](#).

How to fill out a check and pay the application fee to the U.S. Department of State (see image below).

**FULL NAME AND DATE OF BIRTH  
OF APPLICANT**

YOUR NAME \_\_\_\_\_ 123  
1234 Main Street  
Anywhere, OH 00000 DATE \_\_\_\_\_

PAY TO THE ORDER OF U.S. Department of State \$ \_\_\_\_\_  
\_\_\_\_\_ DOLLARS

**ROUTING NUMBER**      **ACCOUNT NUMBER**      **CHECK NUMBER**

## How Do I Apply for My Child's Passport When I Have a Family Court Order Giving Me Custody?

A family court order is an order that is given to you by a judge from a Probate and Family Court in Massachusetts. There are two types of custody: (1) Legal custody and (2) Physical custody. You must have an order that gives you both legal and physical custody of your child to apply for a passport for your child using a family court order of custody.

Follow the steps below to apply for your child's passport if this scenario applies to you:

- 1. Get a Certified Copy of Your Order** – You need to get a certified copy of your family law order or judgment giving you custody of your child. A certified copy is a copy of an official legal document, such as a judgment or an order, in its entirety. The clerk will certify it and swear it to be true in writing that it is an original copy. In most courts, you can get this from the clerk's office from the Probate and Family Court where you received the order. This is usually about \$20.
  
- 2. Complete the Exception Form** – You need to complete the “Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Child Under Age 16” Form. A sample of this form completed is on page 32.
  - a.** Make sure you check the box for “yes” on number 5 of the form. If your child's father is incarcerated, see page 22 for guidance on this scenario.
  
  - b.** Make sure you write the last time you had contact with your child's father on number 7 of the form. You also need to write the type of contact (mail, phone, email, social media, etc.).
  
  - c.** Has your child's father abused you in the past? Is it not safe for you to contact your child's father? If this is the case, you need to write “It is not safe for me to contact my child's father because he abused me in the past” in each line next to “Result.” Otherwise, try to remember



when you reached out to your child's father about consenting to your child's passport and write out the attempts to contact him on the form.

- d. Is it safe for your friends or family to contact your child's father? If it's not safe, then write "It is not safe for my friends or family to contact my child's father because he abused me in the past." Otherwise, try to remember when your friends or family reached out to your child's father about consenting to your child's passport and write out their attempts on the form.
  - e. Number 9 of the form is where you need to tell the Passport Office why you cannot get consent from your child's father to get your child's passport. You also need to remind the Passport Office that you have a Family Court order that gives you legal and physical custody of your child. Look at the Sample Form on page 32 for a suggestion of what you could say.
3. **Write a Letter** – After you complete the "Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Child Under Age 16" Form, you need to also write a letter to the Passport Office. This letter must explain that you have legal and physical custody of your child, meaning you have the sole authority to obtain a passport for your child. Look at the Sample Letter on page 33 for a suggestion of what you could say.
4. **Complete the Passport Application** – Look at pages 5 and 29 for guidance on this.
5. **Make the Post Office Appointment**– Look at page 8 for guidance on booking your appointment and what to bring to your appointment.

## How Do I Apply for My Child’s Passport When I Have a Restraining Order Giving Me Custody of My Child?

### What is a Restraining Order?

A restraining order, or a 209A Abuse Prevention Order, is an order that is given to you by a judge from either a District Court or a Probate and Family Court. It is an order that provides protection from an abuser.

<b>ABUSE PREVENTION ORDER</b> (G.L. c. 209A) Page 1 of 2	DOCKET NO. 	<b>TRIAL COURT OF MASSACHUSETTS</b> 
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The court can award custody of a minor child to the victim in Box number 6 of the restraining order. If you have custody under Box 6 of your restraining order, this means that you have both legal and physical custody of your child.

<input type="checkbox"/> 6. CUSTODY OF THE FOLLOWING CHILDREN IS AWARDED TO THE PLAINTIFF:					
N A M E		A G E		N A M E	

Follow the steps below to apply for your child’s passport if you have a restraining order against your child’s father and custody of your child under Box 6 of your restraining order.

- 1. Get a Certified Copy of Your Order**– You need to get a certified copy of your restraining order from the court that gave you the order. A certified copy is a copy of your restraining order in its entirety. The clerk will certify it and swear it to be true in writing that it is an original copy. In most courts, you can get this from the clerk’s office. This is usually free of charge.
- 2. Complete the Exception Form**– You need to complete the “Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Child Under Age 16” Form. A sample of this form completed is on page 33.


- a. Make sure you check the box for “yes” on number 5 of the form. If your child’s father is incarcerated, see page 36 for guidance on this scenario.
  - b. Make sure you write the last time you had contact with your child’s father on number 7 of the form. You need to also write the type of contact (mail, phone, email, social media, etc.).
  - c. You need to write “My restraining order prevents contact” in each line next to “Result.”
  - d. If you have a restraining order, then it is best that third parties should not contact your abuser/your child’s father either on your behalf. Make sure you write “It is not safe for my friends or family to contact my child’s father because I have a restraining order against him.”
  - e. Number 9 of the form is where you need to tell the Passport Office why you cannot get consent from your child’s father to get your child’s passport. Here, you need to tell the Passport Office that it is not possible for you to get consent because you have a restraining order against your child’s father which prohibits contact. Look at the sample form on page 33 for a suggestion for what you could say.
3. **Write a Letter**– After you complete the “Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Child Under Age 16” Form, you need to also write a letter to the Passport Office. This letter must explain that you have legal and physical custody of your child, under Box 6 of your restraining order, meaning you have the sole authority to obtain a passport for your child. Look at the sample letter on page 38 for a suggestion for what you could say.
4. **Complete the Passport Application**– Look at pages 5 and 29 for guidance on this.

5. **Make the Post Office Appointment**– Look at page 8 for guidance on booking your appointment and what you need to bring to your appointment.

## How Do I Apply for My Child’s Passport When I Have a Restraining Order Against My Child’s Father Prohibiting Contact?

### What is a Restraining Order?

A restraining order, or 209A Abuse Prevention Order, is an order that is given to you by a judge from either a District Court or a Probate and Family Court. It is an order that provides protection from an abuser.

<b>ABUSE PREVENTION ORDER</b> (G.L. c. 209A) Page 1 of 2	DOCKET NO. 	<b>TRIAL COURT OF MASSACHUSETTS</b> 
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Does Box 6 of your restraining order give you custody of your child?

→ If the answer is “yes,” then see page 13.

6. CUSTODY OF THE FOLLOWING CHILDREN IS AWARDED TO THE PLAINTIFF:					
N A M E		A G E		N A M E	

Has there ever been an order from a court that references custody of your child?

**EX: “The Mother shall have legal and physical custody of the child.”**

→ If the answer is “yes” then see page 11.

**2. YOU ARE ORDERED NOT TO CONTACT THE PLAINTIFF** in person, by telephone, in writing, electronically, or otherwise, either directly or through someone else, and to stay at least  yards from the Plaintiff even if the Plaintiff seems to allow or request contact. The only exception to this Order are a) contact permitted in Sections 8, 9, 10, and 11 below; or, b) by sending the Plaintiff, by mail, by sheriff, or by other authorized officer, copies of papers filed with the court when that is required by statute or court rule.

Does your restraining order prevent contact with the father?

→ If the answer is yes, see below. This scenario applies to you.

Follow the steps below to apply for your child’s passport if you have a restraining order against your child’s father that prevents contact and there has never been a court order referencing custody of your child.



**1. Get a Certified Copy of Your Order**– You need to get a certified copy of your restraining order from the court that gave you the order. A certified copy is a copy of your restraining order in its entirety. The clerk will certify it and swear it to be true in writing that it is an original copy. In most courts, you can get this from the clerk’s office. This is usually free of charge.

**2. Complete the Exception Form**– You need to complete the “Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Child Under Age 16” Form. A sample of this form completed is included on page 34.

- a. Make sure you check the box for “No” on number 5 of the form. If your child’s father is incarcerated, see page 22 for guidance on this scenario.
- b. Make sure you write the last time you had contact with your child’s father on number 7 of the form. You need to also write the type of contact (mail, phone, email, social media, etc.).
- c. You need to write “My restraining order prevents contact” in each line next to “Result.”
- d. If you have a restraining order, then it is best that third parties should not contact your abuser/your child’s father either on your behalf. Make sure you write “It is not safe for my friends or family to contact my child’s father because I have a restraining order against him.”
- e. Number 9 of the form is where you tell the Passport Office why you cannot get consent from your child’s father to get your child’s passport. Here, you need to tell the Passport Office that it is not possible for you to get consent because you have a restraining order

against your child's father which prohibits contact. Look at the Sample Form on page 34 for a suggestion for what you could say.

3. **Write a Letter**– After you complete the “Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Child Under Age 16” Form, you need to also write a letter to the Passport Office. This letter must explain that you have legal and physical custody of your child, because there has never been a court order referencing custody of your child and you are not married to the child's father. This letter also needs to explain that you have a restraining order which prohibits contact with your child's father, making it impossible for you to obtain consent. Look at the sample letter on page 39 for a suggestion for what you could say.
4. **Complete the Passport Application**– Look at pages 5 and 29 for guidance on this.
5. **Make the Post Office Appointment**– Look at page 8 for guidance on booking your appointment and what to bring to your appointment.

## **I'm Unmarried, But How Do I Apply for My Child's Passport When I Don't Have a Court Order With Custody of My Child?**

You can apply for a passport for your child if: (1) There has never been a court order referencing custody of your child, (2) Your child's father has abused you in the past, and (3) you are not married to your child's father.

The law states that the mother of a child born to parents who are not married has custody of the child unless there is a court order stating that someone else (like the father) shares or has custody of the child. If there is no court order for custody or parenting time, the father of a child born to unmarried parents has no legal right to take or see the child without the mother's permission. This means that if you were not married when you were pregnant and you were not married when your child was born and there has not been a court case about your child (for example, a child support case, a DCF case, a custody case, a guardianship, or a restraining order), you do not need to go to court to get custody of your child; you already have sole custody of your child.

Massachusetts General Law Chapter 209C, section 10(b) states:

*Prior to or in the absence of an adjudication or voluntary acknowledgement of paternity, the mother shall have custody of a child born out of wedlock. In the absence of an order or judgment of a probate and family court relative to custody, the mother shall continue to have custody of a child after an adjudication of paternity or voluntary acknowledgement of parentage.*

Follow the steps below to apply for your child's passport if this scenario applies to you.

1. **Consider Completing the Exception Form**– You should consider completing the “Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Child Under Age 16” Form.” A sample of this form completed is included on page 35.

- a. Make sure you check the box for “No” on number 5 of the form. If your child’s father is incarcerated, see page 22 for guidance on this scenario.
  - b. Make sure you write the last time you had contact with your child’s father on number 7 of the form. You need to also write the type of contact (mail, phone, email, social media, etc.).
  - c. Is it not safe for you to contact your child’s father? If this is the case, you need to write “It is not safe for me to contact my child’s father because he abused me in the past” in each line next to “Result.” Otherwise, try to remember when you reached out to your child’s father about consenting to your child’s passport and write out the attempts to contact him on the form.
  - d. Is it safe for your friends or family to contact your child’s father? If it’s not safe, then write “It is not safe for my friends or family to contact my child’s father because he abused me in the past.” Otherwise, try to remember when your friends or family reached out to your child’s father about consenting to your child’s passport and write out their attempts on the form.
  - e. Number 9 of the form is where you need to tell the Passport Office why you cannot get consent from your child’s father to get your child’s passport. You should explain that you cannot get consent because your child’s father has abused you in the past and it is not safe for you to contact him. You should also remind the Passport Office that you have custody of your child since there has never been an order referencing custody of your child.
2. **Write a Letter**– After you complete the “Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Child Under Age 16” form, you need to also write a letter to the Passport Office. This letter

must explain that you have legal and physical custody of your child, meaning you have the sole authority to obtain a passport for your child, since there has never been a court order referencing custody of your child. Look at the Sample Letter on page 40 for a suggestion for what you could say.

3. **Complete the Passport Application**– Look at pages 5 and 29 for guidance on this.
4. **Make the Post Office Appointment**– Look at page 8 for guidance on booking your appointment and what to bring to the appointment.

## How Do I Apply for My Child's Passport When My Child's Father Is in Jail?

If your child's father is in jail, then the Passport Office makes an exception to the consent of your child's father for your child's passport.

Follow the steps below to apply for your child's passport if your child's father is presently incarcerated.

1. **Get Evidence of Incarceration**– You should get copies of all the criminal court documents involving your child's father. You can get this from the criminal court clerk's office in the court where your child's father was charged.
2. **Consider Getting a Letter from Your Victim Advocate**– If your child's father is in jail for something that he did to you, then you should consider having your victim advocate write and sign a letter detailing that your child's father is presently incarcerated and why.
3. **Complete the Exception Form**– You need to complete the “Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Child Under Age 16” Form. A sample of this form completed is included on page 36.
  - a. If you have a family court order giving you custody of your child, or if you have a restraining order against your child's father, then be sure to also incorporate the steps in those scenarios in addition to the steps in this scenario.
  - b. Make sure you check the box for “Yes” on number 6 of the form.
  - c. Make sure you write the last time you had contact with your child's father on number 7 of the form. You need to also write the type of contact (mail, phone, email, social media, etc.).

- d. Has your child’s father abused you in the past? Is it not safe for you to contact your child’s father? Do you have a restraining order against your child’s father? Is it not possible for you to contact your child’s father because he is in jail? If any of these situations apply, then you need to write the reason you cannot contact your child’s father in each line next to “Result.” For example, “Unable to contact due to present incarceration.” Otherwise, try to remember when you reached out to your child’s father about consenting to your child’s passport and write out the attempts to contact him on the form. Look to the sample form on page 36 for guidance.
  - e. You can also write “Family/Friends unable to contact due to present incarceration” under the next section.
  - f. Number 9 of the form is where you need to tell the Passport Office why you cannot get consent from your child’s father to get your child’s passport. Here, you need to tell the Passport Office that it is not possible for you to get consent because your child’s father is presently incarcerated.
4. **Write a Letter**– After you complete the “Statement of Exigent/Special Family Circumstances for Issuance of a U.S. Passport to a Child Under Age 16” form, you need to also write a letter to the Passport Office. This letter must explain that your child’s father is presently incarcerated which makes it not possible for you to obtain consent for your child’s passport. Look at the sample letter on page 41 for a suggestion for what you could say. Additionally, if other scenarios in this guide apply, then be sure to also include those scenarios in your letter and look to other sample letters for guidance.
5. **Complete the Passport Application**– Look at pages 5 and 29 for guidance on this.

- 6. Make the Post Office Appointment**– Look at page 8 for guidance on booking your appointment and what to bring to your appointment.



**Forms and Examples**

*Blank Parental Consent Form*



# STATEMENT OF CONSENT: ISSUANCE OF A U.S. PASSPORT TO A CHILD

Please Print Legibly Using Black Ink Only. If you make an error, complete a new form. Do not correct.

### USE OF THIS FORM

This form is used when one or both legal parents and/or legal guardians cannot apply in person with the child for that child's passport. The legal parent/legal guardian who cannot apply with the child can give consent using this form or a written statement that includes all of the information on this form. This form or the written statement must be notarized. If the required consent is not submitted, the child may not be eligible for a U.S. passport.

- **For children under the age of 16:** **Both** legal parents/legal guardians must apply for the passport with the child or the legal parent/legal guardian that cannot apply with the child must complete and notarize this form to be submitted with the application.
- **For children 16 or 17 years old:** The Department may request the consent of one legal parent/legal guardian to the issuance of a passport to an applicant who is 16 or 17 years of age. In many cases, the passport authorizing officer may be able to ascertain parental awareness of the application by virtue of the parent's presence when the minor submits the application or a signed note from the parent or proof the parent is paying the application fees. However, the passport authorizing officer retains discretion to request the legal parent's/legal guardian's notarized statement of consent to issuance (e.g., on Form DS-3053).

### IMPORTANT

- If #3 on page two is not completed, consent will be valid for both passport book and card.
- Statements of consent expire 90 days after the date of notarization.
- You must submit a photocopy of the front and back of the identification you presented to the notary.
- You must sign the statement of consent in front of a notary.
- The date of the notary's signature must be the same as the date of your signature.
- This form can also be used to authorize a third party to apply for a child's passport on behalf of the legal parents/legal guardians who cannot apply in person.

### INSTITUTIONS/ENTITIES GRANTED GUARDIANSHIP

You must submit all of the following with this form:

1. A certified court order granting guardianship to the institution/entity. Photocopies are not acceptable.
2. A signed statement from the institution/entity on letterhead authorizing a specific person to apply for a passport for the child on the child's behalf.  
The statement must include the child's name and the name of the individual(s) authorized to apply for the passport.
3. A photocopy of employee identification documents proving the person applying for the child's passport works at the institution/entity.

Please ensure that none of the above documents has any conditions placed on the period of validity of the passport or where the child may travel. If there are conditions in the statement, a new statement of consent is required.

### WARNING

False statements made knowingly and willfully on passport applications, including affidavits or other supporting documents submitted therewith, may be punishable by fine and/or imprisonment under U.S. law, including the provisions of 18 U.S.C. 1001, 18 U.S.C. 1542, and/or 18 U.S.C. 1621.

### FOR INFORMATION AND QUESTIONS

For passport and travel information, please visit [travel.state.gov](http://travel.state.gov). In addition, contact the National Passport Information Center (NPIC) toll-free at 1-877-487-2778 (TDD/TTY 1-888-874-7793) or by email at [NPIC@state.gov](mailto:NPIC@state.gov). For information on International Parental Child Abduction, please visit [travel.state.gov/childabduction](http://travel.state.gov/childabduction) or contact the Office of Children's Issues by telephone at 1-888-407-4747 or by email at [PreventAbduction1@state.gov](mailto:PreventAbduction1@state.gov).

### PRIVACY ACT STATEMENT

**AUTHORITIES:** We are authorized to collect this information by 22 U.S.C. 211a et seq.; 8 U.S.C. 1104; 26 U.S.C. 6039E; Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51.

**PURPOSE:** The primary purpose for soliciting the information is to establish two-parent consent for applicants under the age of 16 or one-parent consent, when requested by the Department, for applicants age 16 or 17, consistent with Public Law 106-113, Section 236.

**ROUTINE USES:** This information may be disclosed to another domestic government agency, a private contractor, a foreign government agency, or to a private person or private employer in accordance with certain approved routine uses. These routine uses include, but are not limited to, law enforcement activities, employment verification, fraud prevention, border security, counterterrorism, litigation activities, and activities that meet the Secretary of State's responsibility to protect U.S. citizens and non-citizen nationals abroad. More information on the Routine Uses for the system can be found in System of Records Notices State-26, Passport Records, and State-05, Overseas Citizen Services Records and Other Overseas Records.

**DISCLOSURE:** Failure to provide the information requested on this form may result in the refusal or denial of a U.S. passport application.

### PAPERWORK REDUCTION ACT STATEMENT

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time required for searching existing data sources, gathering the necessary data, providing the information and/or documents required, and reviewing the final collection. You do not have to supply this information unless this collection displays a currently valid OMB control number. If you have comments on the accuracy of this burden estimate and/or recommendations for reducing it, please send them to: U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support, Attn: Forms Officer, 44132 Mercure Cir, PO Box 1199, Sterling, Virginia 20166-1199.



### STATEMENT OF CONSENT: ISSUANCE OF A U.S. PASSPORT TO A CHILD

Please Print Legibly Using Black Ink Only. If you make an error, complete a new form. Do not correct.

**1. CHILD'S NAME (As it appears on form DS-11, Application for a U.S. Passport)**

<b>Last</b>		<b>First</b>		<b>Middle</b>	
-------------	--	--------------	--	---------------	--

**2. CHILD'S DATE OF BIRTH (mm/dd/yyyy)**

<b>3. THIS CONSENT IS VALID FOR A:</b>
<input type="checkbox"/> Passport Book and Card <input type="checkbox"/> Book Only <input type="checkbox"/> Card Only

**4a. IS CHILD UNDER 16 YEARS OLD?**

<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>4b. IF YES, PRINT NAME OF ADULT APPLYING WITH CHILD</b>
--	--

**5. STATEMENT OF CONSENT** To be completed by the legal parent/legal guardian who cannot apply with the child. The legal parent/legal guardian who cannot apply with the child must complete the information below. This statement expires 90 days after the date of notarization.

I, \_\_\_\_\_, give my consent to the issuance of a United States passport to the minor child  
 Print Name of Legal Parent/Legal Guardian  
 (who cannot apply in person with the child)  
 named on this application. My consent is unconditional with regards to passport validity and travel.

Street Address \_\_\_\_\_ Apt# \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 (\_\_\_\_\_) \_\_\_\_\_  
 Area Code Telephone Number Email Address

**STOP! YOU MUST SIGN AND DATE BELOW IN FRONT OF A NOTARY.**

**OATH: I declare under penalty of perjury that all statements made in this supporting document are true and correct.**

Signature of Legal Parental/Legal Guardian (who cannot apply in person with the child) \_\_\_\_\_ Date (mm/dd/yyyy) \_\_\_\_\_

**IMPORTANT:** You must submit a clear photocopy of the front and back of the identification you presented to the notary. The date you sign the form must be the same date that the notary signs the form.

**6. FOR COMPLETION BY NOTARY**

On the date specified above and below, the affiant listed above, who is not related to me, personally appeared before me and is known to me to be the person whose name is subscribed to and acknowledged that he/she executed the same for the uses and purposes therein contained. I have properly verified the identity of the affiant by personally viewing the below notated identification document and matching photocopy.

Name of Notary \_\_\_\_\_  
 Print Name (Notary Public)

Location \_\_\_\_\_  
 City, State

Commission Expires \_\_\_\_\_  
 Date (mm/dd/yyyy)

Identification Presented by Legal Parent/Legal Guardian: (who cannot apply in person with the child)  Driver's License  Passport  Military ID  Other (specify)

Legal Parent/Legal Guardian ID Number: \_\_\_\_\_ Place of Issue: \_\_\_\_\_

Issue Date (mm/dd/yyyy): \_\_\_\_\_ Expiration Date (mm/dd/yyyy): \_\_\_\_\_

Signature of Notary \_\_\_\_\_ Date of Notarization: \_\_\_\_\_

NOTARY SEAL

*Blank Passport Application*



U.S. Department of State  
**APPLICATION FOR A U.S. PASSPORT**

OMB Control No. 1405-0004  
 Expiration Date: 04-30-2025  
 Estimated Burden: 85 Minutes

**Please read all instructions first and type or print in black ink to complete this form.**

For information or questions, visit [travel.state.gov](http://travel.state.gov) or contact the National Passport Information Center (NPIC) at 1-877-487-2778 (TDD/TTY: 1-888-874-7793) or [NPIC@state.gov](mailto:NPIC@state.gov).

**SECTION A. ELIGIBILITY TO USE THIS FORM**

This form is used to apply for a U.S. passport book and/or card **in person** at an acceptance facility, a passport agency (by appointment only), or a U.S. embassy, consulate, or consular agency (if abroad). The U.S. passport is a travel document attesting to one's identity and issued to U.S. citizens or non-citizen U.S. nationals. To be eligible to use this form you must **apply in person** if at least one of the following is true:

- ✓ I am applying for my first U.S. passport
- ✓ I am under age 16
- ✓ My previous U.S. passport was either: a) issued under age 16; b) issued more than 15 years ago; c) lost, stolen, or damaged

**If none of the above statements apply to you, then you may be eligible to apply using form DS-82 or DS-5504 depending on your circumstances. [Visit travel.state.gov](http://travel.state.gov) for more information.**

- **Notice to Applicants Under Age 16:** You must appear in person to apply for a U.S. passport with your parent(s) or legal guardian(s). See Section D of these instructions or [travel.state.gov](http://travel.state.gov) for more details.
- **Notice to Applicants Ages 16 and 17:** At least one of your parent(s) or legal guardian(s) must know that you are applying for a U.S. passport. See Section D of these instructions or [travel.state.gov](http://travel.state.gov) for more details.
- **Notice to Applicants for No-Fee Regular, Service, Official, or Diplomatic Passports:** You may use this application if you meet all provisions listed; however, you must consult your sponsoring agency for instructions on proper routing procedures before forwarding this application. Your completed passport will be released to your sponsoring agency and forwarded to you.

**SECTION B. STEPS TO APPLY FOR A U.S. PASSPORT**

1. Complete this form (Do not sign until requested to do so by an authorized agent).
2. Attach one color photograph 2x2 inches in size and supporting documents (See Section D of these instructions).
3. Schedule appointment to apply in person by visiting our website or calling NPIC (see contact info at the top page).
4. Arrive for appointment and present completed form and attachments to the authorized agent who will administer the oath, witness you signing your form, and collect your passport fee.
5. Track application status online at [Passportstatus.state.gov](http://Passportstatus.state.gov).
6. Receive new passport and original supporting documents (that you submitted with your application).

**SECTION C. HOW TO COMPLETE THIS FORM**

Please see the instructions below for items on the form that are not self-explanatory. The numbers match the numbered items of the form.

1. **Name (Last, First, Middle):** Enter the name to appear in the passport. The name to appear in the passport should be consistent with your proof of citizenship and identification. If you have changed your name and are not eligible to use a DS-82 or DS-5504, you must use this form. [Visit travel.state.gov/namechange](http://travel.state.gov/namechange) for more information.
2. **Date of Birth:** Use the following format: Month, Date, and Year (MM/DD/YYYY).
3. **Gender:** The gender markers used are "M" (male), "F" (female) and "X" (unspecified or another gender identity). The gender marker that you check on this form will appear in your passport regardless of the gender marker(s) on your previous passport and/or your supporting evidence of citizenship and identity. If changing your gender marker from what was printed on your previous passport, select "Yes" in this field on Application Page 1. If no gender marker is selected, we may print the gender as listed on your supporting evidence or contact you for more information. **Please Note:** We cannot guarantee that other countries you visit or travel through will recognize the gender marker on your passport. [Visit travel.state.gov/gender](http://travel.state.gov/gender) for more information.
4. **Place of Birth:** Enter the name of the city and state if in the U.S. or city and country as presently known.
5. **Social Security Number:** You must provide a Social Security number (SSN), if you have been issued one, in accordance with Section 6039E of the Internal Revenue Code (26 U.S.C. 6039E) and 22 U.S.C 2714a(f). If you do not have a Social Security number, you must enter zeros in this field and submit a statement, signed, and dated, that includes the phrase, *"I declare under penalty of perjury under the laws of the United States of America that the following is true and correct: I have never been issued a Social Security Number by the Social Security Administration."* If you reside abroad, you must also provide the name of the foreign country where you reside. The U.S. Department of State must provide your SSN and foreign residence information to the U.S. Department of the Treasury which will use it in connection with debt collection and check against lists of persons ineligible or potentially ineligible to receive a U.S. passport, among other authorized uses. If you fail to provide the information, we may deny your application and the Internal Revenue Service (IRS) may enforce a penalty. Refer all questions on this matter to the nearest IRS office.
6. **Email:** By providing your email you are consenting to us communicating with you by email about your application.
7. **Primary Contact Phone Number:** If providing a mobile/cell phone number you are consenting to receive calls and/or text messaging about your application.
8. **Mailing Address Line 1 and 2 "In Care Of":** For line 1 enter applicant's Street/RFD #, or P.O. Box or URB. For line 2, if you do not live at the address listed in this field, put the name of the person who lives at this address and mark it "In Care Of". **If the applicant is a minor child, you must include the "In Care Of" name of the parent or adult registered to receive mail at this address.**
9. **List all other names you have used:** Enter all legal names previously used to include maiden name, name changes, and previous married names. You can enter up to two names one in item A and one in item B. If only your last name has changed just enter your last name. If you need more space to write additional names, please use a separate sheet of paper and attach it to this form.



**Blue Section Application Page 1 - Identifying Documents and Signature Blocks: Skip this section and complete Application Page 2. Do not sign this form until requested to do so by the authorized agent who will administer the oath to you.**



U.S. Department of State  
**APPLICATION FOR A U.S. PASSPORT**

**SECTION D. ATTACHMENTS TO SUBMIT WITH THIS FORM**

Once you have completed Application Pages 1 and 2, attach the supporting documents as outlined in this section.

**1. PROOF OF U.S. CITIZENSHIP** Information can be found on [travel.state.gov/citizenship](https://travel.state.gov/citizenship).

**Applicants Born in the United States**

Your evidence will be returned to you if it is not damaged, altered, or forged. Submit an original or certified copy and a photocopy of the front and back if there is printed information on the back, of one of the following documents:

- U.S. Birth Certificate that meets all the following requirements:
  - Issued by the city, county, or state of birth
  - Lists your full name, birthdate, and birthplace
  - Lists your parent(s)' full names
  - Lists date filed with registrar's office (must be within one year of birth)
  - Shows registrar's signature and the seal of the issuing authority
- Fully valid, undamaged U.S. passport (may be expired)
- Consular Report of Birth Abroad or Certification of Birth Abroad
- Certificate of Naturalization or Citizenship
- Secondary documents may be submitted if the U.S. birth certificate was filed more than one year after your birth **or** if no birth record exists. For no birth record on file, submit a registrar's letter to that effect. For both scenarios, submit a combination of the evidence listed below, with your first and last name, birthdate and/or birthplace, the seal or other certification of the office (if customary), and the signature of the issuing official.
  - A hospital birth record
  - An early baptismal or circumcision certificate
  - Early census, school, medical, or family Bible records
  - Insurance files or published birth announcements (such as a newspaper article)
  - Notarized affidavits (or DS-10, Birth Affidavit) of older blood relatives having knowledge of your birth may be submitted in addition to some of the records listed above.

**Applicants Born Outside the United States**

If we determine that you are a U.S. citizen, your lawful permanent resident card submitted with this application will be forwarded to U.S. Citizenship and Immigration Services.

- Claiming Citizenship through Naturalization of One or Both Parent(s), submit all the following:
  - Your parent(s) Certificate(s) of Naturalization
  - Your parents' marriage/certificate and/or evidence that you were in the legal and physical custody of your U.S. citizen parent, if applicable
  - Your foreign birth certificate (and official translation if the document is not in English)
  - Your evidence of admission to the United States for legal permanent residence and proof you subsequently resided in the United States
- Claiming Citizenship through Birth Abroad to At Least One U.S. Citizen Parent, submit all the following:
  - Your Consular Report of Birth Abroad (Form FS-240), Certification of Birth (Form DS-1350 or FS-545), or your foreign birth certificate (and official translation if the document is not in English)
  - Your parent's proof of U.S. citizenship
  - Your parents' marriage certificate
  - Affidavit showing all your U.S. citizen parents' periods and places of residence and physical presence before your birth (DS-5507)
- Claiming Citizenship Through Adoption by a U.S. Citizen Parent(s), if your birthdate is on or after October 5, 1978, submit evidence of all the following:
  - Your permanent residence status
  - Your full and final adoption
  - You were in the legal and physical custody of your U.S. citizen parent(s)
  - You have resided in the United States

**2. PROOF OF IDENTITY** Information can be found at [travel.state.gov/identification](https://travel.state.gov/identification).

Present your original identification and submit a front and back photocopy with this form. It must show a photograph that is a good likeness of you. Examples include:

- Driver's license (not temporary or learner's permit)
- Previous or current U.S. passport book/card
- Military identification
- Federal, state, or city government employee identification
- Certificate of Naturalization or Citizenship

**3. A RECENT COLOR PHOTOGRAPH** See the full list of photo requirements on [travel.state.gov/photos](https://travel.state.gov/photos).

Attach one photo, 2x2 inches in size. U.S. passport photo requirements may differ from photo requirements of other countries. To avoid processing delays, be sure your photo meets all the following requirements (Refer to the photo template on Application Page 1):

- Taken less than six months ago
- Head must be 1-1 3/8 inches from the bottom of the chin to the top of the head
- Head must face the camera directly with full face in view
- No eyeglasses and head covering and no uniforms\*
- Printed on matte or glossy photo quality paper
- Use a plain white or off-white background

\*Head coverings are not acceptable unless you submit a signed statement verifying that it is part of recognized, traditional religious attire that is customarily or required to be worn continuously in public or a signed doctor's statement verifying its daily use for medical purposes. Glasses or other eyewear are not acceptable unless you submit a signed statement from a doctor explaining why you cannot remove them (e.g., during the recovery period from eye surgery). Photos are to be taken in clothing normally worn on a daily basis. You cannot wear a uniform, clothing that looks like a uniform, or camouflage attire.



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**APPLICATION FOR A U.S. PASSPORT**

**4. PROOF OF PARENTAL RELATIONSHIP (FOR APPLICANTS UNDER AGE 16)**

Parents/guardians must appear in person with the child and submit the following:

- Evidence of the child's relationship to parents/guardian(s) (Example: a birth certificate or Consular Report of Birth Abroad listing the names of the parent(s)/guardian(s) and child)
- Original parental/guardian government-issued photo identification and a photocopy of the front and back (to satisfy proof of identity)

If only one parent/guardian can appear in person with the child, you must also submit one of the following:

- The second parent's notarized written statement or DS-3053 (including the child's full name and date of birth) consenting to the passport issuance for the child. The notarized statement cannot be more than three months old, must be signed and notarized on the same day, and must come with a front and back photocopy of the second parent's government-issued photo identification.
- The second parent's death certificate (if second parent is deceased)
- Evidence of sole authority to apply (Example: a court order granting sole legal custody or a birth certificate listing only one parent)
- A written statement (made under penalty of perjury) or DS-5525 explaining, in detail, why the second parent cannot be reached

**OR**

**PROOF OF PARENTAL AWARENESS (FOR APPLICANTS AGES 16 AND 17)**

We may request the consent of one legal parent/legal guardian to issue a U.S. passport to you. In many cases, the passport authorizing officer may be able to ascertain parental awareness of the application by virtue of the parent's presence when the minor submits the application or a signed note from the parent or proof the parent is paying the application fees. However, the passport authorizing officer retains discretion to request the legal parent's/legal guardian's notarized statement of consent to issuance (e.g., on Form DS-3053).

**5. FEES** Passport service fees are established by law and regulation (see 22 U.S.C. 214, 22 C.F.R. 22.1, and 22 C.F.R. 51.50-56) and are collected at the time you apply for the passport service. By law, the passport fees are **non-refundable**. Visit [travel.state.gov/passportfees](http://travel.state.gov/passportfees) for current fees and how fees are used and processed. Payment methods are as follows:

**Applicant Applying in the United States  
 At Acceptance Facility**

- Passport fees must be made by check (personal, certified, cashier's, travelers) or money order (U.S. Postal, international, currency exchange) with the applicant's full name and date of birth printed on the front and payable to "U.S. Department of State."
- The execution fee **must be paid separately** and made payable to the acceptance facility in the form that they accept.

**Applicant Applying at a Passport Agency or  
 Outside the United States**

- We accept checks (personal, certified, cashier's, travelers); major credit cards (Visa, Master Card, American Express, Discover); money orders (U.S. Postal, international, currency exchange); or exact cash (no change provided). Make all fees payable to the "U.S. Department of State."
- If applying outside the United States: Please see the website of your embassy, consulate, or consular agency for acceptable payment methods.

**Other Services Requiring Additional Fee** (Visit [travel.state.gov](http://travel.state.gov) for more details):

- **Expedite Service**: Only available for passports mailed in the United States and Canada.
- **1-2 Day Delivery**: Only available for passport book (and not passport card) mailings in the United States.
- **Verification of a previous U.S. Passport or Consular Report of Birth Abroad**: Upon your request, we verify previously issued U.S. passport or Consular Report of Birth Abroad if you are unable to submit evidence of U.S. citizenship.
- **Special Issuance Passports**: If you apply for a no-fee regular, service, official, or diplomatic passport at a designated acceptance facility, you must pay the execution fee. No other fees are charged when you apply.

**SECTION E. HOW TO SUBMIT THIS FORM**

Submitting your form depends on your location and how soon you need your passport.

- **Applicant Located Inside the United States**: For the latest information regarding processing times, scheduling appointments, and nearest designated acceptance facilities visit [travel.state.gov](http://travel.state.gov) or contact NPIC.
- **Applicant Located Outside the United States**: In most countries, you must apply in person at a U.S. embassy or consulate for all passport services. Each U.S. embassy and consulate has different procedures for submitting and processing your application. Visit [travel.state.gov](http://travel.state.gov) to check the U.S. embassy or consulate webpage for more information.

**SECTION F. RECEIVING YOUR PASSPORT AND SUPPORTING DOCUMENTS**

- **Difference Between U.S. Passport Book and Card**: The book is valid for international travel by air, land, and sea. The card is not valid for international air travel, only for entry at land border crossings and seaports of entry when traveling from Canada, Mexico, Bermuda, and the Caribbean. The maximum number of letters provided for your given name (first and middle) on the card is 24 characters. If both your given names are more than 24 characters, you must shorten one of your given names you list on item #1 of Application Page 1.
- **Separate mailings**: You may receive your newly issued U.S. passport book and/or card and your citizenship evidence in two separate mailings. If you are applying for both a book and card, you may receive three separate mailings: one with your returned evidence, one with your newly issued book, and one with your newly issued card. **All documentary evidence that is not damaged, altered, or forged will be returned to you.** Photocopies will not be returned.
- **Passport numbers**: Each newly issued passport book or card will have a different passport number than your previous one.
- **Shipping and Delivery Changes**: If your mailing address changes prior to receipt of your new passport, please contact NPIC. **NOTE**: We will not mail a U.S. passport to a private address outside the United States or Canada.
- **Passport Corrections, Non-Receipt/Undeliverable Passports, and Lost/Stolen Passport**: For more information visit [travel.state.gov](http://travel.state.gov) or contact NPIC.



U.S. Department of State  
**APPLICATION FOR A U.S. PASSPORT**

**WARNING**

False statements made knowingly and willfully in passport applications, including affidavits or other documents submitted to support this application, are punishable by fine and/or imprisonment under U.S. law including the provisions of 18 U.S.C. 1001, 18 U.S.C. 1542, and/or 18 U.S.C. 1621. Alteration or mutilation of a passport issued pursuant to this application is punishable by fine and/or imprisonment under the provisions of 18 U.S.C. 1543. The use of a passport in violation of the restrictions contained herein or of passport regulations is punishable by fine and/or imprisonment under 18 U.S.C. 1544. All statements and documents are subject to verification.

**Failure to provide information requested on this form, including your Social Security number, may result in significant processing delays and/or the denial of your application.**

**ACTS OR CONDITIONS**

If any of the below-mentioned acts or conditions have been performed by or apply to the applicant, a supplementary explanatory statement under oath (or affirmation) by the applicant should be attached and made a part of this application.

*I have not been convicted of a federal or state drug offense or convicted of a statutory "sex tourism" crime, and I am not the subject of an outstanding federal, state, or local warrant of arrest for a felony; a criminal court order forbidding my departure from the United States; or a subpoena received from the United States in a matter involving federal prosecution for, or grand jury investigation of, a felony.*

**PRIVACY ACT STATEMENT**

**AUTHORITIES:** Collection of this information is authorized by 22 U.S.C. 211 a et seq.; 8 U.S.C. 1104; 26 U.S.C. 6039E, 22 U.S.C. 2714a(f), Section 236 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51.

**PURPOSE:** We are requesting this information in order to determine your eligibility to be issued a U.S. passport. Your Social Security number is used to verify your identity.

**ROUTINE USES:** This information may be disclosed to another domestic government agency, a private contractor, a foreign government agency, or to a private person or private employer in accordance with certain approved routine uses. These routine uses include, but are not limited to, law enforcement activities, employment verification, fraud prevention, border security, counterterrorism, litigation activities, and activities that meet the Secretary of State's responsibility to protect U.S. citizens and non-citizen nationals abroad. Your Social Security number will be provided to the U.S. Department of the Treasury and may be used in connection with debt collection, among other purposes authorized and generally described in this section. More information on the routine uses for the system can be found in System of Records Notices State-05, Overseas Citizen Services Records and Other Overseas Records and State-26, Passport Records.

**DISCLOSURE:** Providing information on this form is voluntary. Be advised, however, that failure to provide the information requested on this form may cause delays in processing your U.S. passport application and/or could also result in the refusal or denial of your application. Failure to provide your Social Security number may result in the denial of your application (consistent with 22 U.S.C. 2714a(f)) and may subject you to penalty enforced by the Internal Revenue Service, as described in the Federal Tax Law on Instruction Page 1 (Section C) to this form.

**PAPERWORK REDUCTION ACT STATEMENT**

Public reporting burden for this collection of information is estimated to average 85 minutes per response, including the time required for searching existing data sources, gathering the necessary data, providing the information and/or documents required, and reviewing the final collection. You do not have to supply this information unless this collection displays a currently valid OMB control number. If you have comments on the accuracy of this burden estimate and/or recommendations for reducing it, please send them to: Passport Forms Officer, U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support, 44132 Mercure Cir, PO Box 1199, Sterling, Virginia 20166-1199.

**For more information about your application status, online tools, current fees, and processing times, please visit [travel.state.gov](https://travel.state.gov).**





# APPLICATION FOR A U.S. PASSPORT

Use **black ink only**. If you make an error, complete a new form. Do not correct.

### Select document(s) for which you are submitting fees:

- U.S. Passport Book     U.S. Passport Card     Both

The U.S. passport card is **not** valid for international air travel. See Instruction Page 3

- Regular Book (Standard)     Large Book (Non-Standard)

The large book is for frequent international travelers who need more visa pages.

### 1. Name Last

\_\_\_\_\_

- D     O     S     NFR

End. # \_\_\_\_\_ Exp. \_\_\_\_\_

### First

\_\_\_\_\_

### Middle

\_\_\_\_\_

### 2. Date of Birth (mm/dd/yyyy)    3. Gender (Read Instruction Page 1)    4. Place of Birth (City & State if in the U.S. or City & Country as it is presently known.)

\_\_\_\_/\_\_\_\_/\_\_\_\_    M    F    X    Changing gender marker?  
Yes

### 5. Social Security Number    6. Email (See application status at [passportstatus.state.gov](http://passportstatus.state.gov))    7. Primary Contact Phone Number

\_\_\_\_-\_\_\_\_-\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

### 8. Mailing Address Line 1: Street/RFD#, P.O. Box, or URB

\_\_\_\_\_

### Address Line 2: (Include Apartment, Suite, etc. If applicant is a child, write "In Care Of" of the parent. Example: In Care Of - Jane Doe)

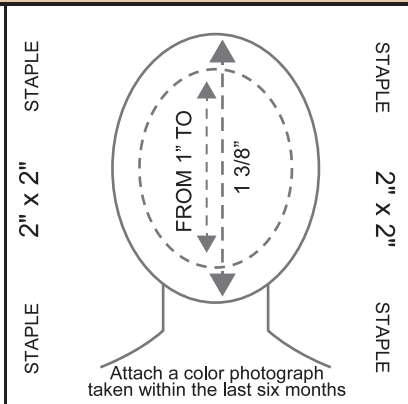
\_\_\_\_\_

### City    State    Zip Code    Country, (if outside the United States)

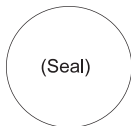
\_\_\_\_    \_\_\_\_    \_\_\_\_-\_\_\_\_    \_\_\_\_\_

### 9. List all other names you have used. (Examples: Birth Name, Maiden, Previous Marriage, Legal Name Change. Attach additional pages if needed.)

A. \_\_\_\_\_    B. \_\_\_\_\_



- Acceptance Agent     (Vice) Consul USA
- Passport Staff Agent



## STOP! CONTINUE TO PAGE 2

DO NOT SIGN APPLICATION UNTIL REQUESTED TO DO SO BY AUTHORIZED AGENT

### Identifying Documents - Applicant or Mother/Father/Parent/Legal Guardian on Second Signature Line (if identifying minor)

- Driver's License     State Issued ID Card     Passport     Military     Other \_\_\_\_\_

Name \_\_\_\_\_

Issue Date (mm/dd/yyyy) \_\_\_\_\_ Exp. Date (mm/dd/yyyy) \_\_\_\_\_ State of Issuance \_\_\_\_\_

ID No \_\_\_\_\_ Country of Issuance \_\_\_\_\_

### Identifying Documents - Applicant or Mother/Father/Parent/Legal Guardian on Third Signature Line (if identifying minor)

- Driver's License     State Issued ID Card     Passport     Military     Other \_\_\_\_\_

Name \_\_\_\_\_

Issue Date (mm/dd/yyyy) \_\_\_\_\_ Exp. Date (mm/dd/yyyy) \_\_\_\_\_ State of Issuance \_\_\_\_\_

ID No \_\_\_\_\_ Country of Issuance \_\_\_\_\_

I declare under penalty of perjury all of the following: 1) I am a citizen or non-citizen national of the United States and have not performed any of the acts listed under "Acts or Conditions" on page 4 of the instructions of this application (unless explanatory statement is attached); 2) the statements made on the application are true and correct; 3) I have not knowingly and willfully made false statements or included false documents in support of this application; 4) the photograph attached to this application is a genuine, current photograph of me; and 5) I have read and understood the warning on page 4 of the instructions to the application form.

Signature of person authorized to accept applications

Date

By signing this form, I certify that I have provided the verbal oath and witnessed the applicant's/legal guardian's signature.

\_\_\_\_\_

Agent ID Number

Print Facility Name/Location

\_\_\_\_\_

Facility ID Number

Name of courier company (if applicable)

X \_\_\_\_\_  
**Applicant's Legal Signature - age 16 and older**

X \_\_\_\_\_  
**Mother/Father/Parent/Legal Guardian's Signature (if identifying minor)**

X \_\_\_\_\_  
**Mother/Father/Parent/Legal Guardian's Signature (if identifying minor)**



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For Issuing Office Only → Bk \_\_\_\_\_ Card \_\_\_\_\_ EF \_\_\_\_\_ Postage \_\_\_\_\_ Execution \_\_\_\_\_ Other \_\_\_\_\_

Name of Applicant (Last, First, & Middle) \_\_\_\_\_ Date of Birth (mm/dd/yyyy) \_\_\_\_\_

10. Parental Information  
Mother/Father/Parent - First & Middle Name (at Parent's Birth) \_\_\_\_\_ Last Name (at Parent's Birth) \_\_\_\_\_

Date of Birth (mm/dd/yyyy) \_\_\_\_\_ Place of Birth (City & State if in the U.S. or City & Country as it is presently known) \_\_\_\_\_ Gender  M  F  X U.S. Citizen?  Yes  No

Mother/Father/Parent - First & Middle Name (at Parent's Birth) \_\_\_\_\_ Last Name (at Parent's Birth) \_\_\_\_\_

Date of Birth (mm/dd/yyyy) \_\_\_\_\_ Place of Birth (City & State if in the U.S. or City & Country as it is presently known) \_\_\_\_\_ Gender  M  F  X U.S. Citizen?  Yes  No

11. Have you ever been married?  Yes  No If yes, complete the remaining items in #11.  
Full Name of Current Spouse or Most Recent Spouse (Last, First & Middle) \_\_\_\_\_ Date of Birth (mm/dd/yyyy) \_\_\_\_\_ Place of Birth \_\_\_\_\_  
U.S. Citizen?  Yes  No Date of Marriage (mm/dd/yyyy) \_\_\_\_\_ Have you ever been widowed or divorced?  Yes  No Widow/Divorce Date (mm/dd/yyyy) \_\_\_\_\_

12. Additional Contact Phone Number \_\_\_\_\_  Home  Cell  Work  \_\_\_\_\_  
13. Occupation (if age 16 or older) \_\_\_\_\_  
14. Employer or School (if applicable) \_\_\_\_\_

15. Height \_\_\_\_\_ 16. Hair Color \_\_\_\_\_ 17. Eye Color \_\_\_\_\_  
18. Travel Plans (If no travel plans, please write "none")  
Departure Date (mm/dd/yyyy) \_\_\_\_\_ Return Date (mm/dd/yyyy) \_\_\_\_\_ Countries to be Visited \_\_\_\_\_

19. Permanent Address (Complete if P.O. Box is listed under Mailing Address or if residence is different from Mailing Address. Do not list a P.O. Box.)  
Street/RFD # or URB \_\_\_\_\_ Apartment/Unit \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

20. Your Emergency Contact (Provide the information of a person not traveling with you to be contacted in the event of an emergency.)  
Name \_\_\_\_\_ Address: Street/RFD # or P.O. Box \_\_\_\_\_ Apartment/Unit \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone Number \_\_\_\_\_ Relationship \_\_\_\_\_

21. Have you ever applied for or been issued a U.S. Passport Book or Passport Card?  Yes  No If yes, complete the remaining items in #21.  
Name as printed on your most recent passport book \_\_\_\_\_ Most recent passport book number \_\_\_\_\_ Most recent passport book issue date (mm/dd/yyyy) \_\_\_\_\_  
Status of your most recent passport book:  Submitting with application  Stolen  Lost  In my possession (if expired)  
Name as printed on your most recent passport card \_\_\_\_\_ Most recent passport card number \_\_\_\_\_ Most recent passport card issue date (mm/dd/yyyy) \_\_\_\_\_  
Status of your most recent passport card:  Submitting with application  Stolen  Lost  In my possession (if expired)

**PLEASE DO NOT WRITE BELOW THIS LINE - FOR ISSUING OFFICE ONLY**

Name as it appears on citizenship evidence \_\_\_\_\_  
 Birth Certificate SR CR City Filed: \_\_\_\_\_ Issued: \_\_\_\_\_  Sole Parent  
 Nat. / Citz. Cert. USCIS USDC Date/Place Acquired: \_\_\_\_\_ A# \_\_\_\_\_  
 Report of Birth Filed/Place: \_\_\_\_\_  
 Passport C/R S/R See #21 #/DOI: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Attached: \_\_\_\_\_  
 P/C of Citz  P/C of ID  DS-71  DS-3053  DS-64  DS-5520  DS-5525  PAW  NPIC  IRL  Citz W/S



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*Blank Exception Form*



**STATEMENT OF EXIGENT/SPECIAL FAMILY CIRCUMSTANCES  
FOR ISSUANCE OF A U.S. PASSPORT TO A CHILD UNDER AGE 16**

*Please print legibly using black ink only. If you make an error, complete a new form. Do not correct.*

**WHEN TO USE THIS FORM**

Passport applications for children under the age of 16 require both parents/legal guardians' signatures unless a notarized, written statement of consent from the non-applying parent/legal guardian is provided. **Use this form only if you cannot obtain the notarized, written consent of a parent or legal guardian with legal custody of the child applicant under 16.**

Your statement in this form must explain the reason why you cannot obtain the notarized statement of consent. You must demonstrate that there are exigent or special family circumstances that make two parent/guardian consent unobtainable.

- **Exigent Circumstance:** Your request may qualify as an exigent circumstance if there is a time-sensitive emergency, and the inability of the child to obtain a passport would jeopardize the child's health or welfare and safety or would result in the child being separated from the rest of his or her traveling party.
- **Special Family Circumstance:** Your request may qualify as a special family circumstance if the child's family situation makes it exceptionally difficult or impossible for one or both child's parents/legal guardians to provide the notarized, written statement of consent.

**IMPORTANT**

- 1. Completing this form does not guarantee the child applicant will be issued a U.S. passport.**
- 2. Please answer all questions on this form to the best of your knowledge.** The more information you provide, the faster we may be able to process your child's U.S. passport application. For example, if you are unsure of an exact address, please provide the street name, city, or state if you can. We will consider all the information on the form in its entirety.
3. If you need more space to respond to a question, please use a separate sheet of paper.
4. If you have a current court order showing full/sole legal custody or granting permission to obtain a passport, you may not need to fill out this form. Submit court orders with the child's passport application.
5. If you are unable to get in contact with an incarcerated non-applying parent (e.g., non-applying parent is confined to solitary and not permitted to receive or send mail or have contact with a notary; or non-applying parent is incarcerated overseas where the prison does not have a notary or other amenities), use this form. Otherwise, consent (see Form DS-3053) or a court order is still required.

**INFORMATION AND/OR QUESTIONS**

For passport and travel information, please visit [travel.state.gov](http://travel.state.gov). In addition, contact the National Passport Information Center (NPIC) toll-free at 1-877-487-2778 (TDD/TTY 1-888-874-7793) or by email (general information only) at [NPIC@state.gov](mailto:NPIC@state.gov). For information on International Parental Child Abduction, please visit [childabduction.state.gov](http://childabduction.state.gov) or contact the Office of Children's Issues by telephone at 1-888-407-4747 or by email at [PreventAbduction1@state.gov](mailto:PreventAbduction1@state.gov).

**WARNING**

False statements made knowingly and willfully on passport applications, including affidavits or other supporting documents submitted therewith, may be punishable by fine and/or imprisonment under U.S. law, including the provisions of 18 U.S.C. 1001, 18 U.S.C. 1542, and/or 18 U.S.C. 1621.

**PRIVACY ACT STATEMENT**

**AUTHORITIES:** We are authorized to collect this information by 22 U.S.C. 211a et seq.; 8 U.S.C. 1104; 26 U.S.C. 6039E; Executive Order 11295 (August 5, 1966); and 22 C.F.R. parts 50 and 51.

**PURPOSE:** The primary purpose for soliciting this information is to establish a possible exigent/special family circumstance exception to Public Law 106-113, Section 236, requiring two parent consent for a minor's passport application.

**ROUTINE USES:** This information may be disclosed to another domestic government agency, a private contractor, a foreign government agency, or to a private person or private employer in accordance with certain approved routine uses. These routine uses include, but are not limited to, law enforcement activities, employment verification, fraud prevention, border security, counterterrorism, litigation activities, and activities that meet the Secretary of State's responsibility to protect U.S. citizens and non-citizen nationals abroad. More information on the Routine Uses for the system can be found in System of Records Notices State-05, Overseas Citizen Services Records and Other Overseas Records and State-26, Passport Records.

**DISCLOSURE:** Failure to provide the information requested on this form may result in the refusal or denial of a U.S. passport application.

**PAPERWORK REDUCTION ACT STATEMENT**

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time required for searching existing data sources, gathering the necessary data, providing the information and/or documents required, and reviewing the final collection. Responding to this collection of information is required to obtain a benefit. You do not have to supply this information unless this collection displays a currently valid OMB control number. If you have comments on the accuracy of this burden estimate and/or recommendations for reducing it, please send them to: U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Program Management and Operational Support, 44132 Mercure Cir, PO Box 1199, Sterling, Virginia 20166-1199.



**STATEMENT OF EXIGENT/SPECIAL FAMILY CIRCUMSTANCES  
FOR ISSUANCE OF A U.S. PASSPORT TO A CHILD UNDER AGE 16**

Please print legibly using black ink only. If you make an error, complete a new form. Do not correct.

<b>1. Child's Name (Last, First, Middle)</b>		<b>2. Child's Date of Birth (mm-dd-yyyy)</b>	
<b>3. Applying Parent/Legal Guardian's Name (Last, First, Middle)</b>			
<b>4. Non-Applying Parent/Legal Guardian's Information (Complete the information in fields a - e for the non-applying parent below.)</b>			
<b>a) Name (Last, First, Middle)</b>		<b>b) Date of Birth (mm-dd-yyyy)</b>	
<b>c) Other Names Used</b>			
<b>d) Contact Information</b>	<i>Telephone</i>		<i>Email</i>
<b>e) Address</b>			
<i>Street &amp; Apartment Number</i>	<i>City</i>	<i>State/Country</i>	<i>Zip Code</i>
<b>5. Has any court, either in the United States or abroad, ever issued an order/decreed that references the custody or travel of the child in question? (Example: divorce decree, custody order, protection order, stay away order, restraining order, guardianship order, etc.)</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No		<i>If yes, submit a certified copy of the most recent court order(s)/decree(s) with this form.</i>	
<b>6. Is the non-applying parent/legal guardian currently incarcerated?</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No		<i>If yes, submit evidence of incarceration with this form, such as a letter from the convicting criminal court, a copy of the incarceration court order, or a copy of the online inmate locator page.</i>	
<b>7. When and how was the last time you communicated with the non-applying parent/legal guardian?</b>			
<b>8. Describe your attempts to contact the non-applying parent/legal guardian. (If you need more space, continue on separate sheet of paper.)</b>			
<b>a) Mail:</b>	Number of times: _____	Approximate Dates: _____	Result: _____
<b>b) Phone:</b>	Number of times: _____	Approximate Dates: _____	Result: _____
<b>c) Email:</b>	Number of times: _____	Approximate Dates: _____	Result: _____
<b>d) Social Media:</b>	Number of times: _____	Approximate Dates: _____	Result: _____
<b>e) Other:</b>	Have you tried to contact the non-applying parent/legal guardian through a relative or friend? If so, complete the information below.		
<b>Relative/Friend #1:</b>			
Name _____	Relationship to non-applying parent <i>Ex: Works with non-applying parent</i> _____		
Address <i>Street</i> _____	<i>City</i> _____	<i>State/Country</i> _____	
Phone _____	Approximate Dates _____	Result _____	
<b>Relative/Friend #2:</b>			
Name _____	Relationship to non-applying parent <i>Ex: Works with non-applying parent</i> _____		
Address <i>Street</i> _____	<i>City</i> _____	<i>State/Country</i> _____	
Phone _____	Approximate Dates _____	Result _____	
<b>9. In detail, explain how you have attempted to obtain consent from the non-applying parent/legal guardian and why you have not been able to. You may use the information provided in questions 5 - 8 to help complete your statement. (If you need more space, continue on separate sheet of paper.)</b>			
<b>10. OATH: I declare under penalty of perjury that all statements made in this supporting document are true and correct.</b>			
<b>Signature of Parent or Legal Guardian:</b>		<b>Date (mm/dd/yyyy):</b>	

*Example Exception Form (How Do I Apply for My Child's Passport When I Have a Family Court Order Giving Me Custody?)*



STATEMENT OF EXIGENT/SPECIAL FAMILY CIRCUMSTANCES  
FOR ISSUANCE OF A U.S. PASSPORT TO A CHILD UNDER AGE 16

**RESET**

Please print legibly using black ink only. If you make an error, complete a new form. Do not correct.

<b>1. Child's Name (Last, First, Middle)</b>		<b>2. Child's Date of Birth (mm-dd-yyyy)</b>	
YOUR CHILD'S NAME		YOUR CHILD'S DOB	
<b>3. Applying Parent/Legal Guardian's Name (Last, First, Middle)</b>		YOUR NAME	
<b>4. Non-Applying Parent/Legal Guardian's Information (Complete the information in fields a - e for the non-applying parent below.)</b>			
<b>a) Name (Last, First, Middle)</b>		<b>CHILD'S FATHER'S NAME</b>	<b>b) Date of Birth (mm-dd-yyyy)</b>
<b>c) Other Names Used</b>			
<b>d) Contact Information</b>		Telephone ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN	Email ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN
<b>e) Address</b>		ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN	
Street & Apartment Number		City	State/Country
		Zip Code	
<b>5. Has any court, either in the United States or abroad, ever issued an order/decreed that references the custody or travel of the child in question? (Example: divorce decree, custody order, protection order, stay away order, restraining order, guardianship order, etc.)</b>			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		If yes, submit a certified copy of the most recent court order(s)/decree(s) with this form.	
<b>6. Is the non-applying parent/legal guardian currently incarcerated?</b>			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, submit evidence of incarceration with this form, such as a letter from the convicting criminal court, a copy of the incarceration court order, or a copy of the online inmate locator page.	
<b>7. When and how was the last time you communicated with the non-applying parent/legal guardian?</b>			
TRY TO REMEMBER, IF YOU DO NOT KNOW THEN ESTIMATE. ALSO WRITE THE TYPE OF CONTACT (PHONE, TEXT, EMAIL, SOCIAL MEDIA)			
<b>8. Describe your attempts to contact the non-applying parent/legal guardian. (If you need more space, continue on separate sheet of paper.)</b>			
<b>a) Mail:</b>		Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>
<b>b) Phone:</b>		Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>
<b>c) Email:</b>		Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>
<b>d) Social Media:</b>		Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>
<b>e) Other:</b>		Have you tried to contact the non-applying parent/legal guardian through a relative or friend? If so, complete the information below.	
Relative/Friend #1:		Relationship to non-applying parent	
Name <u>n/a</u>		Ex: Works with non-applying parent	
Address Street _____ City _____		State/Country _____	
Phone _____		Approximate Dates _____ Result _____	
Relative/Friend #2:		Relationship to non-applying parent	
Name <u>n/a</u>		Ex: Works with non-applying parent	
Address Street _____ City _____		State/Country _____	
Phone _____		Approximate Dates _____ Result _____	
<b>9. In detail, explain how you have attempted to obtain consent from the non-applying parent/legal guardian and why you have not been able to. You may use the information provided in questions 5 - 8 to help complete your statement. (If you need more space, continue on separate sheet of paper.)</b>			
It is not safe for me to obtain consent from my child's father because he has abused me in the past. I have also included my court order which gives me legal and physical custody of my child. This means that I have sole authority to apply for a passport for my child.			
<b>10. OATH: I declare under penalty of perjury that all statements made in this supporting document are true and correct.</b>			
Signature of Parent or Legal Guardian:		YOUR SIGNATURE HERE	Date (mm/dd/yyyy):
			DATE HERE



*Example Exception Form (How Do I Apply For My Child's Passport When My Restraining Order Gives Me Custody of My Child?)*



**STATEMENT OF EXIGENT/SPECIAL FAMILY CIRCUMSTANCES  
FOR ISSUANCE OF A U.S. PASSPORT TO A CHILD UNDER AGE 16**

**RESET**

Please print legibly using black ink only. If you make an error, complete a new form. Do not correct.

<b>1. Child's Name (Last, First, Middle)</b>		<b>2. Child's Date of Birth (mm-dd-yyyy)</b>	
YOUR CHILD'S NAME		YOUR CHILD'S DOB	
<b>3. Applying Parent/Legal Guardian's Name (Last, First, Middle)</b>		<b>YOUR NAME</b>	
<b>4. Non-Applying Parent/Legal Guardian's Information (Complete the information in fields a - e for the non-applying parent below.)</b>			
<b>a) Name (Last, First, Middle)</b>	CHILD'S FATHER'S NAME	<b>b) Date of Birth (mm-dd-yyyy)</b>	CHILD'S FATHER'S DOB
<b>c) Other Names Used</b>			
<b>d) Contact Information</b>	Telephone ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN	Email ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN	
<b>e) Address</b>	ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN		
	<small>Street &amp; Apartment Number</small>	<small>City</small>	<small>State/Country</small>
			<small>Zip Code</small>
<b>5. Has any court, either in the United States or abroad, ever issued an order/decreed that references the custody or travel of the child in question? (Example: divorce decree, custody order, protection order, stay away order, restraining order, guardianship order, etc.)</b>			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		If yes, submit a certified copy of the most recent court order(s)/decree(s) with this form.	
<b>6. Is the non-applying parent/legal guardian currently incarcerated?</b>			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, submit evidence of incarceration with this form, such as a letter from the convicting criminal court, a copy of the incarceration court order, or a copy of the online inmate locator page.	
<b>7. When and how was the last time you communicated with the non-applying parent/legal guardian?</b>			
TRY TO REMEMBER, IF YOU DO NOT KNOW THEN ESTIMATE. ALSO WRITE THE TYPE OF CONTACT (PHONE, TEXT, EMAIL, SOCIAL MEDIA)			
<b>8. Describe your attempts to contact the non-applying parent/legal guardian. (If you need more space, continue on separate sheet of paper.)</b>			
<b>a) Mail:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>My restraining order</b>
<b>b) Phone:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>prevents contact.</b>
<b>c) Email:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: _____
<b>d) Social Media:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: _____
<b>e) Other:</b>	Have you tried to contact the non-applying parent/legal guardian through a relative or friend? If so, complete the information below.		
<u>Relative/Friend #1:</u>			
Name	<u>n/a</u>	Relationship to non-applying parent	<b>My restraining order prevents contact.</b>
		<small>Ex: Works with non-applying parent</small>	
Address	Street _____ City _____	State/Country _____	
Phone	Approximate Dates _____	Result _____	
<u>Relative/Friend #2:</u>			
Name	<u>n/a</u>	Relationship to non-applying parent	<b>My restraining order prevents contact.</b>
		<small>Ex: Works with non-applying parent</small>	
Address	Street _____ City _____	State/Country _____	
Phone	Approximate Dates _____	Result _____	
<b>9. In detail, explain how you have attempted to obtain consent from the non-applying parent/legal guardian and why you have not been able to. You may use the information provided in questions 5 - 8 to help complete your statement. (If you need more space, continue on separate sheet of paper.)</b>			
I have an active restraining order against my child's father. My restraining order was issued by (COURT NAME) and the docket number is (WRTIE DOCKET NUMBER). My child's father abused me and I am terrified of him. My restraining order gives me custody of my child.			
<b>10. OATH: I declare under penalty of perjury that all statements made in this supporting document are true and correct.</b>			
<b>Signature of Parent or Legal Guardian:</b>	<b>YOUR SIGNATURE HERE</b>	<b>Date (mm/dd/yyyy):</b>	<b>DATE HERE</b>

*Example Exception Form (How Do I Apply for My Child's Passport When My Restraining Prohibits Contact?)*



**STATEMENT OF EXIGENT/SPECIAL FAMILY CIRCUMSTANCES  
FOR ISSUANCE OF A U.S. PASSPORT TO A CHILD UNDER AGE 16**

**RESET**

Please print legibly using black ink only. If you make an error, complete a new form. Do not correct.

<b>1. Child's Name (Last, First, Middle)</b>		<b>2. Child's Date of Birth (mm-dd-yyyy)</b>	
YOUR CHILD'S NAME		YOUR CHILD'S DOB	
<b>3. Applying Parent/Legal Guardian's Name (Last, First, Middle)</b>		<b>YOUR NAME</b>	
<b>4. Non-Applying Parent/Legal Guardian's Information (Complete the information in fields a - e for the non-applying parent below.)</b>			
<b>a) Name (Last, First, Middle)</b>	CHILD'S FATHER'S NAME		<b>b) Date of Birth (mm-dd-yyyy)</b> CHILD'S FATHER'S DOB
<b>c) Other Names Used</b>			
<b>d) Contact Information</b>	Telephone	ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN	Email ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN
<b>e) Address</b>	ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN		
	Street & Apartment Number	City	State/Country Zip Code
<b>5. Has any court, either in the United States or abroad, ever issued an order/decre that references the custody or travel of the child in question? (Example: divorce decree, custody order, protection order, stay away order, restraining order, guardianship order, etc.)</b>			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, submit a certified copy of the most recent court order(s)/decree(s) with this form.	
<b>6. Is the non-applying parent/legal guardian currently incarcerated?</b>			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, submit evidence of incarceration with this form, such as a letter from the convicting criminal court, a copy of the incarceration court order, or a copy of the online inmate locator page.	
<b>7. When and how was the last time you communicated with the non-applying parent/legal guardian?</b>			
TRY TO REMEMBER, IF YOU DO NOT KNOW THEN ESTIMATE. ALSO WRITE THE TYPE OF CONTACT (PHONE, TEXT, EMAIL, SOCIAL MEDIA)			
<b>8. Describe your attempts to contact the non-applying parent/legal guardian. (If you need more space, continue on separate sheet of paper.)</b>			
<b>a) Mail:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>My restraining order</b>
<b>b) Phone:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>prevents contact.</b>
<b>c) Email:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: _____
<b>d) Social Media:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: _____
<b>e) Other:</b>	Have you tried to contact the non-applying parent/legal guardian through a relative or friend? If so, complete the information below.		
Relative/Friend #1:			
Name	<u>n/a</u>	Relationship to non-applying parent	<b>My restraining order prevents contact.</b>
Address Street _____ City _____		State/Country _____	
Phone _____	Approximate Dates _____	Result _____	
Relative/Friend #2:			
Name	<u>n/a</u>	Relationship to non-applying parent	<b>My restraining order prevents contact.</b>
Address Street _____ City _____		State/Country _____	
Phone _____	Approximate Dates _____	Result _____	
<b>9. In detail, explain how you have attempted to obtain consent from the non-applying parent/legal guardian and why you have not been able to. You may use the information provided in questions 5 - 8 to help complete your statement. (If you need more space, continue on separate sheet of paper.)</b>			
I have an active restraining order against my child's father. My restraining order was issued by (COURT NAME) and the docket number is (WRTIE DOCKET NUMBER). My child's father abused me and I am terrified of him. It is not safe for me to obtain consent from my child's father because he has abused me in the past.			
<b>10. OATH: I declare under penalty of perjury that all statements made in this supporting document are true and correct.</b>			
Signature of Parent or Legal Guardian:	YOUR SIGNATURE HERE	Date (mm/dd/yyyy):	DATE HERE

*Example Exception Form (I'm Unmarried, But How Do I Apply for My Child's Passport When I Don't Have a Court Order with Custody of My Child?)*



**STATEMENT OF EXIGENT/SPECIAL FAMILY CIRCUMSTANCES  
FOR ISSUANCE OF A U.S. PASSPORT TO A CHILD UNDER AGE 16**

**RESET**

Please print legibly using black ink only. If you make an error, complete a new form. Do not correct.

<b>1. Child's Name (Last, First, Middle)</b>		<b>2. Child's Date of Birth (mm-dd-yyyy)</b>	
YOUR CHILD'S NAME		YOUR CHILD'S DOB	
<b>3. Applying Parent/Legal Guardian's Name (Last, First, Middle)</b>		<b>YOUR NAME</b>	
<b>4. Non-Applying Parent/Legal Guardian's Information (Complete the information in fields a - e for the non-applying parent below.)</b>			
<b>a) Name (Last, First, Middle)</b>	CHILD'S FATHER'S NAME		<b>b) Date of Birth (mm-dd-yyyy)</b> CHILD'S FATHER'S DOB
<b>c) Other Names Used</b>			
<b>d) Contact Information</b>	Telephone	ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN	Email ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN
<b>e) Address</b>	ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN		
	Street & Apartment Number	City	State/Country Zip Code
<b>5. Has any court, either in the United States or abroad, ever issued an order/decreed that references the custody or travel of the child in question? (Example: divorce decree, custody order, protection order, stay away order, restraining order, guardianship order, etc.)</b>			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, submit a certified copy of the most recent court order(s)/decree(s) with this form.	
<b>6. Is the non-applying parent/legal guardian currently incarcerated?</b>			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, submit evidence of incarceration with this form, such as a letter from the convicting criminal court, a copy of the incarceration court order, or a copy of the online inmate locator page.	
<b>7. When and how was the last time you communicated with the non-applying parent/legal guardian?</b>			
TRY TO REMEMBER, IF YOU DO NOT KNOW THEN ESTIMATE. ALSO WRITE THE TYPE OF CONTACT (PHONE, TEXT, EMAIL, SOCIAL MEDIA)			
<b>8. Describe your attempts to contact the non-applying parent/legal guardian. (If you need more space, continue on separate sheet of paper.)</b>			
<b>a) Mail:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>It is not safe for me to</b>
<b>b) Phone:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>contact my child's father</b>
<b>c) Email:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>because he abused me in</b>
<b>d) Social Media:</b>	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>the past.</b>
<b>e) Other:</b>	Have you tried to contact the non-applying parent/legal guardian through a relative or friend? If so, complete the information below.		
<b>Relative/Friend #1:</b>			
Name	<u>n/a</u>	Relationship to non-applying parent <small>Ex: Works with non-applying parent</small>	<b>It is not safe for my relatives or friends to contact my child's father because he abused me in the past.</b>
Address	Street _____ City _____	State/Country _____	
Phone	Approximate Dates _____	Result	
<b>Relative/Friend #2:</b>			
Name	<u>n/a</u>	Relationship to non-applying parent <small>Ex: Works with non-applying parent</small>	<b>It is not safe for my relatives or friends to contact my child's father because he abused me in the past.</b>
Address	Street _____ City _____	State/Country _____	
Phone	Approximate Dates _____	Result	
<b>9. In detail, explain how you have attempted to obtain consent from the non-applying parent/legal guardian and why you have not been able to. You may use the information provided in questions 5 - 8 to help complete your statement. (If you need more space, continue on separate sheet of paper.)</b>			
It is not safe for me to obtain consent from my child's father because he has abused me in the past. I am terrified of him. Also, there has never been a court order regarding custody of my child. This means that under the law in Massachusetts I have sole authority to apply for a passport for my child.			
<b>10. OATH: I declare under penalty of perjury that all statements made in this supporting document are true and correct.</b>			
<b>Signature of Parent or Legal Guardian:</b>	YOUR SIGNATURE HERE	<b>Date (mm/dd/yyyy):</b>	DATE HERE

*Example Exception Form (How Do I Apply for My Child's Passport When My Child's Father is in Jail?)*



**STATEMENT OF EXIGENT/SPECIAL FAMILY CIRCUMSTANCES  
FOR ISSUANCE OF A U.S. PASSPORT TO A CHILD UNDER AGE 16**

**RESET**

*Please print legibly using black ink only. If you make an error, complete a new form. Do not correct.*

<b>1. Child's Name (Last, First, Middle)</b>		<b>2. Child's Date of Birth (mm-dd-yyyy)</b>	
YOUR CHILD'S NAME		YOUR CHILD'S DOB	
<b>3. Applying Parent/Legal Guardian's Name (Last, First, Middle)</b>		<b>YOUR NAME</b>	
<b>4. Non-Applying Parent/Legal Guardian's Information (Complete the information in fields a - e for the non-applying parent below.)</b>			
a) Name (Last, First, Middle)	CHILD'S FATHER'S NAME	b) Date of Birth (mm-dd-yyyy)	CHILD'S FATHER'S DOB
c) Other Names Used			
d) Contact Information		Telephone	ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN
		Email	ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN
e) Address			
ONLY WRITE IF KNOWN OTHERWISE SAY UNKNOWN			
Street & Apartment Number		City	State/Country
Zip Code			
<b>5. Has any court, either in the United States or abroad, ever issued an order/decreed that references the custody or travel of the child in question? (Example: divorce decree, custody order, protection order, stay away order, restraining order, guardianship order, etc.)</b>			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, submit a certified copy of the most recent court order(s)/decree(s) with this form.	
<b>6. Is the non-applying parent/legal guardian currently incarcerated?</b>			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		If yes, submit evidence of incarceration with this form, such as a letter from the convicting criminal court, a copy of the incarceration court order, or a copy of the online inmate locator page.	
<b>7. When and how was the last time you communicated with the non-applying parent/legal guardian?</b>			
TRY TO REMEMBER, IF YOU DO NOT KNOW THEN ESTIMATE. ALSO WRITE THE TYPE OF CONTACT (PHONE, TEXT, EMAIL, SOCIAL MEDIA)			
<b>8. Describe your attempts to contact the non-applying parent/legal guardian. (If you need more space, continue on separate sheet of paper.)</b>			
a) Mail:	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>It is not safe for me to contact</b>
b) Phone:	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>my child's father because he</b>
c) Email:	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>abused me in the past. Also, he</b>
d) Social Media:	Number of times: <u>n/a</u>	Approximate Dates: <u>n/a</u>	Result: <b>is in jail so I cannot contact</b>
e) Other:	Have you tried to contact the non-applying parent/legal guardian through a relative or friend? If so, complete the information below.		
Relative/Friend #1:			
Name	<u>n/a</u>	Relationship to non-applying parent	It is not safe for my relatives or friends to contact my child's father because he abused me in the past. Also he cannot be contact because he is jail.
Address		Street	City
		State/Country	
Phone	Approximate Dates	Result	
Relative/Friend #2:			
Name	<u>n/a</u>	Relationship to non-applying parent	It is not safe for my relatives or friends to contact my child's father because he abused me in the past. Also he cannot be contact because he is jail.
Address		Street	City
		State/Country	
Phone	Approximate Dates	Result	
<b>9. In detail, explain how you have attempted to obtain consent from the non-applying parent/legal guardian and why you have not been able to. You may use the information provided in questions 5 - 8 to help complete your statement. (If you need more space, continue on separate sheet of paper.)</b>			
It is not safe for me to obtain consent from my child's father because he has abused me in the past. Also, my child's father is in jail so I am unable to obtain consent.			
<b>10. OATH: I declare under penalty of perjury that all statements made in this supporting document are true and correct.</b>			
Signature of Parent or Legal Guardian:		YOUR SIGNATURE HERE	Date (mm/dd/yyyy):
			DATE HERE



*Sample Letter (How Do I Apply for My Child's Passport When I Have a Family Court Order Giving Me Custody?)*

United State Department of State  
Boston Passport Agency  
44132 Mercure Circle  
PO Box 1017  
Sterling, Virginia 20166-1017

DATE:

**RE: Passport Application of Minor Child**

Dear Sir or Madam:

I am the mother of [CHILD'S NAME] (DOB: CHILD'S DOB). I have never been married to [FATHER'S NAME] the father.

Pursuant to the order of the Massachusetts Probate and Family Court, dated [DATE OF ORDER], I have sole legal and physical custody of [CHILD'S NAME] (DOB: CHILD'S DOB) (Docket # DOCKET NUMBER). This is the most recent order of the court.

I have the **sole authority** to apply for a United States passport for my child.

My child's father hurt me in the past. It is not safe for me to contact him, and I am terrified of him.

I trust that this letter will serve your purposes and will allow me to secure a passport for my children.

Sincerely,

---

[YOUR NAME]

*Sample Letter (How Do I Apply For My Child's Passport When My Restraining Order Gives Me Custody of My Child?)*

United State Department of State  
Boston Passport Agency  
44132 Mercure Circle  
PO Box 1017  
Sterling, Virginia 20166-1017

DATE:

**RE: Passport Application of Minor Child**

Dear Sir or Madam:

I am the mother of [CHILD'S NAME] (DOB: CHILD'S DOB). I have never been married to [FATHER'S NAME] the father. My unmarried status and the absence of any order of the probate and family court relative to custody, means that I **have the sole authority** to apply for a United States passport for my child.<sup>1</sup>

I also have an active abuse prevention order against [FATHER'S NAME]. In addition to prohibiting [FATHER'S NAME] from contacting me or my child, the order also grants me custody of my child. The order is valid until [DATE ORDER EXPIRES]. Attached is a certified copy of my 209A abuse prevention order, please note that "box 6" grants me custody.

My child's father hurt me in the past. It is not safe for me to contact him, and I am terrified of him.

I trust that this letter will serve your purposes and will allow me to secure a passport for my child.

Sincerely,

---

[YOUR NAME]

---

<sup>1</sup> Massachusetts General Law ch 209C § 10 (b) provides that "*in the absence of an order or judgment of a probate and family court relative to custody, the mother [of a child born out of wedlock] shall...have custody of a child...*".

*Sample Letter (How Do I Apply for My Child's Passport When I Have a Restraining Order Against My Child's Father Prohibiting Contact?)*

United State Department of State  
Boston Passport Agency  
44132 Mercure Circle  
PO Box 1017  
Sterling, Virginia 20166-1017

DATE:

**RE: Passport Application of Minor Child**

Dear Sir or Madam:

I am the mother of [CHILD'S NAME] (DOB: CHILD'S DOB). I have never been married to [FATHER'S NAME] the father. My unmarried status and the absence of any order of the probate and family court relative to custody, means that I **have the sole authority** to apply for a United States passport for my child.<sup>1</sup>

I also have an active abuse prevention order against [FATHER'S NAME]. Attached is a certified copy of my 209A abuse prevention order.

My child's father hurt me in the past. It is not safe for me to contact him, and I am terrified of him.

I trust that this letter will serve your purposes and will allow me to secure a passport for my child.

Sincerely,

---

[YOUR NAME]

---

<sup>1</sup> Massachusetts General Law ch 209C § 10 (b) provides that “*in the absence of an order or judgment of a probate and family court relative to custody, the mother [of a child born out of wedlock] shall...have custody of a child...*”.

*Sample Letter (I'm Unmarried, But How Do I Apply for My Child's Passport  
When I Don't Have a Court Order With Custody of My Child?)*

United State Department of State  
Boston Passport Agency  
44132 Mercure Circle  
PO Box 1017  
Sterling, Virginia 20166-1017

DATE:

**RE: Passport Application of Minor Child**

Dear Sir or Madam:

I am the mother of [CHILD'S NAME] (DOB: CHILD'S DOB). I have never been married to [FATHER'S NAME] the father. We have never been present in a Massachusetts Probate and Family court in a matter pertaining to custody. [FATHER'S NAME] abused me. Both myself and my daughter have not had any contact with [FATHER'S NAME] in [NUMBER OF YEARS]. I fear that if I contact him, he will harm me like he has done in the past.

Pursuant to Public Law 106-113, Section 236, both parents or legal guardians must give their consent to passport issuance to a minor child under the age of 16 unless sole custody or guardianship is established by the applying parent or guardian (See enclosed).

I have sole legal custody of my minor child pursuant to M.G.L. c. 209C § 10(b) in the state of Massachusetts. In the state of Massachusetts, an unmarried mother has sole legal and physical custody of the minor children unless and until a court orders (See enclosed). My unmarried status and the absence of any order of the probate and family court relative to custody, means that I have the sole authority to apply for a United States passport for my child.

I trust that this letter will serve your purposes and will allow me to secure a passport for my child.

Sincerely,

---

[YOUR NAME]



*Sample Letter (How Do I Apply for My Child's Passport When My Child's Father is in Jail?)*

United State Department of State  
Boston Passport Agency  
44132 Mercure Circle  
PO Box 1017  
Sterling, Virginia 20166-1017

DATE:

**RE: Passport Application of Minor Child**

Dear Sir or Madam:

I am the mother of [CHILD'S NAME] (DOB: CHILD'S DOB). I have never been married to [FATHER'S NAME] the father. My unmarried status and the absence of any order of the probate and family court relative to custody, means that I **have the sole authority** to apply for a United States passport for my child.<sup>1</sup>

My child's father hurt me in the past. It is not safe for me to contact him, and I am terrified of him. Furthermore, my child's father is incarcerated. I have included documents showing this.

I trust that this letter will serve your purposes and will allow me to secure a passport for my child.

Sincerely,

---


[YOUR NAME]

---

<sup>1</sup> Massachusetts General Law ch 209C § 10 (b) provides that “*in the absence of an order or judgment of a probate and family court relative to custody, the mother [of a child born out of wedlock] shall...have custody of a child...*”.

## **Laws**

*Awarding Custody for Children Born out of Wedlock*

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

**Massachusetts General Laws Annotated**

Part II. **Real and Personal Property and Domestic Relations** (Ch. 183-210)

**Title III. Domestic Relations** (Ch. 207-210)

**Chapter 209C. Children Born Out of Wedlock** (Refs & Annos)

M.G.L.A. **209C § 10**

**§ 10. Award of custody; criteria**

Effective: August 8, 2014

Currentness

(a) Upon or after an adjudication or voluntary acknowledgment of paternity, the court may **award custody** to the mother or the father or to them jointly or to another suitable person as hereafter further specified as may be appropriate in the best interests of the **child**.

In **awarding custody** to one of the parents, the court shall, to the extent possible, preserve the relationship between the **child** and the primary caretaker parent. The court shall also consider where and with whom the **child** has resided within the six months immediately preceding proceedings pursuant to this **chapter** and whether one or both of the parents has established a personal and parental relationship with the **child** or has exercised parental responsibility in the best interests of the **child**.

In **awarding** the parents joint **custody**, the court shall do so only if the parents have entered into an agreement pursuant to [section eleven](#) or the court finds that the parents have successfully exercised joint responsibility for the **child** prior to the commencement of proceedings pursuant to this **chapter** and have the ability to communicate and plan with each other concerning the **child's** best interests.

(b) Prior to or in the absence of an adjudication or voluntary acknowledgment of paternity, the mother shall have **custody** of a **child born out of wedlock**. In the absence of an order or judgment of a probate and family court relative to **custody**, the mother shall continue to have **custody** of a **child** after an adjudication of paternity or voluntary acknowledgment of parentage.

(c) If either parent is dead, unfit or unavailable or relinquishes care of the **child** or abandons the **child** and the other parent is fit to have **custody**, that parent shall be entitled to **custody**.

(d) If a person who is not a parent of the **child** requests **custody**, the court may order **custody** to that person if it is in the best interests of the **child** and if the written consent of both parents or the surviving parent is filed with the court. Such **custody** may also be ordered if it is in the best interests of the **child** and if both parents or the surviving parent are unfit to have **custody** or if one is unfit and the other files his written consent in court.

(e) In issuing any temporary or permanent **custody** order, the probate and family court shall consider evidence of past or present abuse toward a parent or **child** as a factor contrary to the best interest of the **child**. For the purposes of this section, “abuse” shall mean the occurrence of one or more of the following acts between a parent and the other parent or between a parent and **child**:

(a) attempting to cause or causing bodily injury; or (b) placing another in reasonable fear of imminent bodily injury. “Serious incident of abuse” shall mean the occurrence of one or more of the following acts between a parent and the other parent or between a parent and **child**: (a) attempting to cause or causing serious bodily injury; (b) placing another in reasonable fear of imminent serious bodily injury; or (c) causing another to engage involuntarily in sexual relations by force, threat or duress. For purposes of this section, “bodily injury” and “serious bodily injury” shall have the same meanings as provided in [section 13K of chapter 265](#). For the purposes of this section, if the **child** was conceived during the commission of a rape and the parent was convicted of said rape, under [sections 22 to 23B, inclusive, of chapter 265](#) or [section 2, 3, 4 or 17 of chapter 272](#), said conviction shall be conclusive evidence of a serious incident of abuse by the convicted parent.

A probate and family court's finding by a preponderance of the evidence, that a pattern or serious incident of abuse has occurred shall create a rebuttable presumption that it is not in the best interests of the **child** to be placed in sole **custody**, shared legal **custody**, or shared physical **custody** with the abusive parent. Such presumption may be rebutted by a preponderance of the evidence that such **custody award** is in the best interests of the **child**. For the purposes of this section, an “abusive parent” shall mean a parent who has committed a pattern of abuse or a serious incident of abuse.

For the purposes of this section, the issuance of an order or orders under [chapter 209A](#) shall not in and of itself constitute a pattern or serious incident of abuse; nor shall an order or orders entered ex parte under said [chapter 209A](#) be admissible to show whether a pattern or serious incident of abuse has in fact occurred; provided, however, that an order or orders entered ex parte under said [chapter 209A](#) may be admissible for other purposes as the court may determine, other than showing whether a pattern or serious incident of abuse has in fact occurred; provided further, that the underlying facts upon which an order or orders under said [chapter 209A](#) was based may also form the basis for a finding by the probate and family court that a pattern or serious incident of abuse has occurred.

If the court finds that a pattern or serious incident of abuse has occurred and issues a temporary or permanent **custody** order, the court shall within 90 days enter written findings of fact as to the effects of the abuse on the **child**, which findings demonstrate that such order is in the furtherance of the **child's** best interests and provides for the safety and well-being of the **child**.

If ordering visitation to the abusive parent the court shall provide for the safety and well-being of the **child**, and the safety of the abused parent. The court may consider:

- (a) ordering an exchange of the **child** to occur in a protected setting or in the presence of an appropriate third party;
- (b) ordering visitation supervised by an appropriate third party, visitation center or agency;
- (c) ordering the abusive parent to attend and complete, to the satisfaction of the court, a certified batterer's treatment program as a condition of visitation;
- (d) ordering the abusive parent to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding visitation;
- (e) ordering the abusive parent to pay the costs of supervised visitation;
- (f) prohibiting overnight visitation;

(g) requiring a bond from the abusive parent for the return and safety of the **child**;

(h) ordering an investigation or appointment of a guardian ad litem or attorney for the **child**; and

(i) imposing any other condition that is deemed necessary to provide for the safety and well-being of the **child** and the safety of the abused parent.

Nothing in this section shall be construed to affect the right of the parties to a hearing under the rules of **domestic relations** procedure or to affect the discretion of the probate and family court in the conduct of such hearing.

#### Credits

Added by St.1986, c. 310, § 16. Amended by St.1993, c. 460, § 76; St.1998, c. 179, § 6; St.2014, c. 260, § 17, eff. Aug. 8, 2014.

#### Editors' Notes

##### Relevant Additional Resources

Additional Resources listed below contain your search terms.

#### LAW REVIEW AND JOURNAL COMMENTARIES

Presumption against **awarding child custody** to a batterer. Pauline Quirion, 16 Mass.F.L.J. 67, No. 4 (1998).

Protecting **children** exposed to domestic violence in contested **custody** and visitation litigation. Pauline Quirion, Judith Lennett, Kristin Lund and Chand Tuck, 6 B.U.Pub.Int.L.J. 501 (1997).

#### RESEARCH REFERENCES

##### ALR Library

51 American **Law Reports** 5th 241, Construction and Effect of Statutes Mandating Consideration Of, or Creating Presumptions Regarding, Domestic Violence in **Awarding Custody of Children**.

80 American **Law Reports** 5th 1, **Child Custody** and Visitation Rights Arising from Same-Sex Relationship.

17 American **Law Reports** 4th 1013, Propriety of **Awarding Joint Custody of Children**.

41 American **Law Reports** 4th 1129, Primary Caretaker Role of Respective Parents as Factor in **Awarding Custody of Child**.

##### Encyclopedias

114 Am. Jur. Proof of Facts 3d 275, Obtaining **Child Custody** from Citizen Parent and Parent Who Immigrated by Marriage to U.S.

129 Am. Jur. Proof of Facts 3d 217, Domestic Violence as Factor in **Child Custody** Cases.

##### Treatises and Practice Aids

1 **Massachusetts Practice Series** § 8:12, Statutes Governing Parentage of **Children Born Out of Wedlock**.

2A **Massachusetts Practice Series** § 61:1, The Interests of **Children** and Parents in **Custody** Disputes.

2A **Massachusetts Practice Series** § 61:6, Shared Legal **Custody**.

2A **Massachusetts Practice Series** § 61:11, Statutes Governing Domestic Abuse as a Factor Which is Contrary to the Best Interest of the **Child** in **Custody** Disputes and a Rebuttable Presumption Against **Custody** Being Given to the Abuser.

2A **Massachusetts Practice Series** § 64:4, Visitation and a De Facto Parent.

2A [Massachusetts Practice Series § 64:5](#), Domestic Violence and Visitation.

3 [Massachusetts Practice Series § 89:1](#), Overview of the [Massachusetts](#) Statutory System for Adjudication or Acknowledgment of Parentage.

3 [Massachusetts Practice Series § 89:37](#), [Awards](#) of [Custody](#) and Visitation After an Adjudication or Acknowledgment of Parentage.

5A [Massachusetts Practice Series § 30:79](#), [Custody](#) and Support of Minor [Children](#).

14B [Massachusetts Practice Series § 8:255](#), Types of [Custody](#)--Effect of Parents' Attitudes and Conduct.

14B [Massachusetts Practice Series § 8:256](#), Types of [Custody](#)--Shared [Custody](#).

14B [Massachusetts Practice Series § 8:258](#), "Best Interests of the [Child](#)" Standard--Maintenance of Status Quo.

14B [Massachusetts Practice Series § 8:259](#), Factors Considered--Home Environment.

14B [Massachusetts Practice Series § 8:264](#), [Custody](#) in Paternity Cases.

17B [Massachusetts Practice Series § 53.23](#), [Children Born Out](#) of [Wedlock](#)--Paternity.

19 [Massachusetts Practice Series § 301](#), Civil Cases.

20A [Massachusetts Practice Series § 301](#), Civil Cases.

22 [Massachusetts Practice Series § 47:4](#), Petition.

30B [Massachusetts Practice Series § 68:2](#), Abuse Prevention Orders--Domestic Violence Guidelines--Trial Court Guidelines for Judicial Practice: Abuse Prevention Proceedings and Commentary.

32 [Massachusetts Practice Series § 268](#), Nonsupport of [Children](#) and Parents.

44A [Massachusetts Practice Series § 3.4](#), Philosophy, Judicial Objectives and Statutory Policy.

44A [Massachusetts Practice Series § 3.6](#), Distinctions Between Care and Protection Cases and Other Types of Proceedings Involving [Children](#) and Parental Rights.

44A [Massachusetts Practice Series § 3.13](#), Burden of Proof--Parental Unfitness; Best Interests of [Child](#); Clear and Convincing Evidence.

44A [Massachusetts Practice Series § 3.22](#), Rights of Grandparents.

44A [Massachusetts Practice Series § 3.28](#), Sufficiency of the Evidence and Sufficiency of the Judge's Findings--Findings of Fact and Conclusions of [Law](#); Forms.

44A [Massachusetts Practice Series § 3.29](#), Sufficiency of the Evidence and Sufficiency of the Judge's Findings--Examples.

## Relevant Notes of Decisions (39)

[View all 40](#)

Notes of Decisions listed below contain your search terms.

## Validity

[Children's](#) interest in being free of abuse and neglect and state's interest in promoting welfare of its [children](#) outweigh any risk of erroneous deprivation of parental due process right to relationship with [child](#) which might result from application of "preponderance of the evidence" standard in [custody](#) proceeding between parents to proof of pattern or incident of serious parental abuse, to create rebuttable presumption that [custody](#) in abusive parent is not in [child's](#) best interest. [Opinion of the Justices to the Senate \(1998\) 691 N.E.2d 911, 427 Mass. 1201. Constitutional Law 🔑 4396](#)

Risk of erroneous deprivation of parent's constitutionally protected liberty interest in his or her relationship with [child](#), arising out of adoption of preponderance of evidence standard for showing of parental abuse necessary to create rebuttable presumption that [custody](#) in allegedly abusive parent is not in best interest of [child](#), would be minimal, where allegedly abusive parent could rebut presumption by preponderance of evidence. [Opinion of the Justices to the Senate \(1998\) 691 N.E.2d 911, 427 Mass. 1201. Constitutional Law 🔑 4401](#)

## Construction and application

Indictment for parental kidnapping could rest on statute that entitled a fit parent to have **custody** when the other parent relinquished care of, or abandoned, **child**, rather than statute that gave mother **custody** of **child born out of wedlock**, and, thus, Supreme Judicial Court was not required to consider issue of constitutionality of statute that gave mother **custody** of **child born out of wedlock**, where defendant had a **three**-year absence from **child's** life, including a one-year complete disappearance, during which **child's** mother was **child's** sole custodian, and when defendant tried to reenter **child's** life, he first sought mother's permission in apparent recognition of her role as **child's** custodial parent. *Com. v. Gonzalez* (2012) 969 N.E.2d 655, 462 Mass. 459. **Constitutional Law** 🔑 976

Parent who renders cooperation impossible will not be rewarded invariably with sole **custody**; if a judge finds that an irresponsible, hostile parent has stymied deliberately any attempts by the other parent to participate in the **child's** life, such a finding may support an **award** of sole **custody** to the other parent, where that custodial arrangement will not be detrimental to the **child**. *Smith v. McDonald* (2010) 941 N.E.2d 1, 458 Mass. 540. **Child Custody** 🔑 48

Term “parent,” as used in statute governing **award** of **custody** of a **child born out of wedlock**, means biological parent. *R.D. v. A.H.* (2009) 912 N.E.2d 958, 454 Mass. 706. **Child Custody** 🔑 41

Factors set forth in statute governing **award** of **custody** of nonmarital **child** must be carefully considered by the judge in reaching a decision regarding **custody**; these requirements are to be considered not only at the end stages of the **custody** proceedings, but also need to be applied during the pendency of the proceedings. *In re Custody of Kali* (2003) 792 N.E.2d 635, 439 Mass. 834. **Child Custody** 🔑 20

Paternity determination may be made without any accompanying **award** of support or **custody**. *Conlon v. Sawin* (1995) 651 N.E.2d 1234, 420 Mass. 735. **Parent and Child** 🔑 168

### **Discretion of court**

Attorney fee **award** in a **child custody** case is within the sound discretion of the judge and will not ordinarily be disturbed. *J.S. v. C.C.* (2009) 912 N.E.2d 933, 454 Mass. 652. **Child Custody** 🔑 921(1); **Child Custody** 🔑 943

Trial court acted within its discretion in **awarding** mother \$100,000 in attorney fees, payable by father, in **child custody** case, upon finding that case was unnecessarily prolonged by actions of father. *J.S. v. C.C.* (2009) 912 N.E.2d 933, 454 Mass. 652. **Child Custody** 🔑 943

Trial court acted within its discretion in **awarding** sole legal and primary physical **custody** of nonmarital **child** to mother and visitation and partial **custody** to father; both parents had close relationship with **child**, both parents were capable of and committed to caring for **child**, and judgment was structured to ensure that both parents would be able to preserve, foster, and strengthen their relationships with **child**. *In re Custody of Kali* (2003) 792 N.E.2d 635, 439 Mass. 834. **Child Custody** 🔑 51

### **Best interests of the child**

Trial court acted within its discretion in relying upon guardian ad litem (GAL) reports and testimony in concluding that **child's** best interests would be served by **awarding** mother physical **custody** under joint legal **custody** order; trial court's decision represented a thorough, careful examination and evaluation of the trial evidence, reflecting a balanced weighing of facts and independent judgment, recognizing father's deep love of his **child** and capacity to care for her, but ultimately reaching a conclusion that was contrary to father's own view of the pertinent facts and circumstances. *J.S. v. C.C.* (2009) 912 N.E.2d 933, 454 Mass. 652. **Child Custody** 🔑 511



**Child custody** orders and judgments, including those under statute governing **child custody** determinations after an adjudication or acknowledgement of paternity, are made on the basis of a determination of the best interests of the **child**, and a judge may consider any factors found pertinent to those interests in the circumstances of the dispute. *In re Custody of Zia* (2000) 736 N.E.2d 449, 50 Mass.App.Ct. 237, review denied 742 N.E.2d 82, 433 Mass. 1102. **Child Custody** 🔑 76

Judge did not abuse her discretion in finding that it was in **child's** best interests to **award** sole legal and physical **custody** to the father in a paternity action, even though mother had been primary caretaking parent, where mother did not communicate with father regarding nonvisitation matters, mother failed to set rules or establish boundaries for **child**, mother had done little to stimulate or enrich **child** and had rejected father's offer to resume day care for **child**, father had active, substantial, and constructive involvement in **child's** life, and father was willing to respect mother's role as a parent. *In re Custody of Zia* (2000) 736 N.E.2d 449, 50 Mass.App.Ct. 237, review denied 742 N.E.2d 82, 433 Mass. 1102. **Child Custody** 🔑 51

**Custody** orders and judgments are made on basis of determination of best interests of **child**, and statutes leave it to trial judge to identify and weigh any factors found pertinent to those interests in circumstances of specific dispute. *R.H. v. B.F.* (1995) 653 N.E.2d 195, 39 Mass.App.Ct. 29, review granted 655 N.E.2d 1277, 421 Mass. 1103, affirmed 664 N.E.2d 434, 422 Mass. 590. **Child Custody** 🔑 7

### Preference of **child**

Preference of 11-year-old **child** is not to be given decisive weight in **custody** determination, although it is factor to be considered. *Custody of Vaughn* (1996) 664 N.E.2d 434, 422 Mass. 590. **Child Custody** 🔑 78; **Child Custody** 🔑 467

### **Child born out of wedlock**

Domicil of **child** at birth was “domicil” of **child's** mother who had entered into gestational carrier agreement with father, for purposes of determining whether probate and family court had subject matter jurisdiction to adjudicate petition for adoption by father, who resided outside United States, under statute providing that, if “person not an inhabitant of this commonwealth desires to adopt a **child** residing here, the petition may be made to the probate court in the county where the **child** resides,” where, prior to mother's surrender of **child** to care and **custody** of father, mother was statutorily vested with sole legal and physical **custody** of **child**. *Adoption of Daphne* (2020) 141 N.E.3d 1284, 484 Mass. 421. **Domicile** 🔑 5

### Physical abuse

Evidence that father participated in therapy for assistance in controlling his anger and had matured as result of his parental responsibilities supported judge's finding that no history or pattern of domestic violence that would preclude an **award** of **custody** to the father after adjudication of paternity, notwithstanding fact that mother had previously filed two complaints for protection from abuse. *In re Custody of Zia* (2000) 736 N.E.2d 449, 50 Mass.App.Ct. 237, review denied 742 N.E.2d 82, 433 Mass. 1102. **Child Custody** 🔑 469

**Awarding** primary physical **custody** of minor son to father who had committed acts of violence against mother constituted reversible error where trial court did not make detailed and comprehensive findings of fact on issues of domestic violence and its effect upon **child**, **child's** safety, and father's parenting ability. *Custody of Vaughn* (1996) 664 N.E.2d 434, 422 Mass. 590. **Child Custody** 🔑 511; **Child Custody** 🔑 923(1)

**Awarding** shared legal **custody** of minor son when there was outstanding restraining order against father constituted reversible error where trial court did not make written findings on effects of domestic violence on **child** and appropriateness of **award** in light of those effects. *Custody of Vaughn* (1996) 664 N.E.2d 434, 422 Mass. 590. **Child Custody** 🔑 511; **Child Custody** 🔑 923(2)

Where there is credible evidence of physical abuse to household member by person seeking **custody** of or visitation with **child**, trial judge must make detailed and precise findings of fact which demonstrate that effects of domestic violence on **child** have been evaluated and, in event physical or legal **custody** is **awarded** to perpetrator of abuse, how such **award** advances best interests of **child**. *R.H. v. B.F.* (1995) 653 N.E.2d 195, 39 Mass.App.Ct. 29, review granted 655 N.E.2d 1277, 421 Mass. 1103, affirmed 664 N.E.2d 434, 422 Mass. 590. **Child Custody** 🔑 511

Finding in **custody** determination that both father and mother were batterers and that both had been battered, in concluding that **child** was at risk with either parent, was clearly erroneous; evidence upon which trial judge made no finding suggested that mother suffered from battered woman's syndrome and most of her acts of physical force were defensive. *R.H. v. B.F.* (1995) 653 N.E.2d 195, 39 Mass.App.Ct. 29, review granted 655 N.E.2d 1277, 421 Mass. 1103, affirmed 664 N.E.2d 434, 422 Mass. 590. **Child Custody** 🔑 469

**Award** of primary physical **custody** of minor son to abusive father, which was based primarily on testimony of guardian, father's role as primary care giver, and preference of **child**, was not supported by sufficient evidence; specific findings on abuse and its effect on **child** was required, guardian did not evaluate significance of domestic violence in his recommendations, and court did not make determination of quality of father's care of **child**. *R.H. v. B.F.* (1995) 653 N.E.2d 195, 39 Mass.App.Ct. 29, review granted 655 N.E.2d 1277, 421 Mass. 1103, affirmed 664 N.E.2d 434, 422 Mass. 590. **Child Custody** 🔑 467; **Child Custody** 🔑 511

### **Joint custody**

Judge could not **award** joint legal **custody** to parents of **out-of-wedlock-child** without an explicit and supportable finding that they had cooperated in the past and would be able to do so in the future; there was no evidence of cooperation except for a voluntary **child** support arrangement, they had clashed over **child**-rearing since before the **child's** birth, were openly hostile, and court found that mother moved to New York with the purpose of separating the **child** from the father, and that she would actively interfere with any extended visitation ordered by the court. *Smith v. McDonald* (2010) 941 N.E.2d 1, 458 Mass. 540. **Child Custody** 🔑 127

Trial court considered all evidence in the case, including that which weighed in father's favor, before **awarding** mother physical **custody** of **child** under joint legal **custody** order; contrary to father's assertion on appeal, trial court specifically considered and rejected father's arguments, concluding that mother and father had split **custody** equally, that each had fully and adequately cared for **child's** physical needs when **child** was in each of their care, that father's claims about mother's anger were not credible, and that mother had successfully dealt with some issues affecting her mental health. *J.S. v. C.C.* (2009) 912 N.E.2d 933, 454 Mass. 652. **Child Custody** 🔑 511

In light of evidence that unwed mother and father had limited communications, and that there were differences between them, finding that mother and father had not demonstrated inability to communicate and cooperate concerning major decisions affecting minor **child** was insufficient to support order **awarding** joint **custody**, where statute required positive finding that parties had ability to communicate and cooperate concerning major decisions affecting minor **child**. *In re Custody of Odette* (2004) 810 N.E.2d 814, 61 Mass.App.Ct. 904. **Child Custody** 🔑 127; **Child Custody** 🔑 472

**Award** of joint legal **custody** of minor son could not be supported by evidence in light of hostility between parents and their disagreement on matters pertaining to **child**. *R.H. v. B.F.* (1995) 653 N.E.2d 195, 39 Mass.App.Ct. 29, review granted 655 N.E.2d 1277, 421 Mass. 1103, affirmed 664 N.E.2d 434, 422 Mass. 590. **Child Custody** 🔑 472

### **Noncustodial parent**

Father who lived at home with his minor **children** and supported those **children** was not a “noncustodial parent,” as found in connection with a **child** support order, even though the **children** were **born out of wedlock**, such that the mother was statutorily entitled to **custody**, and there had been no order **awarding** the father legal or physical **custody**, or any petition by him for **custody**. *Department of Revenue v. C.M.J.* (2000) 731 N.E.2d 501, 432 Mass. 69. **Child Custody** 🔑 279; **Child Support** 🔑 32

Absent an adjudication of **custody** to the contrary, a parent living in a home with his minor **children** and supporting those **children** is a custodial parent. *Department of Revenue v. C.M.J.* (2000) 731 N.E.2d 501, 432 Mass. 69. **Child Custody** 🔑 22

### Visitation

Man's allegation of a relationship with mother's **child** and assertion that he was the **child's** godfather were insufficient to warrant grant of visitation rights; man did not allege that he was biological or adoptive father of **child**, that he was ever married to her mother, or that he was **child's** de facto parent. *Belanger v. Courtney* (2006) 842 N.E.2d 11, 65 Mass.App.Ct. 1116, 2006 WL 300608, Unreported, review denied 844 N.E.2d 1096, 446 Mass. 1105. **Child Custody** 🔑 274

### Presumptions

Statute governing **child custody** determinations after an adjudication or acknowledgement of paternity, which provides that court shall, to the extent possible, preserve the relationship between the **child** and the primary caretaker parent, does not create a presumption that **custody** should be **awarded** to primary caretaking parent. *In re Custody of Zia* (2000) 736 N.E.2d 449, 50 Mass.App.Ct. 237, review denied 742 N.E.2d 82, 433 Mass. 1102. **Child Custody** 🔑 463.5

### Evidence

Trial court's findings in **child custody** case, concerning whether father reported his concerns about **child's** maternal uncle to **law** enforcement and other alleged incidents evincing the extreme lengths at which father attempted to collect damaging information about mother and her family, were supported by evidence. *J.S. v. C.C.* (2009) 912 N.E.2d 933, 454 Mass. 652. **Child Custody** 🔑 469

Trial court's denial of father's request to share joint legal **custody** of **out-of-wedlock child** was based on evidentiary record as a whole, contrary to father's assertion that determination was based only on mother's testimony regarding father's mental health. *Wakefield v. Hegarty* (2006) 857 N.E.2d 32, 67 Mass.App.Ct. 772, review denied 861 N.E.2d 29, 448 Mass. 1105. **Child Custody** 🔑 122

Evidence did not establish that **award** of sole legal and physical **custody** of **child** to father, after paternity adjudication, was product of ethnic, cultural, or class bias on the part of the judge, where judge incorporated the parties' “agreement” to continue to foster the minor **child's** language development in both English and Spanish, judge fixed visitation so as to accommodate the religious holidays of the parties or their families, father and the paternal grandparents never used any disparity in their educational backgrounds or home environments to the detriment of **child** or to the disadvantage of the mother, and mother had been vigorously represented by counsel. *In re Custody of Zia* (2000) 736 N.E.2d 449, 50 Mass.App.Ct. 237, review denied 742 N.E.2d 82, 433 Mass. 1102. **Child Custody** 🔑 467

Mother's rejection of father's “offer” to assume full responsibility for the **child's** proposed day care and schooling was admissible in **child custody** proceeding; evidence concerned matters bearing on the **child's** best interests and was independent of any settlement negotiations. *In re Custody of Zia* (2000) 736 N.E.2d 449, 50 Mass.App.Ct. 237, review denied 742 N.E.2d 82, 433 Mass. 1102. **Child Custody** 🔑 451

## Findings

Trial judge's finding that de facto parent who petitioned for permanent guardianship with **custody** had not shown by clear and convincing evidence that **child's** biological father was unfit was not clearly erroneous, where judge noted that both parties had serious credibility issues, that there had been some domestic violence between the parties but that father had not been violent to **child**, that father had been continuing presence in **child's** life since **child** was 14 months old, and that two of **three** guardians ad litem who had seen father interact with **child** recommended an immediate return of **child** to father. *R.D. v. A.H.* (2009) 912 N.E.2d 958, 454 Mass. 706. [Guardian and Ward](#) 🔑 13(4)

Ordinarily, a judge should both reference the statutory requirements and explain their impact, if any, on the **custody award**; however, appellate court may look to the substance of the judge's findings and not to their form. *In re Custody of Kali* (2003) 792 N.E.2d 635, 439 Mass. 834. [Child Custody](#) 🔑 511; [Child Custody](#) 🔑 922(1)

Mother's failure to engage the **child** in stimulating activities or to enroll the **child** in a day care program that would benefit and stimulate **child** supported finding that father placed a higher value on books and education than did mother in **child custody** proceeding following adjudication of paternity. *In re Custody of Zia* (2000) 736 N.E.2d 449, 50 Mass.App.Ct. 237, review denied 742 N.E.2d 82, 433 Mass. 1102. [Child Custody](#) 🔑 51

Testimony by mother's expert supported judge's finding that the **child's** sleeping in bed with mother **three** or four times per week may create boundary issues and evidenced the mother's inability to establish discipline or rules for the **child** in **child custody** proceeding following adjudication of paternity. *In re Custody of Zia* (2000) 736 N.E.2d 449, 50 Mass.App.Ct. 237, review denied 742 N.E.2d 82, 433 Mass. 1102. [Child Custody](#) 🔑 469

## Review

Father of nonmarital **child** waived for appeal his claim that “substantial change in the circumstances” standard rather than the “best interests of the **child**” standard applied to **custody** dispute, where father did not make that argument to probate judge. *In re Custody of Kali* (2003) 792 N.E.2d 635, 439 Mass. 834. [Child Custody](#) 🔑 76

M.G.L.A. [209C § 10](#), MA ST [209C § 10](#)

Current through Chapter 25 of the 2023 1st Annual Session. Some sections may be more current, see credits for details.

*The Issuance of Passports for Children Under Age 14*

regulations as may be necessary to carry out this section.''.

(c) Effective Date.--The repeal and amendment made by this section shall take effect six months after the date of enactment of this Act.

#### SEC. 235. DUTIES OF CONSULAR OFFICERS REGARDING MAJOR DISASTERS AND INCIDENTS ABROAD AFFECTING UNITED STATES CITIZENS.

Section 43 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2715) is amended--

- (1) by inserting `` (a) Authority.--'' before `` In'';
- (2) by striking `` disposition of personal effects.''' in the last sentence and inserting `` disposition of personal estates pursuant to section 43B of this Act.'''; and
- (3) by adding at the end the following new subsection:

`` (b) Definitions.--For purposes of this section and sections 43A and 43B, the term `consular officer' includes any United States citizen employee of the Department of State who is designated

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by the Secretary of State to perform consular services pursuant to such regulations as the Secretary may prescribe.''.

#### SEC. 236. ISSUANCE OF PASSPORTS FOR CHILDREN UNDER AGE 14.

(a) In General.--

(1) Regulations.--Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall issue regulations providing that before a child under the age of 14 years is issued a passport the requirements under paragraph (2) shall apply under penalty of perjury.

(2) Requirements.--

(A) Both parents, or the child's legal guardian, must execute the application and provide documentary evidence demonstrating that they are the parents or guardian; or

(B) the person executing the application must provide documentary evidence that such person--

- (i) has sole custody of the child;
- (ii) has the consent of the other parent to the issuance of the passport; or
- (iii) is in loco parentis and has the consent of both parents, of a parent with sole custody over the child, or of the child's legal guardian, to the issuance of the passport.

(b) Exceptions.--The regulations required by subsection (a) may provide for exceptions in exigent circumstances, such as those involving the health or welfare of the child, or when the Secretary determines that issuance of a passport is warranted by special family circumstances.

#### SEC. 237. PROCESSING OF VISA APPLICATIONS.

(a) Policy.--It shall be the policy of the Department of State to process immigrant visa applications of immediate relatives of United States citizens and nonimmigrant K-1 visa applications of fiances of United States citizens within 30 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service. In the case of an immigrant visa application where the sponsor of such applicant is a relative other than an immediate relative, it should be the policy of the Department of State to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service.

(b) Reports.--Not later than 180 days after the date of enactment of this Act, and not later than 1 year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the extent to which the Department of State is meeting the policy standards under subsection (a). Each report shall be based on a survey of the 22 consular posts which account for approximately 72 percent of immigrant visas issued and, in addition, the consular posts in Guatemala City, Nicosia, Caracas, Naples, and Jakarta. Each report should include data on the average time for processing each category of visa application under subsection (a), a list of the embassies and consular posts which do not meet the policy standards under subsection (a), the amount of funds collected worldwide for processing of visa applications during the most recent fiscal year, the estimated costs of processing such visa applications (based on the Department of State's most recent fee study), the steps being taken by the Department of State to achieve such policy standards, and results achieved by

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the interagency working group charged with the goal of reducing the overall processing time for visa applications.

#### SEC. 238. FEASIBILITY STUDY ON FURTHER PASSPORT RESTRICTIONS ON INDIVIDUALS IN ARREARS ON CHILD SUPPORT.

(a) Report to Congress.--Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Health and Human Services, shall submit a report to the appropriate congressional committees, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate on the feasibility of decreasing the amount of an individual's arrearages of child support that would require the Secretary of State to refuse to issue a passport to such individual, or otherwise act with respect to such an individual, as provided under section 452(k) of the Social Security Act (42 U.S.C. 652(k)).

(b) Contents of Report.--The report under subsection (a) shall include the following:

(1) The estimated cost to the Department of State of reducing the arrearage amount which would result in a refusal to issue a passport to \$2,500 and, in addition, an amount between \$5,000 and \$2,500.

(2) A projection of the estimated benefits of reducing the amount to \$2,500 (or an amount between \$5,000 and \$2,500), which shall include an estimate of the additional numbers of individuals who would be subject to denial, an estimate of the additional child support arrearages that would be received through such a reduction, and an estimate of the amount of child support that would be paid earlier than under current law (together with an estimate of how much earlier such amounts would be paid).

(3) Information regarding the number of individuals with child support arrearages over \$2,500 and the average length of time it takes for individuals to reach \$2,500 in arrearages.

(4) The methodology for the cost estimates and benefit projections described in paragraphs (1) and (2).

#### Subtitle C--Refugees

#### SEC. 251. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) In General.--None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return by the United States of any person to a country in which the person has a

*Regulations of Passports for Minors*



Code of Federal Regulations  
Title 22. Foreign Relations  
Chapter I. Department of State  
Subchapter F. Nationality and Passports  
Part 51. Passports (Refs & Annos)  
Subpart B. Application

22 C.F.R. § 51.28

§ 51.28 Minors.

Effective: February 1, 2008

[Currentness](#)

(a) Minors under age 16—

(1) Personal appearance. Minors under 16 years of age applying for a passport must appear in person, unless the personal appearance of the minor is specifically excused by a senior passport authorizing officer, pursuant to guidance issued by the Department. In cases where personal appearance is excused, the person(s) executing the passport application on behalf of the minor shall appear in person and verify the application by oath or affirmation before a person authorized by the Secretary to administer oaths or affirmations, unless these requirements are also excused by a senior passport authorizing officer pursuant to guidance issued by the Department.

(2) Execution of passport application by both parents or by each legal guardian. Except as specifically provided in this section, both parents or each of the minor's legal guardians, if any, whether applying for a passport for the first time or for a renewal, must execute the application on behalf of a minor under age 16 and provide documentary evidence of parentage or legal guardianship showing the minor's name, date and place of birth, and the names of the parent or parents or legal guardian.

(3) Execution of passport application by one parent or legal guardian. A passport application may be executed on behalf of a minor under age 16 by only one parent or legal guardian if such person provides:

(i) A notarized written statement or affidavit from the non-applying parent or legal guardian, if applicable, consenting to the issuance of the passport, or

(ii) Documentary evidence that such person is the sole parent or has sole custody of the minor. Such evidence includes, but is not limited to, the following:

(A) A birth certificate providing the minor's name, date and place of birth and the name of only the applying parent;

(B) A Consular Report of Birth Abroad of a Citizen of the United States of America or a Certification of Report of Birth of a United States Citizen providing the minor's name, date and place of birth and the name of only the applying parent;

(C) A copy of the death certificate for the non-applying parent or legal guardian;

(D) An adoption decree showing the name of only the applying parent;

(E) An order of a court of competent jurisdiction granting sole legal custody to the applying parent or legal guardian containing no travel restrictions inconsistent with issuance of the passport; or, specifically authorizing the applying parent or legal guardian to obtain a passport for the minor, regardless of custodial arrangements; or specifically authorizing the travel of the minor with the applying parent or legal guardian;

(F) An order of a court of competent jurisdiction terminating the parental rights of the non-applying parent or declaring the non-applying parent or legal guardian to be incompetent.

(G) An order of a court of competent jurisdiction providing for joint legal custody or requiring the permission of both parents or the court for important decisions will be interpreted as requiring the permission of both parents or the court, as appropriate. Notwithstanding the existence of any such court order, a passport may be issued when compelling humanitarian or emergency reasons relating to the welfare of the minor exist.

(4) Execution of passport application by a person acting in loco parentis.

(i) A person may apply in loco parentis on behalf of a minor under age 16 by submitting a notarized written statement or a notarized affidavit from both parents or each legal guardian, if any, specifically authorizing the application.

(ii) If only one parent or legal guardian provides the notarized written statement or notarized affidavit, the applicant must provide documentary evidence that an application may be made by one parent or legal guardian, consistent with § 51.28(a)(3).

(5) Exigent or special family circumstances. A passport may be issued when only one parent, legal guardian or person acting in loco parentis executes the application, in cases of exigent or special family circumstances.

(i) "Exigent circumstances" are defined as time-sensitive circumstances in which the inability of the minor to obtain a passport would jeopardize the health and safety or welfare of the minor or would result in the minor being separated from the rest of his or her traveling party. "Time sensitive" generally means that there is not enough time before the minor's emergency travel to obtain either the required consent of both parents/legal guardians or documentation reflecting a sole parent's/legal guardian's custody rights.

(ii) "Special family circumstances" are defined as circumstances in which the minor's family situation makes it exceptionally difficult for one or both of the parents to execute the passport application; and/or compelling humanitarian

circumstances where the minor's lack of a passport would jeopardize the health, safety, or welfare of the minor; or, pursuant to guidance issued by the Department, circumstances in which return of a minor to the jurisdiction of his or her home state or habitual residence is necessary to permit a court of competent jurisdiction to adjudicate or enforce a custody determination. A passport issued due to such special family circumstances may be limited for direct return to the United States in accordance with § 51.60(e).

(iii) A parent, legal guardian, or person acting in loco parentis who is applying for a passport for a minor under age 16 under this paragraph must submit a written statement with the application describing the exigent or special family circumstances he or she believes should be taken into consideration in applying an exception.

(iv) Determinations under § 51.28(a)(5) must be made by a senior passport authorizing officer pursuant to guidance issued by the Department.

(6) Nothing contained in this section shall prohibit any Department official adjudicating a passport application filed on behalf of a minor from requiring an applicant to submit other documentary evidence deemed necessary to establish the applying adult's entitlement to obtain a passport on behalf of a minor under the age of 16 in accordance with the provisions of this regulation.

(b) Minors 16 years of age and above.

(1) A minor 16 years of age and above applying for a passport must appear in person and may execute the application for a passport on his or her own behalf unless the personal appearance of the minor is specifically excused by a senior passport authorizing officer pursuant to guidance issued by the Department, or unless, in the judgment of the person before whom the application is executed, it is not advisable for the minor to execute his or her own application. In such case, it must be executed by a parent or legal guardian of the minor, or by a person in loco parentis, unless the personal appearance of the parent, legal guardian or person in loco parentis is excused by the senior passport authorizing officer pursuant to guidance issued by the Department.

(2) The passport authorizing officer may at any time require a minor 16 years of age and above to submit the notarized consent of a parent, a legal guardian, or a person in loco parentis to the issuance of the passport.

(c) Rules applicable to all minors—

(1) Objections. At any time prior to the issuance of a passport to a minor, the application may be disapproved and a passport may be denied upon receipt of a written objection from a parent or legal guardian of the minor, or from another party claiming authority to object, so long as the objecting party provides sufficient documentation of his or her custodial rights or other authority to object.

(2) An order from a court of competent jurisdiction providing for joint legal custody or requiring the permission of both parents or the court for important decisions will be interpreted as requiring the permission of both parents or the court as appropriate.

(3) The Department will consider a court of competent jurisdiction to be a U.S. state or federal court or a foreign court located in the minor's home state or place of habitual residence.

(4) The Department may require that conflicts regarding custody orders, whether domestic or foreign, be settled by the appropriate court before a passport may be issued.

(5) Access by parents and legal guardians to passport records for minors. Either parent or any legal guardian of a minor may upon written request obtain information regarding the application for and issuance of a passport to a minor, unless the requesting parent's parental rights have been terminated by an order of a court of competent jurisdiction, a copy of which has been provided to the Department. The Department may deny such information to a parent or legal guardian if it determines that the minor objects to disclosure and the minor is 16 years of age or older or if the Department determines that the minor is of sufficient age and maturity to invoke his or her own privacy rights.

SOURCE: [72 FR 64931](#), Nov. 19, 2007; [72 FR 74173](#), Dec. 31, 2007; [81 FR 60609](#), Sept. 2, 2016; [83 FR 21874](#), May 11, 2018; [84 FR 67185](#), Dec. 9, 2019, unless otherwise noted.

AUTHORITY: [8 U.S.C. 1504](#); [18 U.S.C. 1621](#); [22 U.S.C. 211a, 212, 212b, 213, 213n](#) (Pub.L. 106–113 Div. B, Sec. 1000(a)(7) [Div. A, Title II, Sec. 236], 113 Stat. 1536, 1501A–430); [214, 214a, 217a, 218, 2651a, 2671\(d\)\(3\), 2705, 2714, 2714a, 2721, & 3926](#); [26 U.S.C. 6039E](#); [31 U.S.C. 9701](#); [42 U.S.C. 652\(k\)](#) [Div. B, Title V of Pub.L. 103–317, 108 Stat. 1760]; E.O. 11295, Aug. 6, 1966, FR 10603, 3 CFR, 1966–1970 Comp., p. 570; Pub.L. 114–119, 130 Stat. 15; Sec. 1 of Pub.L. 109–210, 120 Stat. 319; Sec. 2 of Pub.L. 109–167, 119 Stat. 3578; Sec. 5 of Pub.L. 109–472, 120 Stat. 3554; Pub.L. 108–447, Div. B, Title IV, Dec. 8, 2004, 118 Stat. 2809; Pub.L. 108–458, 118 Stat. 3638, 3823 (Dec. 17, 2004).

#### Notes of Decisions (2)

Current through Aug. 1, 2022, 87 FR 47092, except for 40 CFR § 52.220, which is current through July 28, 2022. Some sections may be more current. See credits for details.