

IN THE MATTER OF Section 44 of the Evidence Act

AND

IN THE MATTER OF an application by the undermentioned applicant for an order  
declaring that the undermentioned child is an illegitimate child

**A. NAME OF APPLICANT & CHILD**

1. Applicant's Name: _____	
2. Village: _____	Contact No: _____
3. Child/Children's Names on Certificate of Live Birth:	
_____	DOB: _____
_____	DOB: _____
_____	DOB: _____

**B. MARRIAGE DETAILS**

4. Child/Children's Mother's Name: _____	
5. Husband's Name: _____	5. Date of Marriage _____
6. Status of Marriage: <input type="checkbox"/> Still Married <input type="checkbox"/> Divorced	
7. Date of Divorce (if divorced) : _____	
8. Date or Period of Separation from Husband: _____	
9. Reason for Separation: _____	

**C. ADDITIONAL INFORMATION**

10. Date/s when the Child/Children Could Have Been Conceived:
_____
_____
_____
_____

11. Reason why that date/s is the Correct Time of Conception:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Address and name of owner of place where conception occurred:

\_\_\_\_\_  
\_\_\_\_\_

13. Address and name of owner of place where husband resided on date of conception:

\_\_\_\_\_  
\_\_\_\_\_

14. Name and address of witness/witnesses who verify that the parties to the marriage had no access to each other at the date of conception.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. State the relationship of the witness/witnesses to the parties to the marriage, if any.

\_\_\_\_\_  
\_\_\_\_\_

16. You must serve this application on your husband. Are you able to serve this application on your husband?  YES  NO

***If yes, you must file a certificate of service with the Court as proof of service. If no, please state the reasons why you cannot serve your husband below:***

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby declare that the documents enclosed herewith and the contents of this affidavit are genuine and correct to the best of my knowledge and belief.

Sworn and signed before me on \_\_\_\_\_ )  
this .....day of ..... 20..... )  
at .....)

\_\_\_\_\_  
(Deponent)

\_\_\_\_\_  
Commissioner for Oaths/Registrar of the Supreme Court

*Read over by me in the Tongan language with which I have ascertained that the deponent is familiar.*

\_\_\_\_\_  
Commissioner for Oaths/Registrar of the Supreme Court

**D. HUSBAND**

1. If the husband is willing to deny paternity he should fill out the form below and have it witnessed by authorized persons.

I \_\_\_\_\_, of \_\_\_\_\_ declare that the child/children whose name/s appear below:

- i. \_\_\_\_\_ DOB: \_\_\_\_\_
- ii. \_\_\_\_\_ DOB: \_\_\_\_\_
- iii. \_\_\_\_\_ DOB: \_\_\_\_\_
- iv. \_\_\_\_\_ DOB: \_\_\_\_\_

is/are not my child/children because:

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.....  
**(Husband's signature)**

.....  
**(Witness) Name in Print:**

\_\_\_\_\_  
**Designation:**

**NB:** The witness must either be a Law Practitioner, Police Officer, Town or District Officer who has known the applicant for over 5 years.

IN THE MATTER OF  
AND

Section 44 of the Evidence Act

IN THE MATTER OF

an application by the undermentioned applicant for an order  
declaring that the undermentioned child is an illegitimate child

**Affidavit in Support of Application for Declaration of Illegitimacy**

I, \_\_\_\_\_, aged \_\_\_\_\_, \_\_\_\_\_ by occupation, of  
\_\_\_\_\_ make oath and say as follows:

1. I have known the applicant/mother namely \_\_\_\_\_ for  
\_\_\_\_\_ years as she is my \_\_\_\_\_

2. I hereby confirm that on or about the date of conception of the child which is the \_\_\_\_  
day of \_\_\_\_\_ 20\_\_\_\_, the husband of the applicant/mother had no access to  
the mother of the child, because

3. I know this because \_\_\_\_\_

I hereby declare that the documents enclosed herewith and the contents of this affidavit  
are genuine and correct to the best of my knowledge and belief.

Sworn and signed before me on \_\_\_\_\_ )  
this .....day of ..... 20..... )  
at .....)

\_\_\_\_\_  
(Deponent)

\_\_\_\_\_  
Commissioner for Oaths/Registrar of the Supreme Court

*Read over by me in the Tongan language with which I have ascertained that the deponent is familiar.*

\_\_\_\_\_  
Commissioner for Oaths/Registrar of the Supreme Court