

BABY'S MOMMA'S DRAMA? WHAT TO DO?!

El Derecho Del Pueblo

Columna de comentario [Social Justice Risk and Policy](#) abogado y maestro Matthew "Mateo" Katz.

The People's Right

A column of social commentary and legal advice by attorney and teacher Matthew "Mateo" Katz.

What do you do if you're not sure who your baby's daddy is?? What if you're not sure if that baby's yours?! Okay, let's be honest. This problem, as embarrassing as it may be, is one that some folks just plain have to deal with! And, yes, as with so many other difficult and controversial situations, the law has the answer!

There is a law on the books called the Illinois Parentage Act of 1984, which allows for a procedure in the Circuit Court by which a mother or prospective father can file a "Parentage Petition" in order to find out whether he is the father, to obtain visitation rights, custody, child support, among other remedies the court system has to offer.

Let's go through some of the basics of this law in order to understand the big picture. There are four "presumptions" in the law to determine parentage, meaning that four types of individuals are likely to be ruled the father under Illinois law.

(1) If a man married the mother of the child, even if the marriage is later found to be invalid, and the child is born or conceived during that marriage – this man is the "presumptive" father.

(2) After the child is born, he and the mother marry one another, even if the marriage is found later to be invalid – if the father consents to his name appearing on the child's birth certificate.

(3) The mother and her boyfriend both sign a form with the public aid office or at the hospital

after the birth, called a "VAP" or Voluntary Acknowledgement of Paternity. This form has the authority of a court order if the public aid office's procedures are followed correctly.

(4) The boyfriend and the child's mother sign a sworn "acknowledgement of paternity" or he and the mother sign this form and a denial of paternity, if he is not the biological father.

You can find the VAP form on the web at www.ilchilddsupport.com.

Any person who claims to be the father's child does have the right to file a petition in the circuit court to determine the existence of a parent-child relationship. Someone who the mother insists is the father but believes he is not the true father can file an action in court to declare the non-existence of a parent-child relationship. A court will usually allow a party to submit to a DNA test in order to establish conclusively that the alleged father is the true biological father.

The point to all of this is that the baby's mama's drama that involves a host of people pointing fingers, demanding money and visitation, among other rights, has several not-so-complicated solutions under the law: the true father sign's a VAP or file an action in court and get a DNA test completed, among other solutions.