

El Derecho Del Pueblo

Columna de comentario [Socialización de las políticas](#) abogado y maestro Matthew “Mateo” Katz.

The People’s Right

A column of social comment [Destiny](#) legal advice by attorney and teacher Matthew “Mateo” Katz.

Ever known anybody who has fathered a child out of wedlock and later claimed the child as his or her own? Maybe the couple was estranged at the time of the birth. Maybe the mother ran away after a tragic moment in her life that had nothing to do with the father’s behavior. Maybe the father had a tragic moment in his life or maybe he just wasn’t ready to be a dad!

A recent ruling by the Third District Appellate Court has raised some eyebrows by deciding that a father who filed what we call a “Complaint to Determine the Existence of a Parent-Child Relationship” had no right to be dad.

Routinely, mothers, fathers, and lawyers on their behalf, file these complaints in the Circuit Courts in order to haul a parent into court to garner benefits for the non-recognized parent. Daily our parentage courts enter orders declaring previously unrecognized fathers to be the legal parent in order to force them to pay child support or to award them visitation rights, among other rights being adjudicated.

This ruling by the Appellate Court, however, provides that a father in that case who didn’t register with what’s called the “Putative Father Registry” within thirty days of the child’s birth, had essentially no rights to be a father! Let me explain: the Putative Father Registry is a listing of all of the fathers in the State who were not married to the child’s mother at the time of the child’s conception or birth.

Illinois law (family law is almost entirely governed by each individual state’s legislatures, not by the federal government) states that a father married to the mother at the time a child is born, is presumed to be the legal parent. This means that even a mother who has engaged in adultery during the marriage still produces a child for her then current husband – and her partner in

adultery is not the legal father!

The law further requires of any non-married father who is the biological father (a “putative” father in legal terms) to register with the State’s Department of Children and Family Services within thirty days of the child’s birth. The new Appellate Court ruling can be interpreted as forever foreclosing a putative father’s right to be the legal daddy if he doesn’t immediately act to declare himself the father by filing with that office!

The form that is used to declare oneself the rightful father is called a “VAP” which stands for voluntary acknowledgement of paternity. These forms are commonly presented to fathers not married to the birth mother who are present in the hospital at the birth. Also, standing in court and swearing under oath to be the lawful father is also a method routinely used to legally acknowledge oneself to be the father.

However, this is the likely problem with the current Appellate Court ruling: if you haven’t signed/filed your VAP within THIRTY DAYS after the birth of you’re baby, FORGET IT! You’re never gonna be daddy!!! Yipes.