

Establishing Parentage: Most Frequently Asked Questions

What Are The Benefits of Establishing Paternity?

Establishing paternity can provide emotional, social and economic ties between a father and his child. Once paternity is established legally, a child gains legal rights and privileges. Among these may be rights to inheritance, the father's medical and life insurance benefits, and social security or veterans' benefits.

In addition, the child has a chance to develop a relationship with the father and a sense of identity and connection to the "other half" of his or her family. Children sometimes inherit health problems. A child's growth and development may depend on medical information from the families of both parents.

How is Paternity Established in Illinois?

In Illinois, there are a number of ways to establish paternity:

- *Signing a voluntary acknowledgment at the hospital when the child is born or anytime after the child is born.*
- *Having paternity established administratively at the Illinois Department of Healthcare and Family Services [HFS] by signing the voluntary acknowledgment of paternity or by agreeing to be bound by the results of genetic testing.*
- *Proceeding through the court process.*

What Are The Procedures In Establishing Paternity Through The Court Process?

The court process begins once the State's Attorney's Office receives a referral for legal action from HFS. The first step is notifying the alleged father of the paternity proceeding through service of summons by the Sheriff's Office. If he cannot be found, no further legal action can be taken until he is served. However, once he is served, the action can then proceed.

Court Procedures In Parentage and Child Support Court –

Daley Center, Room CL – 24 at 50 West Washington, Chicago:

If your paternity case is assigned to Parentage and Child Support Court, it may be heard first before a hearing officer, who is an attorney appointed by the court. Should the alleged father admit paternity, the hearing officer will recommend an order and forward the order to a judge for entry. Even if the alleged father fails to appear after he has been properly served, a paternity order can still be entered by the court.



Cook County State's Attorney
Child Support Enforcement Division
281 West
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(312) 345-2200

Court Procedures at the Suburban Locations:

If your case is assigned to one of the suburban locations, the matter will be heard before a judge. Should the father admit paternity, the judge will then enter an order for parentage.

What Happens Should He Deny Paternity?

If the alleged father denies being the father, or is uncertain, then mother, child and alleged father will be ordered to submit to genetic testing.

Your case will be continued for 40 to 75 days for the results of the genetic testing. At the next court date, the alleged father may either admit or deny paternity regardless of the test results.

If the alleged father continues to deny paternity, the case may proceed into the discovery phase, which involves each party serving interrogatories [questions] upon the other or the taking of depositions. At the completion of discovery, the case will then be ready for trial. Pursuant to Illinois law, the trial will be heard before a judge. This is called a bench trial.

What Happens If You Are Not Sure Who The Father Is?

If more than one man could be the father of the child, each man may be required to take a genetic test. These tests are accurate, and it is usually possible to determine who fathered the child and exclude anyone who did not.

What If You Don't Know Where The Father Is?

The Illinois Department of Healthcare and Family Services State and Federal Parent Locator Services are available to help find him.

What Happens After Paternity Is Established?

The Court may set child support and may establish the terms of custody or visitation.

PLEASE BE ADVISED OF THE FOLLOWING:

- ***THE STATE'S ATTORNEY'S OFFICE DOES NOT REPRESENT THE CUSTODIAL PARENT OR THE LEGAL GUARDIAN, BUT REPRESENTS THE ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES.***
- ***THE STATE'S ATTORNEY'S OFFICE DOES NOT HANDLE CUSTODY, VISITATION OR PROPERTY DISTRIBUTION MATTERS.***
- ***THE STATE'S ATTORNEY'S OFFICE DOES NOT ASSIST IN PURSUING THE COLLECTION OF COLLEGE OR EDUCATIONAL EXPENSES.***

