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Illinois Court Recognizes Psychological Parent

By **Laura B. Inns**

Trailblazing matrimonial attorney Catherine D. Delgadillo was a first lawyer to utilize a new Illinois statute to successfully win parental responsibility for a client who is biologically unrelated to the child. This victory recognizes the legal status of psychological parents.

At the child's birth, the infant boy tested positive for opiates. The mother told the Illinois Department of Children and Family Services ("DCFS") our client was the paternal grandmother. The reported father was unwilling to care for the baby. After investigating our client's home, DCFS ordered the hospital to discharge the baby to our client. DCFS never did a paternity test.

For nine months, our client was the only adult parent. She juggled middle of the night feedings and working full-time. She tended to his every need from diapers to toys. But without a legal relationship, our client didn't have authority for simple things like obtaining benefits and daycare. Her legal right to safeguard and nurture this abandoned infant was nonexistent.



Attorney Catherine D. Delgadillo

In consulting with Delgadillo, our client learned she could obtain rights and responsibilities as a psychological parent. By early 2016, the mother hadn't even seen the child in many months. In court, the judge commented that this should be a guardianship case. But Delgadillo knew a guardianship would be temporary and easy for a biological parent to terminate. She also knew a new provision in the Illinois Marriage and Dissolution of Marriage Act granted psychological parents the right to have parental responsibilities, formerly called custody under Illinois law. Our client and the infant deserved more than guardianship. The infant deserved a legal parent in his life. Our client deserved the status of a legal parent and recognition for all the love, nurturing, middle-of-the-night feedings and diaper changes. She also deserved the power to protect her baby from being taken away from the only parent he'd ever known.

During the court case, a DNA test proved our client was not biologically related to the child. Our client did not care. This was her baby. She correctly demanded full and exclusive parental rights and responsibilities. At the final court date, the biological mother appeared in court and desperately begged the judge for more time, but Delgadillo would not stand for it. Delgadillo proved this mother did not care about the child. This mother had not seen the child in 9 months. This mother had not even asked for information about the child. After Delgadillo's arguments, the judge awarded exclusive parental responsibilities for significant decisions and parenting time to our client.

Love won over blood. The new provision in the Illinois Marriage and Dissolution of Marriage Act allows unrelated caregivers to finally obtain legal recognition for their roles as psychological parents. At our client's very first meeting with Delgadillo, Delgadillo delivered on her reputation for high-value strategic legal planning and developed the perfect approach for our client. Delgadillo and the attorneys at the Law Offices of Jeffery M. Leving help all parents, psychological and biological, protect their children.