

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

D.M.W., : No. 99-21,177
Plaintiff/Respondent:
VS :
R.A.K., JR., :
Defendant/Petitioner :

OPINION

This matter is before the Court on a Petition to Terminate Child Support, filed by R.A.K., Jr., for the support for A.K., born June 3rd, 1998. It is clear that R.A.K., Jr. is not the biological father of A.K., however, that fact has been clear for some period of time based upon a DNA report dated January 6, 2000, which excludes R.A.K., Jr. as the father. Despite the testing, R.A.K., Jr., is estopped from denying paternity as a result of his actions. The law does not allow a person to challenge his role as a parent once he has accepted it, even with contrary DNA and blood tests. WARFIELD V. WARFIELD, 2003 Pa.Super 16, 815 A.2d 1073, 1077 (2003).

Here R.A.K., Jr. has known since at least the beginning of 2000 that he was not the father but has assumed the role and in his own words, “accepted A.K. as his”. He has exercised visitations every other weekend for the past four years. He buys A.K. presents, regularly takes A.K. to visit his parents, and takes her on camping trips with his family. A.K. calls him Dad. There is no evidence that the child’s mother, D.M.W., mislead or deceived as to the fact that he was not the biological father of A.K.

Estoppel in paternity actions is based on the public policy that children should be secure in knowing who their parents are. BAHL V. LAMBERT FARMS, INC., 572 Pa. 675, 819 A.2d 534 (2003); J.C. V. J.S., 2003 Pa. Super 172, 826 A.2d 1 (2003). If a person has acted as the parent and bonded with the child, the child shall

not be required to suffer the potentially damaging trauma that may come from being told that the father he or she has known all her life is not, in fact, her father. Id. at 3.

In short, the Court believes that it would be devastating to A.K. to have R.A.K., Jr. withdraw as her father at this point.

ORDER

AND NOW, this 19th day of April, 2004, for the reasons stated above, the Petition to Terminate Child Support is **DENIED**.

By The Court,

Hon. Richard A. Gray, Judge

cc: Court Administrator
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