



I JUST FOUND OUT THAT I AM NOT MY CHILD'S FATHER

Mario and Joanie have been living together for several years and have a child together. The birth certificate of the child, whose name is Vincent, indicates Mario and Joanie as his parents. The couple separates when Vincent is seven years old. Despite the separation, Mario continues to take care of Vincent and see to his needs.

Some time after the separation, Mario bumps into someone who, through his statements, raises a doubt in Mario's mind regarding his paternity with respect to Vincent. Mario decides to dispel all doubts. While Vincent is staying with him, Mario takes the opportunity to have a DNA test for him and Vincent. The test confirms, with a probability of 99.9%, that, unfortunately, Mario is not Vincent's father! From that point on, Mario decides to sever all ties with the child.

He also decides to initiate court proceedings to contest his paternity. The judge refuses his application, based on the principles set out in article 530 of the *Civil Code of Québec* which states: "No person may contest the status of a person whose possession of status is consistent with his act of birth."

Mario's situation involves both of these elements: Firstly, his name appears on the child's act of birth and, secondly, he has behaved like a father towards the child since the child's birth, thereby acquiring a "possession of status." Consequently, Mario cannot contest his paternity, even if he is not Vincent's biological father. Mario will therefore continue to be Vincent's legal father, with all the effects this status entails.

The declaration of paternity made when a child is born is an important and serious act which gives rise to legal obligations. **You should therefore be aware of the impact of having your name inserted on a child's act of birth.**

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