

## Donna Marcus Successfully handled a paternity matter as a Philadelphia Assistant District Attorney in the Child Support Enforcement Unit

Successfully handled a paternity matter as a Philadelphia Assistant District Attorney in the Child Support Enforcement Unit. The child was 13 when the father filed for genetic testing. The Judge granted the testing, over objection by the Commonwealth, even though there was a signed Acknowledgment of Paternity and running custody Order from 2003 when the child was a few months old. The Judge refused the Commonwealth's request to stay the testing. The results of the genetic testing excluded the father as the child's biological father. The case was listed for a hearing on the genetic testing results. Before the hearing, however, a final order was entered declaring that the father was not the father (the order stated biological, but it is the same as saying he is no longer the legal father for court purposes) and the hearing was cancelled. Marcus appealed the order and argued that the Court erred when it granted genetic testing since father was already found to be the child's legal father based upon the signed Acknowledgment of Paternity and the Doctrine of Paternity by Estoppel; Marcus further argued that the mother's due process rights were violated when the Court entered a final order without conducting a full hearing. The Superior Court ruled in favor of Marcus' client and ordered that the father is the legal father regardless of the test results. The Court based its decision on the acknowledgement but noted that Marcus was correct in her arguments about estoppel and due process.