

Grandparent and Third Party Cases

Generally speaking, only a parent may file with the court to obtain custody of a minor child. An exception exists, however, where the child is in the physical possession of a third person (not a parent). The cases are limited, however: third parties may not resort to abduction or wrongly luring a child away from the parent(s) in an effort to file a case. Where a child has been voluntarily placed with a third party-or abandoned-however, that third party may have standing to seek to obtain custody in Illinois. In one noted case, a step-father obtained custody of his step-child over the objection of the child's biological mother. The court noted the child's adjustment to the father's home, the local school, and community as well as his relationship with his half-brother (the child born to the couple).¹ Again, these matters can become quite intricate-call our office to learn more.

In a typical case, a child's biological parents will separate, the parent keeping the child will fall on hard times and turn the child over to a relative, friend, or neighbor for the child's sake. The adult who is then caring for the child may have a lot of trouble with things like medical care, school registration, and similar matters usually requiring parental approval or notification. Worse, without the proper court orders in place, the adult caring for the child may be liable for any harm that comes to the child. For that reason, the adult caring for the child may ask a judge to give him or her custody of the child.

If you find that you're caring for a child other than your own, call our office to speak with one of our knowledgeable and skilled attorneys to learn what you should do to protect yourself... and the child.

This article was written by the law office of Cowell Taradash, P.C., whose attorneys are familiar with the latest court decisions, recent changes in the law and even the tendencies of many judges. We can help. Contact us at 866.987.6723 or info@illinoisdivorce.com.