

Anonymous v. Anonymous (Mon. Co. Fam. Ct., 3/2022)

MR. CORLETTA DEFEATS “EQUITABLE ESTOPPEL” CLAIM IN PATERNITY PROCEEDING

Respondents in Paternity proceedings have it difficult enough. Paternity proceedings are quasi-criminal. If Respondents lose, they face a support obligation for 21 years. If they deny paternity, they are required to obtain a DNA sample, which may exonerate or incriminate them.. If they do not do so, an “adverse inference” is drawn against them at any trial or hearing.

In addition, many putative mothers and/or Attorneys For the Child attempt to employ the doctrine of “Equitable Estoppel”; particularly when there is no solid proof of paternity, such as a sworn birth certificate, etc.

They argue that Respondent “held himself out as the father”, and therefore should be “estopped” from denying paternity, or getting a hearing.

This is what happened in one of Mr. Corletta’s cases, where the client's alleged daughter, now almost 20 years of age, asserted a paternity claim through her mother in **Anonymous v. Anonymous** (Mon. Co. Fam. Ct., 3/22). The client had a minimal, if any, relationship with the putative daughter, and questioned paternity, because he was married to someone else at the time she was born.

When the Paternity Petition was filed, the “child” was almost 20 years old. The client had not seen the “child” in over 5 years, and had little or no relationship with her. The client denied paternity and requested a DNA Test, stating that if the DNA test was positive, he would admit paternity and pay child support.

That was not good enough for the mother and Attorney For the Child, who said that a simple DNA buccal swab would somehow “traumatize” the 20 year old “child”. They wanted the client barred from denying paternity, based upon affidavit of the child, claiming the client was her father.

By utilizing this artifice, they tried to prevent Mr. Corletta's client from having a DNA test and/or an Evidentiary Hearing to determine the truth. Mr. Corletta fought the Motion for Summary Judgment, citing numerous cases that held that such cases cannot be resolved on the basis of conflicting Affidavits.

Both Petitioner and the Attorney For the Child attempted to portray Mr. Corletta’s client as a dishonest individual attempting to evade his parental obligations. They could not answer why

an individual attempting to evade his obligations would request a DNA test that could incriminate him. The Judge saw through this subterfuge and denied the motion. Mr. Corletta's client will get the Evidentiary Hearing he deserves.

The case was further evidence of Mr. Corletta's depth of knowledge in several key areas. Mr. Corletta does not just "dabble". He has specialized knowledge in Family matters, Criminal matters, DWI matters, and Bankruptcy matters, and works to apply that specialized knowledge gained in over 40 years of experience, for every client's benefit. Mr. Corletta is no "general practitioner, but rather a highly experienced attorney with knowledge crossing several areas of law, with the ability to not only apply it, but cross reference it and apply it in multiple situations where these areas overlap.