

Ryder v. Ryder

MaCHELE LYNN RYDER, Plaintiff,
v. JUSTIN ADAM RYDER, Defendant
Court of Common Pleas of the 39th Judicial District of Pennsylvania,
Franklin County Branch, Domestic Relations Section, No. 2005-0588

Paternity Proceedings; Rescinding Affidavit of Parentage Due to Fraudulent Misrepresentations; Paternity by Estoppel

1. An acknowledgment of paternity shall constitute conclusive evidence of paternity.
2. An acknowledgment of paternity can be challenged on the basis of fraud, duress or material mistake of fact but it must be established through clear and convincing evidence.
3. Although Defendant would like the Court to conclude that the Plaintiff's deceit, falsehoods and misrepresentations led him to sign the Affidavit of Parentage at the child's birth, the Court cannot reach this conclusion when the evidence showed the Defendant had full knowledge that he may not be the biological father.
4. Even if the Court were to rescind the Affidavit based on fraud, the Defendant would need to present evidence precluding the Court from determining paternity by the established theory of estoppel.
5. Estoppel in paternity actions is merely the legal determination that because of a person's conduct that person, regardless of his true biological status, will not be permitted to deny parentage.
6. The estoppel theory was codified by the Pennsylvania legislature with the adoption of 23 Pa.C.S.A. §5102(b), which states that paternity of children born out-of-wedlock shall be established if, during the lifetime of the child, it is determined by clear and convincing evidence that the father openly holds out the child to be his and either receives the child into his home or provides support for the child.
7. The applicability of the paternity by estoppel doctrine depends on the particular facts of the case.
8. When the estoppel theory applies to a case, blood tests are deemed to be irrelevant and are thus not ordered by courts, because regardless of the results, the law will not permit a person in these situations to challenge the paternity established by his own actions.
9. When allegations of fraud arise in a paternity action, an estoppel analysis must proceed in a different manner than it would without such averments. The court must consider any evidence of fraud in determining whether to apply paternity by estoppel.
10. A person cannot blindly rely on statements of another when the falsity of the statements is obvious if one would make an honest examination of the situation and still successfully claim fraud.
11. Even if the Court believed that the Plaintiff made fraudulent misrepresentations regarding the true biological father of the child, the Defendant cannot demonstrate that he justifiably relied on the statements and this reliance directly caused him to act as the true parent of the child because it was apparent within weeks following the child's birth that the child was of a mixed racial background and the Defendant, therefore, was not the father. Despite this knowledge, the Defendant raised the child as his own for the first years of the child's life.
12. Where the Defendant openly held the child out to the world as his own and supported the child financially and emotionally, paternity by estoppel has been established and the Defendant is estopped from denying paternity of the child.

Appearances:

Jennifer S. Newman, Esq., *Attorney for Plaintiff*

Robert L. McQuaide, Esq., *Attorney for Defendant*

OPINION

Van Horn, J., February 22, 2006

Statement of the Case

This matter comes before this Court as a result of a Support Order entered on August 24, 2005 by the Franklin County Domestic Relations Office.

The Plaintiff, MaChele Lynn Ryder, is the natural mother of Seth Ryder. Seth's date of birth is November 23, 2001; therefore, at the present time, Seth is four (4) years old. The Plaintiff filed a support action against Justin Ryder, Defendant, seeking child support for Seth. The Defendant, upon the Plaintiff seeking the support, challenged the paternity of Seth and requested genetic testing to establish paternity of the child. On August 23, 2005, the Hearing Officer, Stephen Fairchild, denied the Defendant's request for the testing because Defendant had signed an Affidavit of Parentage at the time of Seth's birth. Mr. Fairchild declared that the Affidavit constituted a legal finding of the Defendant's paternity. Therefore, the Officer recommended that Defendant pay \$352.75 per month in child support, and the Court adopted this recommendation by signing an Order.

The Defendant appealed the decision challenging paternity and requested genetic testing. The Court held a hearing on this matter on December 19, 2005. Thereafter, counsel submitted briefs outlining their respective positions on two distinct issues. First, the Court will determine whether the Affidavit of Parentage signed by the Defendant should be considered invalid as a result of alleged fraud and misrepresentations on the part of the Plaintiff. And secondly, the Court will determine whether the actions of the Defendant with regard to Seth after his birth until 2003 were sufficient to support the finding of paternity by estoppel and thus obligate the Defendant to continue to pay child support.

Findings of Fact

Based upon the testimony at the December hearing and briefs submitted by counsel, this Court makes the following findings of fact:

1. The Plaintiff and Defendant were involved in a committed relationship from 2000 to 2003. However, they separated for a period of one (1) month during this relationship, and it was during this separation that the Plaintiff became pregnant with the child at issue in this case.[1] The parties do admit that they had sexual intercourse at least one time during the separation; therefore, at the time of the pregnancy, the parties believed that it was possible for the Defendant to be the natural father of the child.
2. Since Seth was conceived during a separation, the Defendant was not 100% certain that he was the biological father of the child. However, upon knowledge of Plaintiff's pregnancy, the parties resumed a committed relationship, prepared for the birth of the child, and planned to wed.
3. Seth Ryder was born on November 23, 2001 in Maryland. At the time of the birth, both the Plaintiff and Defendant signed the Affidavit of Parentage which declared the parties as the natural parents of the child.
4. After Seth's birth, the parties married and raised the child together as parents.
5. Shortly after his birth, Seth began to exhibit a darker complexion that is consistent with the child being from African-American descent. Since the Plaintiff and Defendant are of the Caucasian race, it was quickly obvious that the Defendant could not be the natural father of Seth.
6. The Defendant raised Seth as his own child in that he held the child out as his own and supported the child financially and emotionally for approximately 1½ years until the separation of the parties.
7. Prior to the parties' separation, the Defendant cared for Seth while the Plaintiff was at work and

developed a close father-son relationship with Seth. The father-son relationship with Defendant is the only such relationship the child has known.

8. Only after the Plaintiff's request for support did the Defendant formally deny paternity and request genetic testing of the child.

9. The Defendant has neither sought nor exercised any right of custody or visitation with the child since the separation.

10. Both parties freely admit that Seth is not the biological child of the Defendant.

Discussion

Should the signed Affidavit of Parentage be rescinded due to alleged fraudulent misrepresentations of the Plaintiff?

An acknowledgment of paternity shall constitute conclusive evidence of paternity. 23 Pa.C.S.A. §5103(d).[2] However, based on 23 Pa.C.S.A. §5103(g)(2), an acknowledgment of paternity can be challenged on the basis of fraud, duress or material mistake of fact but it must be established through clear and convincing evidence. "The test for fraud is: (1) misrepresentation, (2) fraudulent utterance, (3) intention by the maker that the recipient will thereby be induced to act, (4) justifiable reliance by the recipient upon the misrepresentation, and (5) damage to the recipient as a proximate result." Doran v. Doran, 820 A.2d 1279, 1284 (Pa. Super. 2003), citing Sekol v. Delsantro, 763 A.2d 405, 411 (Pa. Super. 2000).

In this case, the Defendant argues that the Plaintiff's fraudulent conduct was the basis for him signing the Affidavit of Parentage, and thus, the document can be properly rescinded. He contends that the Plaintiff kept the facts surrounding the true paternity of Seth to herself and assured him that he was the biological father of the child. Therefore, it was only due to his reliance on the statements of the Plaintiff that he agreed to resume a committed relationship with the Plaintiff, attend the birth of Seth, and sign the Affidavit of Parentage. However, after considering the testimony of all parties in this case, the Court is not convinced that the Defendant was a victim of fraud when he signed the Affidavit of Parentage.

First, the Defendant testified that the parties talked about the possibility of the Defendant not being the biological father of Seth before his birth. He further admitted that when he signed the Affidavit he knew that there could be someone else who was the biological father of Seth, but he signed the document despite this knowledge. The Defendant admitted that a friend of the Plaintiff informed him during the Plaintiff's pregnancy that there was a possibility that he was not the father of the unborn child. He also had conversations with Plaintiff's mother during her pregnancy and prior to the birth of Seth regarding his desire that the child be his biological child. Despite these questions regarding paternity, the Defendant signed the Affidavit of Parentage because he wanted the child to be his and to raise this child as his own. Though the Defendant would like the Court to conclude that the Plaintiff's deceit, falsehoods and misrepresentations led him to sign the document, the Court cannot reach this conclusion from the evidence presented. He declared himself as the father on the Affidavit with full knowledge that he may not be the biological father; the Defendant's action in acknowledging his parentage was the result of his choice and not the work of a deceitful Plaintiff.

Even if the Court were to rescind the Affidavit based on fraud, the Defendant would need to present evidence precluding the Court from determining paternity by the established theory of estoppel. When established, paternity by estoppel precludes a defendant's ability to deny paternity and obligates the defendant to pay support for the child even if the Affidavit was rescinded on fraudulent grounds. The Court next turns to the paternity by estoppel analysis.

Were the actions of the Defendant with regard to Seth sufficient to support the finding of paternity by estoppel and prohibit the Defendant from denying paternity of the child?

When paternity is disputed before this Court, the Supreme Court has proscribed the manner in which the Court should proceed. See generally Brinkley v. King, 701 A.2d 176 (Pa. 1997). The court will first consider whether the presumption of paternity applies to a particular case.[3] Then, if the presumption has been rebutted or is inapplicable, the court should question whether the theory of estoppel applies. "Estoppel in paternity actions is merely the legal determination that because of a person's conduct that person, regardless of his true biological status, will not be permitted to deny parentage." This concept was

codified by the Pennsylvania legislature with the adoption of 23 Pa.C.S.A. §5102(b) which states that paternity of children born out-of-wedlock shall be determined "if, during the lifetime of the child, it is determined by clear and convincing evidence that the father openly holds out the child to be his and either receives the child into his home or provides support for the child." The applicability of the paternity by estoppel doctrine, therefore, depends on the particular facts of the case. Kohler v. Bleem, 654 A.2d 569 (Pa. Super. 1995). When the estoppel theory applies to a case, blood tests are deemed to be irrelevant and are thus not ordered by courts, because regardless of the results, the law will not permit a person in these situations to challenge the paternity established by his own actions. Fish v. Behers, 741 A.2d 721, 723 (Pa. 1999). All in all, the doctrine embodies the idea that a person, regardless of biology, who has cared for a child will be deemed a "parent" of the child for legal purposes. Brinkley, 701 A.2d at 180.

The policy behind the implementation of the paternity by estoppel doctrine is twofold. First, the party in openly holding the child induces another to believe that certain facts exist and the other would justifiably rely and act upon such belief, so that the latter will be prejudiced if the former is permitted to deny the existence of such facts. Gonzalez v. Andreas, 369 A.2d 416 (Pa. Super. 1976). Secondly, children should be secure in knowing who their parents are and if a certain person has acted as the parent and bonded with the child, the child should not be required to suffer the potentially damaging trauma that may come from being told that that the father he/she has known as a parent is not in fact the biological parent. T.L.F. v. D.W.T., 796 A.2d 358 (Pa. Super. 2002).

However, "when allegations of fraud arise in a paternity action, an estoppel analysis must proceed in a different manner than it would without such averments." McConnell v. Berkheimer, 781 A.2d 206, 211 (Pa. Super. 2001). The court must consider any evidence of fraud in determining whether to apply paternity by estoppel. If not taken into account, the court would be punishing the party that sought to do what was righteous and reward the party who has perpetrated a fraud. Kohler, 654 A.2d at 757.

Since the applicability of the estoppel doctrine is very case specific, the Court must examine the facts in this action closely. The Defendant freely admitted both in testimony and in submitted briefs that he did honor his commitment to be a father to Seth from the time of his birth to the date of separation. He held Seth out to be his biological child and supported him financially and emotionally during this time. Therefore, he agrees that he acted as a father for Seth for approximately the first seventeen (17) months of the child's life, so the Court could apply the paternity by estoppel doctrine to establish the Defendant's paternity to the child.

However, although he admits to a developed father-son relationship with the child, the Defendant argues that paternity by estoppel should not apply in this case because of the evidence of fraud. The Defendant primarily depends on the cases of Kohler v. Bleem, 654 A.2d 569 (Pa. Super. 1995), and Doran v. Doran, 820 A.2d 1279 (Pa. 2003). The decisions in both cases to not apply the estoppel doctrine were based on the fact that each man only accepted the child as his own due to the fraudulent representations of the mother. In Kohler, Mr. Kohler did accept the child as his daughter despite knowing that she was not his child. 654 A.2d at 576. However, he was solely operating under the misrepresentation that an "unknown" man had fathered the child and the man lived far away. Id. But for this fact, Mr. Kohler indicated that he would have left his wife immediately, and he did so when he was told that the neighbor was actually the natural father. Id. Furthermore, the court seemed influenced that the child had developed a relationship with the biological father. Id. at 577. The child spent evenings at the natural father's home, and the child was not adversely affected upon learning the identity of her natural father and she referred to him as "my dad." Id. With these facts, the court found that the application of estoppel was inappropriate in this case. In Doran, Mr. Doran had no reason to suspect the child was not his own until another man approached him at his home. 820 A.2d at 1281. After this incident, Mr. Doran asked his ex-wife if the child was his own, and the mother reassured him of his paternity. Id. He was satisfied with the answer, so he continued to be a responsible father in that he continued to pay support and visit with the child. Id. As it became apparent that the child was displaying mannerisms and characteristics not consistent with Mr. Doran being the biological father, he again questioned his ex-wife and requested a genetic test. Id. The ex-wife agreed, and the test showed that Mr. Doran could not be the child's father. Id. The court found that the man in this case would clearly not have raised the child, who was conceived during parties' marriage by another man, as his own for ten (10) years had it not been for former wife's fraudulent conduct of twice assuring him that he was the biological father of the child. Thus, Mr. Doran was not estopped from denying paternity of child. These above cases contain clear acts of fraud; the paternal actions of the men were a direct result of the fraud perpetrated by the women. Thus, the courts were precluded from finding paternity by estoppel.

The current factual scenario before this Court for decision can be distinguished from the case precedent relief on by the Defendant. Unlike Kohler and Doran, this case does not involve fraudulent representations or conduct at the core of the actions of the Defendant. The cases cited by the Defendant involved men that only performed parental duties because of their reliance on the false statements of the mother. Also, in Kohler, the child had developed a relationship with the natural father so the court did not

need to concern itself with the possibility of trauma for the child.

In this case, however, the Court does not find that the Defendant presented evidence that supports a conclusion that the Mother's actions fraudulently caused him to acknowledge paternity of Seth. To establish fraud, case precedent requires that the court find the element of justifiable reliance. Therefore, a person cannot blindly rely on statements of another when the falsity of the statements is obvious if one would make an honest examination of the situation and still successfully claim "fraud." Even if the Court believed that the Plaintiff made fraudulent misrepresentations regarding the true biological father of Seth, and this Court is not convinced of this fact, the Defendant cannot demonstrate that he justifiably relied on the statements and this reliance directly caused him to act as the true parent of Seth. It was apparent within weeks following Seth's birth that the child was of a mixed racial background. Seth's appearance raised genuine doubts in the Defendant, as he admitted at the hearing, but despite sufficient opportunity to question the paternity of the child, he continued to raise Seth as his own child for the first years of Seth's life. Fraud did not induce the Defendant to act as the father to Seth, and this Court will not allow the Defendant to renounce his parentage simply because the relationship has ended between the Plaintiff and the Defendant and he does not wish to provide financial support for the child.

The doctrine of estoppel is meant to be invoked when a person openly holds the child out to the world as his own and the person supports the child financially and emotionally. Based on the factual determinations of this case, paternity by estoppel has been established. The Defendant, therefore, is estopped from denying paternity of the child, Seth Ryder, due to his actions during the first years of the child's life.

Conclusion

In light of the specific facts in this case, the Court first concludes that the record contains insufficient evidence to support a claim of fraud in regards to the Defendant signing the Affidavit of Parentage. The Affidavit therefore remains intact and cannot be rescinded. The Court is further convinced that the Defendant's paternity has been established by the estoppel theory; therefore, the Defendant is prohibited from denying paternity of Seth and his request for genetic testing is hereby denied.

ORDER OF COURT

And now this 22nd day of February 2006, upon consideration of Defendant's Support Appeal, testimony at hearing, briefs submitted by counsel, and the relevant law, it is hereby ordered that the Defendant's Appeal from the Support Order is denied and his Petition Requesting Genetic Testing is dismissed. The August 23, 2005, Order of Court governing support in this matter shall remain in full force and effect.

[1] During the hearing, neither party could pinpoint the exact time of the separation. However, it is believed to be within the timeframe of March and April of 2001.

[2] The court shall give full faith and credit to an acknowledgment of paternity signed in another state. 23 Pa.C.S.A. §5103(d). Therefore, the fact that this case involves a Maryland State Affidavit of Parentage does not influence the Court's determination of paternity based on this document.

[3] A presumption of paternity does not apply in the instant case. The parties were not married at the time of the child's birth and have since separated so there is no intact family to preserve. Therefore, the Court will not further expand on the proper application of a presumption of paternity.