

# Protecting father-child relationships: What happens when the mother takes your children out of state?

Article provided by Arthur Kallow.

Few bonds are as tight as those between fathers and their children. You've worked hard to become a good father and you've built strong and loving ties with your children. The emotional ties that are a part of being a father can make it difficult to navigate the complex laws that govern child custody matters. Thankfully, the state of Illinois recognizes the benefit of each parent playing an active role in the rearing of their children and encourages divorced parents to put together a parenting plan that allows children time with each parent.

But in some cases, mothers make bad choices — like an attempt to leave the state with children and avoid contact with the father. Unfortunately, such cases are not uncommon. In a recent example, a mother took two children, one age 9 the other 6, away from their home in Illinois to the mother's childhood home in Mississippi. At first, the father was not concerned. He was led to believe the trip was only a vacation. Unfortunately, the trip took longer than expected. After the school year started and the mother and children had yet to return, he knew there was a bigger issue.

Even while trying to navigate this issue with the mother, the father took time to continue to build his relationship with his young boys with phone and video conversations. He became disheartened when his boys would make comments like "why don't you love us?" and "how come you don't want us?"

It is important to take such comments seriously.

These types of comments are often a clue to a strategy to push the father out of the children's lives. This is known as parental alienation and can make it difficult for the victimized father to build or keep his bond with the children. In this case, the mother's negative comments to the children about the father were eroding his relationship with his sons.

What should a father do when in this situation? How can a father fight back and regain time with his children? The following will provide a basic analysis and lay the foundation that might be helpful to you.

## Step 1: Establish paternity.

The first step is often parentage. If married at the time of birth, it is generally presumed the husband is the father.

Mothers generally have parental rights from the child's birth, but legal steps are necessary to determine the identity of the true father and to define the father's role if unmarried at the time of the birth of child. Fathers must establish legal paternity to gain parental rights. Fathers who are not married to the child's mother can generally establish paternity by signing a Voluntary Acknowledgment of Paternity, usually shortly after the child's birth, or obtaining a court order.

Once established, fathers can seek custody and visitation rights.

## Step 2: Legal documentation to better ensure time with your child.

A parenting plan can be established to help better ensure you get time with your child. When fighting for time with children, the [courts consider](#) the best interests of the child, examining factors such as:

- Each parent's living situation,
- The child's needs, and
- The parents' ability to cooperate.

Both parents have the opportunity to present their case for the desired custody arrangement, whether joint or sole custody. It is wise to gather evidence to help build your case and establish the value of time the children spend in your care.

### Step 3: An aggressive approach can help.

Once paternity is established and a parenting plan is put in place, each parent should honor and support the agreement. Unfortunately, as outlined in the example above, this is not always the case.

In the situation discussed above, the father rightly sought legal counsel. His legal team scheduled a hearing after obtaining evidence and presented the evidence to the judge to establish that the mother was interfering with the father's attempt to build a relationship with his children. The dad's legal team also presented evidence to show that, prior to this trip to Mississippi, the boys had lived their entire lives in Illinois. Upon review of the evidence, the judge agreed with the father's case [and ordered the mother return](#) the children to Illinois.

The children are now enrolled in school in Illinois and back in their home state with their father. This case serves as an example of how a [tenacious approach to fight for your rights](#) as a father can have a positive outcome.

The fight is not always easy, as the laws that impact the case are complex. Legal counsel experienced in this niche area of family law can provide guidance and help fight for your right to be actively involved in your children's lives.

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*Jeffery M. Leving is founder and president of the Law Offices of Jeffery M. Leving Ltd., and co-authored the first real Illinois joint custody law and other laws. Leving is the recipient of President Biden's 2023 Presidential Lifetime Achievement Award. The Illinois Senate issued a Certificate of Recognition thanking him for his "efforts in assisting fathers all over the country." To learn more about the law office's court victories, follow them on [X](#) and [Facebook](#).*