

Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP

Answers to pressing questions on Family Law.

Sorry, but you can't recoup your fatherly support.

Question: I just found out that I am not the biological father of my 10 year old. The father earns over 150K. The mother was his secretary. The mother also continued to work for him while visibly pregnant and went on maternity leave while still employed with him. Also, my son was born with a heart defect and has to be checked yearly by a specialist and will need an operation before he reaches 30. Can I claim back support against the biological father and the mother for the 10 years the biological father and the mother deceived me?

Answer: No.

Question: I understand that if I was to marry and then divorce, the equity in my present house could be split 50/50 with my wife without a marriage contract. If I were to sell the house before marrying, bank the money, but a house together and then divorce, would my wife be entitled too the money in my bank account or only the house that we bought together?

Answer: The house you bought together is primarily what would be divided. However, depending on her own net worth when you separate, the increase in the value of the money in the bank account, not its value as of the date of marriage, would also be subject to division. If you had \$100,000 in the bank and through wise investment it became \$200,000 by the time you separated, then the value of the increase could be subject to division, but not the original \$100,000.

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