**Section 112.40 Relationship**

a) The child(ren) must be living with a blood relative, step-relative or adoptive relative in the relative's home.

b) *A child conceived or born-in-wedlock is presumed to be the child of that marriage in the absence of a court finding to the contrary* (Section 5 of the Illinois Parentage Act of 1984, Ill. Rev. Stat. 1987, ch. 40, par. 2505).

c) Relationship between a child born-out-of-wedlock and the child's putative father may be established by:

1) adjudication; or

2) legal presumption of paternity. A legal presumption of paternity exists when the putative father married the child's natural mother after the child's birth and he is named as father on the child's birth certificate pursuant to Section 12 of the Vital Records Acts (Ill. Rev. Stat. 1987, ch. 111½, par. 73-12.

d) Relatives of the child's putative father may establish relationship to the child provided one of the following criteria is met.

1) Paternity has been established by:

A) adjudication, legal presumption of paternity or acknowledgement in open court by the putative father; and

B) the relationship between the putative father and the caretaker relative (defined at 89 Ill. Adm. Code 101.20) has been verified.

2) The putative father's relationship to the child and his relationship to the caretaker relative has been verified by such sources as:

A) birth records;

B) baptismal certificate;

C) bible entries;

D) census records;

E) medical records;

F) Social Security records;

G) Veteran's Administration records;

H) Immigration/Naturalization Service Records;

I) death certificates; or

J) the putative father's notarized signature on an acknowledgement of paternity.

3) Any of the verification factors in Section 112.40(d)(2), establish the caretaker relative as having a specified relationship to the child.

4) Other documentary evidence which establishes the paternity of the child, such as affidavits from disinterested parties, old personal correspondence, the putative father's notarized signature on an acknowledgement of paternity or a statement from the mother, shall be used to establish the required relationship between the caretaker and child. Such other evidence shall establish, to the Department's satisfaction, that the putative father is more than likely the actual father of the child.

e) The relationship between a child and other specified relatives may be established by court documents which contain statements mentioning the relationship if other sources of verification cannot be obtained.

f) When the required relationship exists between the child and the relative, the relative is referred to as a specified relative.

(Source: Amended at 14 Ill. Reg. 3170, effective February 13, 1990)