

Q

My son Mario is 3 years old. I don't like his dad. He smokes pot sometimes. He lives with his mom and never has a real job. He hasn't seen him in more than a year. He has never paid me anything. The last time Mario saw him he was drunk and spent 15 minutes fighting with me. I don't think he will ever be a good dad. I just want to terminate his rights so that I don't have to think about him coming back. How do I do that?

-- Lucy S., Winnebago County

A

Hi Lucy, thanks for the question. You sound concerned for Mario. I understand that feeling. I have bad news though. You can't terminate his dad's parental rights. There is a lot of bad information out there and people think that this is a thing. It isn't though.

Practically speaking, the only time that you can terminate a biological dad's rights is when there is a stepparent to adopt the child. Even then the bio dad needs to consent to the adoption or the court needs to find him "unfit." This article explains it: [Can I terminate my ex's parental rights?](#)

It might help you to know that you most likely already have full custody of Mario. I am going to assume that you are not married to his dad or that you are the only person on the birth certificate. In Illinois, the only way for a dad to have legal rights as a parent is to either be married to the mother or have signed a Voluntary Acknowledgement of Paternity with you naming him as the dad. You most likely already have "full custody" of Mario. You might find this article helpful: [Is a court order needed for custody?](#)

For Mario's dad to get custody or visitation, he would have to go to court to ask for it. In Illinois, a father can come back at any point and file a petition for "allocation" whether it is for custody or just visitation. He would need to prove that it is in Mario's best interest for him to get visitation or partial custody.

If you have any follow-up questions, then please let me know.

Best wishes, Amanda

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# Governing Law

## Applicable Law

750 ILCS 50/ Adoption Act

### 1. Definitions

## Background of the Law

In Illinois, one parent is not allowed to simply petition for the termination of another parent's rights. A parent's rights can only be terminated in conjunction with the Adoption Act or in a juvenile case. 750 ILCS 50/1

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