

The Virgin Islands Consortium

Bill Giving Inheritance Rights Through DNA To Children Who Fathers Neglect Now Law Of The Land

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ST. THOMAS -- A Senator Novelle Francis-sponsored measure that gives children who were neglected by their fathers the right to seek inheritance through DNA testing, is now the law of the land, as Governor Kenneth Mapp on Thursday signed the measure into law, according to a press release Government House issued late Sunday. It was previously approved by the full Senate.

Bill no. 31-0124 — “an Act which permits a child born after making a will to collect from descendant’s estate by authorizing the establishment of paternity through DNA testing” — will amend the territory’s paternity laws which, according to Mr. Francis, have not been updated since 1957.

The first-term Democrat had explained the measure succinctly at the Fritz Lawetz Conference Room in the Frederiksted Legislative Building in mid-September, 2015, during a Committee on Health, Hospital & Human Services hearing, chaired by Senator Kurt Vialet.

“This bill came highly recommended by legal professionals who have witnessed the unfortunate result of the dated probate laws in the Virgin Islands,” Mr. Francis said.

He then explained the current situation working to the disadvantage of some children born out of wedlock, and those whose fathers choose not to claim: “Currently, if the person has a will, he or she can leave the estate to whomever they want, to include a legitimate or illegitimate child or children. If they do not have a will, they die intestate (without a will). Once that happens, the estate is divided among legitimate children and certainly family members,” Mr. Francis divulged.

He continued: “When the mother of an illegitimate child dies intestate, the illegitimate child has no problem receiving their portion of the estate because the mother’s name is on the birth certificate. But when the father of an illegitimate child dies intestate, if the father has not recognized that child prior to his death, Virgin Islands law, in its current form, essentially punishes these children.

“If the father dies without recognizing the child, there are only three ways to prove that the illegitimate should inherit: 1), birth certificate, 2), if the court says he or she is the child’s father, or 3), leaving a signed document that he’s the child’s father,” Mr. Francis said.

Attorney John Merchant, board member of the V.I. Bar Association, testified in support of the measure, arguing that breakthroughs in forensic technology have made paternity determination through DNA testing a reality.