

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D., 2003

PASTOR TIJERINO,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-1390
DERLIN P. ESTRELLA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 01-27034

Opinion filed April 30, 2003.

An Appeal from the Circuit Court for Miami-Dade County, Joel H. Brown, Judge.

Solangel Verde, for appellant.

Pierce E. Rivera, for appellee.

Before GERSTEN, FLETCHER, and SHEVIN, JJ.

GERSTEN, Judge.

We affirm the order below finding the trial court properly dismissed the appellant's paternity suit. A putative father does not have standing to seek to establish paternity of a child, where the child was born into an intact marriage, and where the married

woman and her husband object to the paternity action. See Johnson v. Ruby, 771 So. 2d 1275 (Fla. 4th DCA 2000); I.A. v. H.H., 710 So. 2d 162 (Fla. 2d DCA 1998); G.F.C. v. S.G., 686 So. 2d 1382 (Fla. 5th DCA 1997).

The presumption of the legitimacy of a child born in wedlock is one of the strongest presumptions known to the law and is deeply rooted in this Nation's history and tradition; statutes preserving this presumption do not violate constitutional rights. See Michael H. v. Gerald D., 491 U.S. 110, 124, 109 S. Ct. 2333, 105 L. Ed.2d 91 (1989) ("[T]he Constitution protects the sanctity of the family precisely because the institution of the family is deeply rooted in this Nation's history and tradition.").

We decline the appellant's invitation to depart from the well established authority in this State and others, which recognizes the importance of preserving the legitimacy of a child born in wedlock. See G.F.C. v. S.G., 686 So. 2d at 1382. Opening the door to unfettered challenges to the sanctity of marriage, as well as to the potential for baseless and intrusive paternity challenges, is not in the best interests of our children.

Affirmed.