

*Doornbos v. Doornbos*, 23 U.S.L.W. 2308 (Cook County, Illinois, Superior Court, December 13, 1954), appeal dismissed on procedural grounds, 12 Ill. App. 2d 473, 139 N.E. 2d 844 (1956).

Appellate Court of Illinois, First District, First Division.

Mary B. DOORNBOS, Appellee,

v.

George DOORNBOS, Appellee.

Appeal of PEOPLE of the State of Illinois, Intervener, Appellant.

**Gen. No. 46855.**

Nov. 19, 1956.

Divorce action, wherein plaintiff wife filed petition for declaratory judgment that minor child of marriage was conceived by artificial insemination and that donor was not defendant husband and also that because child was at no time legally adopted, defendant husband was not in fact child's father, and had no right to the child. The Superior Court, Cook County, Gibson E. Gorman, J., entered judgment declaring that child so conceived was illegitimate and therefore father had no interest in child and also granted plaintiff a divorce. State's attorney then filed petition and was granted leave to intervene, and upon denial of motion to vacate so much of decree of divorce as affected legitimacy of the minor child, state's attorney appealed. The Appellate Court, Friend, J., held that in view of fact that state's attorney appealed only from decree of divorce which was silent as to legitimacy of the minor child, and did not appeal from declaratory judgment wherein question of legitimacy was determined, neither evidence adduced upon hearing the application for declaratory judgment nor validity of that judgment was properly before the Appellate Court.

Appeal dismissed.

John Gutknecht, State's Atty., for Cook County, Chicago, for Intervener-Appellant (Gordon B. Nash, Vincent P. Flood, Charles D. Snewind, William S. White, Jr., Francis X. Riley, Asst. State's Attys., Chicago, of counsel).  
Edward S. Cody, Chicago, for defendant-appellee.

FRIEND, Judge.