

Unwed Fathers Fight for Babies Placed for Adoption by Mothers

By [TAMAR LEWIN](#)
Published: March 19, 2006

Jeremiah Clayton Jones discovered that his former fiancée was pregnant just three weeks before the baby was due, when an adoption-agency lawyer called and asked if he would consent to have his baby adopted.



Jeff Topping for The New York Times
Jeremiah Clayton Jones, who failed to file with a state registry for unwed fathers, is appealing the termination of his parental rights.

"I said absolutely not," said Mr. Jones, a 23-year-old Arizona man who met his ex-fiancée at Pensacola Christian College in Florida. "It was an awkward moment, hearing for the first time that I would be a father, and then right away being told, 'We want to take your kid away.' But I knew that if I was having a baby, I wanted that baby."

Mr. Jones has never seen his son, now 18 months old. Instead, he lost his parental rights because of his failure to file with a state registry for unwed fathers — something he learned of only after it was too late.

Under Florida law, and that of other states, an unmarried father has no right to withhold consent for adoption unless he has registered with the state putative father registry before an adoption petition is filed. Mr. Jones missed the deadline.

Although one in every three American babies has unwed parents, birth fathers' rights remain an unsettled area, a delicate balancing act between the importance of biological ties and the undisrupted placement of babies whose mothers relinquish them for adoption.

While women have the right to get an [abortion](#), or to have and raise a child, without informing the father, courts have increasingly found that when birth mothers choose adoption, fathers who have shown a desire for involvement have rights, too.

But to claim those rights most states require a father to put his name on a registry. While about 30 states now have registries, they vary widely. In some, fathers must actually claim paternity; in others, just the possibility of paternity. The deadlines may be 5 days after birth or 30, or any time before an adoption petition is filed.

And registries are a double-edged sword: It remains an open question whether they serve more to protect fathers' rights or to protect adoptive parents, and the babies they have bonded with, from biological fathers' claims.

"My specialty is contested adoptions, and the most common contest is where the mom wants to place the baby and the dad objects," said Martin Bauer, president of the American Academy of Adoption Attorneys. "Registries can protect men against birth mothers who won't disclose the father's name or actively lie about his identity."

Adam Pertman, executive director of the Evan B. Donaldson Adoption Institute, a nonprofit research and education group, sees it differently. "It's all smoke and mirrors," Mr. Pertman said. "How can registries work if no one's heard of them? And it's just not reasonable to expect that men will register every time they have sex."

In the early 1990's, the two-year fight over Baby Jessica and the four-year battle over Baby

[Sign In to E-Mail This](#)
[Printer-Friendly](#)
[Reprints](#)
[Save Article](#)

ARTICLE TOOLS SPONSORED BY
 Consider BORAT

Advertisement

welcome to the human network.
CISCO

PARTICIPATE

Most E-Mailed Articles The New York Times

Past 24 Hours | [Past 7 Days](#)

- [Your Money: A Contrarian View: Save Less, Retire With Enough](#)
- [Unhappy Meals](#)
- [Op-Ed Contributor: At Ease, Mr. President](#)
- [Maureen Dowd: Daffy Does Doom](#)
- [Intel Says Chips Will Run Faster, Using Less Power](#)

[Go to Complete List](#)

ADVERTISEMENTS

Richard highlighted the wrenching dramas of birth parents winning custody of babies placed with adoptive parents years earlier. The spectacle of those children being taken from the arms of the only parents they had known raised an outcry about the need for speedy, permanent placement.

While some states have long had putative father registries — New York's registry was upheld by the [United States Supreme Court](#) in 1983 — most were started in the last decade to head off late parental claims.

In many states, fewer than 100 men register each year — not surprising, adoption experts say, because most young men have never heard of the registries. One exception is Indiana, where men are notified of the registry when a birth mother names them as the father, and 50 men register a week.

Adoption lawyers say some birth mothers refuse to identify the father to forestall interference. There are no statistics on how many unmarried fathers seek to raise babies the birth mother has relinquished.

Mary Beck, a professor at the University of Missouri School of Law, said the burden of registering should be the father's.

"There are men who complain, 'What, I have to file for every woman I've had sex with?' " Professor Beck said. "But men are on notice of possible pregnancy by virtue of having had sex, and the alternative is leaving it up to the women to chase them down."

Even for registered men, the system is flawed. Because the registries are state by state, a registration means nothing if the father or mother has moved — or if the baby was surrendered for adoption in a different state specifically to avoid a challenge.

In one case, Frank Osborne of North Carolina challenged his 5-month-old son's adoption in Utah. The Utah Supreme Court rejected Mr. Osborne's claim, but a dissenting judge found it unfair that Mr. Osborne lost a child he had lived with and supported until the mother "unilaterally and clandestinely" took the boy to Utah.

Senator Mary L. Landrieu, Democrat of Louisiana, will address that problem in the Proud Father Act, which would create a national registry and is to be introduced in Congress later this year.

"In a perfect world, everything would be linked so that everyone could find out if a man had registered or filed for paternity," said Jim Outman, a lawyer in Atlanta who consulted on the legislation. "But in the real world, the left hand doesn't always know what the right hand is doing."

"If there's nothing in the records in their county, their state, how is an adoption agency supposed to know there's a father who's going to come forward in two years? There has to be some security for the adoptive parents and the child."

One self-made expert on the registries is Erik L. Smith, an Ohio paralegal who fathered a son in Texas and fought for paternal rights after the baby's placement with an adoptive family. In an unusual resolution, the boy, now 13, lives with the adoptive family, while Mr. Smith, a noncustodial father, has visiting rights. Mr. Smith was naturally intrigued when he heard of the Ohio registry in a class where the professor explained that babies born to unwed parents could be adopted without the father's consent unless he registered within 30 days after the birth.

"I asked if that meant that, to protect his rights, a man should register every time he has sex with a new partner, and he said yes," Mr. Smith said.

So he tried. "I called information and asked how I could contact the Ohio putative father registry, but there was no listing," Mr. Smith said. "I searched the Internet but couldn't find any address."

While Ohio's system has improved, he said, "as long as registries aren't publicized, I think they just work as a way to get rid of fathers like me."

[Drug Prevention](#)

[Find Advice & Resources Online](#)

[Bold PBS Sundays, Mondays & Tuesdays](#)

[Nature "Rhinos"](#)

[Drug Prevention](#)

[Find Advice & Resources Online](#)

[Political news.](#)

[50% off Times delivery.](#)

Glenn Spraggs, a 22-year-old Cincinnati man, was recently caught short by ignorance of the Ohio registry. His girlfriend, Sharicka Watson, had a baby boy, Thomas, on Dec. 2, and Mr. Spraggs, who also has a daughter with Ms. Watson, was with her when he was born. Ms. Watson has told reporters that she discussed adoption with Mr. Spraggs, but he said he had no warning that less than two weeks after the birth, Ms. Watson would surrender Thomas for adoption.

"No one told me anything," Mr. Spraggs said. "When I found out he was gone, I called the police to see if they could help get him back, or file kidnapping charges or something, but they said there was nothing they could do because it was an adoption. By the time I heard about the registry, it was too late."

Although the Ohio registry gives men 30 days to file, a judge terminated Mr. Spraggs's parental rights when Thomas was 19 days old. After Mr. Spraggs hired a lawyer, the adoption agency returned Thomas to Ms. Watson, who now wants to raise him. A custody hearing in the case is scheduled for tomorrow.

Carol Sanger, a professor at [Columbia](#) Law School, said registries reflected a deep societal belief that unmarried fathers are irresponsible.

"If we want registries to mean anything," Professor Sanger said, "we'd have to teach them in every sex education curriculum in every school, and publicize them everywhere."

In Florida, the 2003 law creating the registry requires the State Department of Health "within existing resources" to distribute pamphlets on the registry at every office of the Health Department, the Department of Children and Families and the Bureau of Vital Statistics.

But when Barbara Busharis, a professor at Florida State University, sent students to find the brochures, they had no luck. "They couldn't find anyone who knew anything about the putative father registry," Professor Busharis said.

Mr. Jones's case illustrates the dangers of ignorance. The identity of his former fiancée is confidential, but Mr. Jones's court filings detail his struggle to prevent the adoption.

He tried to contact his ex-fiancée, who disappeared from his life when her parents took her from school and to another county. He called her friends, her brother, her pastor. He hired a Florida lawyer and filed a paternity petition the day before the baby was born, in the county where she previously lived. But that lawyer, now dead, apparently knew nothing of the putative father registry, and never mentioned registering.

Mr. Jones is appealing the termination of his rights. "I don't think there's any greater right that you could trespass on than a parent's right to his child," he said.

In her brief, Allison Perry, Mr. Jones's lawyer, called the Florida registry "a well-kept secret," with just 47 registrants for the 89,436 out-of-wedlock births in 2004. Mr. Jones, living in Arizona, had no reason to know of it. The adoption agency that alerted him to the pregnancy never mentioned it, and when the agency later sent him a letter, it enclosed information on a Florida registry for birth parents interested in a reunion when the children grew up, but nothing on the putative father registry.

Jeanne Tate, a lawyer for the adoption agency, said that because it represented the birth mother's interests, it could not advise Mr. Jones of his rights. Even the call to Mr. Jones went beyond the agency's legal obligations, she said.

"What's good about the law is that it provides clear guidance on whether a baby is or isn't free for adoption," she said, "so you don't get into those heart-wrenching situations where a baby who's been placed has to be removed."

Generally, fathers who have missed registry deadlines have lost their court cases. But Ms. Perry argues that the Florida law, applied as mechanically as in the Jones case, is an unconstitutional intrusion on men's fundamental rights.

"Jeremiah Jones did everything he could reasonably do to establish a relationship with his

child," she said. "It's just inconceivable that the government can take away his child because he missed a filing deadline."

[More Articles in National >](#)

Ads by Google what's this?

[Father With BPD](#)
Need Help understanding? Watch Pay-to-View Videos on BPD
Psyche.avajournals.com/BPD

[The Beautiful Feet](#)
The Christensen family's story of living in Sierra Leone to adopt.
thebeautifulfeet.blogspot.com

[How To Become A Surrogate](#)
Information on qualifications and compensation possibilities
www.selectsurrogate.com

RELATED ARTICLES

- [MODERN LOVE: A Surrogate Dries Her Tears](#) (December 11, 2005)
- [Exploring A Hormone For Caring](#) (November 22, 2005)
-  [MODERN LOVE: DJ's Homeless Mommy](#) (September 11, 2005)
-  [About New York: Where Lost Are Found, So Was a Child](#) (April 10, 2004)

RELATED SEARCHES

[Adoptions](#) | [Babies](#) | [Child Custody and Support](#) | [Children and Youth](#)

INSIDE NYTIMES.COM



[Charles Taylor's Rise and Fall](#)



[The Ghost in the Baghdad Museum](#)



[Making of a Toddler Supergroup](#)



[Digital Composer](#)



[When a Car Is a Home](#)