

UNKNOWN BIRTH FATHERS

What to expect if your case includes this legal risk

WHY DO BIRTH FATHERS MATTER IN ADOPTION?

Both of a child's biological parents have rights in an adoption case, even if they haven't been involved during the pregnancy, adoption planning phase, or at the time of delivery. Even a birth father who is unknown to the birth mother has potential rights that must be addressed during the legal phase of an adoption. This is why it is important to select an experienced and highly-trained adoption attorney!



HOW MUCH OF A LEGAL RISK IS AN UNKNOWN BIRTH FATHER?

If a birth father is truly unknown to the birth mother, such as a stranger rape situation, then the risk is relatively low. Missouri is a "sex as notice" state, meaning that a man wishing to assert his paternity is on notice about the possibility of pregnancy any time he commits a sexual act. If he never followed up with a sexual partner, he has essentially taken one step toward abandoning his paternal rights.

WHAT TYPES OF BIRTH FATHER SITUATIONS EXIST IN ADOPTION?

There are a variety of birth father situations possible in adoption cases. Here are a few:

- Known and willing to consent to the adoption
- Unknown to the birth mother; unaware of the pregnancy or adoption plan
- Known, but unnamed and unaware of the adoption plan
- Incarcerated long-term and unable to assert paternity or parent the child
- Multiple potential birth fathers
- Legal father (married to the birth mother) who is related to the baby and willing to consent to the adoption
- Legal father who isn't related to the baby, but is willing to consent to the adoption
- Legal father who is not willing to consent to the adoption
- Birth father is deceased

WHAT LEGAL STEPS ARE USUALLY TAKEN FOR CASES INVOLVING AN UNKNOWN BIRTH FATHER?

Your attorney will provide guidance based on the circumstances of the case, the judge who will decide the adoption, and state adoption laws. In general, attorneys will run a check of the Putative Father Registry as the first step. They may also request the birth mother complete a legal affidavit regarding paternity. The attorney may also run a legal notice in a newspaper that is published where the birth father was last known to reside.



WON'T A CHILD STILL BE CURIOUS ABOUT THEIR BIRTH FATHER, EVEN IF HE IS UNKNOWN OR UNNAMED?

Adoptees are often curious about their story and identity. Having large gaps in information can be difficult for them to navigate and may create an additional layer of grief due to the loss of so many important genetic details. Adoptive parents can provide some support, through phrases like "Your curls aren't like your birth mom's hair, so your birth father must have had curly hair" or "You are so talented at art. I wonder if that's something your birth father was good at?"

In the future, the child could potentially do DNA testing through a site like 23andMe to learn more about their birth father. However, they would need wise counsel about the complicated extended birth family connections DNA searches might open up.



WHAT DO WE KNOW ABOUT AN UNKNOWN BIRTH FATHER WHEN DECIDING ON A MATCH?

The simple answer: not much. In cases where the birth father isn't known to the birth mother, she may be able to provide few, if any, details. While the expectant mother might recall the racial or ethnic background of the man she believes to be the father, it is unlikely she knows many other details. Missing details could include his identity, age, health and mental health background, family history, and other characteristics.

In a situation where there are multiple potential birth fathers, it may not be possible to identify any factors that point to the father's identity until the child is born. Even then, there may be few details regarding his background.

