

Putative Father – Adoption Option, Inc.

A birth father who is not married to the birth mother at the time of the birth of the child and who has not been legally established as the child's father is called a putative father. A group of procedures, separate from those in other situations, are available to accomplish the termination of a putative father's parental rights so that an adoption can be completed.

These procedures can be used in those cases where the putative father is served with legally sufficient notice of the pregnancy and birth mom's intention to release or consent to an adoption. In order to be effective, this notice must be properly served on birth dad at least 30 days before the expected date of confinement specified in that notice. Once he receives such notice and if he fails to file a proper objection, the court is allowed to automatically terminate his parental rights after the birth of the child without any further notice.

If the timing is such that the Automatic Termination procedure is not available, there is another alternative. This procedure involves providing the birth father with proper legal notice of the hearing and a custody statement. He can sign and return the Custody Statement to indicate he agrees with the adoption or he can simply not show up at the hearing. Under either scenario, the court is allowed to terminate his parental rights. However, some courts prefer that the putative father come to court to give his written consent.

The Automatic Termination and Custody Statement procedures presume that the birth father's name, street address, city and state are known or can be located with a diligent effort. If this information can be obtained, at least one of the aforementioned two procedures should be followed. If this information is not known, there is an alternate procedure available.

If a putative father follows the correct legal procedure for attempting to prevent the adoption, then the court must select the correct legal standard to decide whether the putative father is to have custody of the child. Michigan law makes the legal standard easier for the judge to terminate the rights of the putative father if he has not "supported" his child.

Support is defined as establishing a custodial relationship with the child or providing substantial and regular support or care for the child. If the putative father can convince the judge that he has met either of these two standards, which are described more fully in the Michigan Adoption Code, it is more difficult--but not impossible--to terminate his parental rights.

Non-Supportive Putative Father	Supportive Putative Father
If a putative father follows the correct legal procedure for attempting to prevent the adoption, but has not "supported" his child, the court will decide whether to grant him custody of the child after making two inquiries. The first inquiry will be about the putative father's fitness and ability to parent the child. The second inquiry will involve an analysis of the evidence before the court to determine the best interests of the child.	If a putative father follows the correct legal procedure for attempting to prevent the adoption and has "supported" his child, then he is treated like a legal father. His parental rights can only be terminated upon his voluntary consent or involuntarily as a result of abuse and/or neglect.