

Topic G: Should laws regarding the parental rights of unwed fathers be changed?

“Teen Dad in Uphill Battle Against Adoption”

By Jose Gaspar, The Bakersfield Californian, December 27, 2010

Imagine being a 17-year-old high school junior and fighting for custody of your baby who has been placed with adoptive parents without your consent.

Most average teen dads in this situation, I suspect, might not have the fortitude to take on such a task involving a lengthy legal process, especially with no money.

Not 17-year-old Christian Diaz. He is fighting for custody of his six-month-old son whose 16-year-old mother placed in adoption. The baby was given to his adoptive parents after he was born in June.

Diaz wants to raise his son and "man-up" by taking responsibility of the child he and his former girlfriend brought into the world. "He's my blood, and he belongs with me, not with some strangers," Diaz said.

The former girlfriend declined to comment, but Diaz said she was five months pregnant when she told him she was expecting their baby. He and his mother began buying baby items and setting up a nursery room. But the relationship between the teens strained, and she cut off communication, Diaz said.

When the 16-year-old gave birth, the baby was greeted to new parents.

Diaz has never held his son or seen him in person except through a picture on his cell phone.

He learned of the birth when he saw a message posted on MySpace.

Under California law, a father needs to give consent and be given legal notice that his child is being placed for adoption.

But there are exceptions when a court can terminate a father's consent, said attorney Marc Widelock, who is not involved in this particular case. Examples include lack of support during pregnancy.

Douglass Donnelly, the attorney representing the teen mom, said not only was Diaz notified, but he's been "caught up in lie after lie during court hearings." Donnelly would not be specific beyond that.

"(Christian) has not been a credible witness," said Donnelly. "California law states that if the father fails to behave like a father during the pregnancy, his consent is not needed."

Diaz says he was supportive.

What will the Kern County Superior Court decide?

According to court documents, Diaz attempted to see the baby at the hospital, even bringing a car seat in hopes of taking his baby home.

But the ex-girlfriend told him the baby would

soon go to an adoptive couple without his consent. Diaz was then escorted out of the hospital once the 16-year-old claimed Diaz was not the baby's father, court records show.

Diaz petitioned the court for a DNA test, which proved he was the biological father.

In court documents, the baby's 16-year-old mother states that during her pregnancy, Diaz "had ample opportunity to take responsibility and propose marriage or otherwise accept the responsibilities of parenthood, but he refused to act like a father." She added that Diaz is not fit to be a parent: He is 17, unemployed and emotionally and financially dependent on his mother, Guadalupe.

"After much soul-searching, I made a very painful decision to place my baby for adoption ... I had decided that neither (Diaz) nor I could offer the child the life that I wanted my baby to enjoy. I made this decision out of love for my baby ... not rejection," court documents filed on the mother's behalf show.

The two have been to numerous court hearings to determine where the baby will go and what's in the best interest of the child.

Diaz is doing what he can to prove he's ready to be a father: He's landed a job at a fast-food restaurant and enrolled in teen parenting classes at his school and Parkside Church. The nursery room he set up at his home remains ready.

"Other teen-age fathers don't want to be in their baby's life, but I do," he said. "I don't know of many other 17-year-old unmarried fathers who are not afraid of publicly saying, 'Yes, that's my son. I will take responsibility for raising him because I love him, and he belongs with me.'"

It's not very often at all, said Terri Caphart, teen parent director for Youth in Christ at Parkside Church.

"A lot of times, (teen dads) are the ones leaving the teen mom to parent alone, so that's a huge responsible decision that he's made," Caphart said.

Diaz is undaunted though frustrated with a legal process that won't even allow him to see his son while the custody battle plays out in court. Attorney Dawn Bittleston represents him.

It wasn't "a very good Christmas ... because I wanted him to spend time with me ... with his family where he belongs, not with some strangers," Diaz said.