

GILLESPIE LAW GROUP, LLC
105 W. MADISON STREET, SUITE 1101
CHICAGO, ILLINOIS 60602

GENIE MILLER GILLESPIE
CLARKE (MAC) GILLESPIE

PUTATIVE FATHER FAQs

Disclaimer: This document includes general information concerning putative fathers. Every adoption situation is different. Please contact your attorney for more information/questions about the specific facts of your situation.

What is a putative father?

A putative father is a man who may be a child's father, but who,

- a. is not married to the child's mother on or before the date the child was or is to be born and
- b. has not established paternity of the child in a court proceeding before the filing of a petition for adoption of the child.

Does the biological mother have to identify the father?

The biological mother will be asked to sign an Affidavit of Identification in which she is given three options: 1) I know who the father is and this is his name; 2) I don't know who the father is and this is why I don't know; or 3) I know who the father is, but I'm not going to tell you, and this is why I won't tell you.

The attorney, agency and the Judge are allowed to rely on whichever option the mother chooses in determining how best to proceed with the adoption.

What if the biological mother identifies the father, but does not know where he is?

The agency will use their "best efforts" to contact the named father, and those efforts will be documented for the Court. If he is found, the agency will attempt to get him to sign a Surrender or Consent. If he is not found, or is found but refuses to cooperate, notice of the adoption will be given to him by either personal services (if there is a known address) or by publication in the Chicago Daily Law Bulletin. After that, a Motion for Default and Termination of Parental Rights will be filed with the Court.

What is the Putative Father Registry?

The Putative Father Registry is a list maintained by the Illinois Department of Children and Family Services for the purpose of identifying and locating a putative father of a minor child who may become the subject of an adoption proceeding. The Putative Father Registry allows the putative father to get notice of the adoption proceeding.

The agency will typically search the Registry shortly after the birth of the child to determine whether there is already someone registered (to assess legal risk), but the search will need to be repeated after the child is thirty days old.

When must the father register with the Putative Father Registry?

A putative father may register before the birth of the child, or within 30 days after the birth. All registrations must be in writing and signed by the Putative Father.

What happens if the putative father does not register with the Putative Father Registry?

A putative father who fails to register with the Putative Father Registry is barred from bringing or maintaining any action to assert any interest in the child, unless he proves by clear and convincing evidence that:

1. it was not possible for him to register within the requisite period of time; and
2. his failure to register was through no fault of his own; and
3. he registered within 10 days after it became possible for him to file.

What if the putative father does not know about the pregnancy or the birth?

A lack of knowledge of the pregnancy or birth is not an acceptable reason for failing to register.

Are there any other effects of failing to register with the Putative Father Registry?

The failure to register with the Putative Father Registry acts as a waiver and surrender of any right to notice of any hearing in any proceeding for the adoption of the child; consent by the putative father is not required; and constitutes an abandonment of the child providing prima facie evidence of sufficient grounds to support termination of the putative father's parental rights.