

Biological Dad Loses Again Court rejects bid to regain son

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Robert O. lost his latest chance to be a father to his biological son when the state's highest court yesterday rejected the Lindenhurst man's custody bid for the boy he never knew existed until after the child's adoption. The State Court of Appeals ruled that although the man identified in court papers only as Robert O. promptly followed the law in protecting his interests - including reimbursing the mother for medical costs - once he learned of the baby, it's not his timetable that matters.

"Promptness is measured in terms of the baby's life, not by the onset of the father's awareness," wrote Justice Richard Simons, a member of the six-judge panel in the case, which attracted national attention. The boy was almost 18 months old and had been living with his adoptive parents for 10 months when Robert O. "sought to rearrange those lives," the justice's opinion read.

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"It's just amazing; I thought I was doing the right thing," said Robert O., a New York City police officer. "This is not going to stop me because I am going to fight all the way with other fathers, fight this adoption bureaucracy." Robert O.'s attorney, Donald Grossfield, said a decision hasn't been made on whether to appeal to the U.S. Supreme Court. After arguing over when to marry, Robert O. broke up with his girlfriend, Carol A., in February, 1988, and they had no contact until they made up in January, 1990, marrying soon after, according to court documents. Three months later, she revealed the child's existence, but by then, the boy had been adopted by friends of the couple.

The biological father argued he had a constitutional right to know about the baby before adoption, but the judges said nothing prevented his finding out about the pregnancy.

Richard Meyer, president of the Long Island chapter of the National Organization for Men, said it was ridiculous to expect Robert O. to contact the woman after the breakup. The decision sends a message for fathers to "walk away," he said.

Grossfield said the "solution is to notify the father of the adoptive proceedings."

The adoptive parents' attorney, Fred Magovern, agrees the decision shows that unwed fathers have "tenuous rights." But he also said, "The adults are capable of protecting themselves, but the children aren't. My clients can go about their lives now without constant fear of being broken up."

Now the father of a baby girl, Robert O. called for stronger fathers' rights.

"The courts can do what they want," Robert O. said, "but there's one thing here: The child is going to know."

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