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**WHO IS THE BABY'S DADDY
(AND WHY IS IT IMPORTANT FOR THE CHILD TO KNOW)?**

Cynthia R. Mabry†

I. INTRODUCTION

In 2002, according to a U.S. Census Bureau Report, 13.8 million children were living alone with their single mothers.¹ Forty-eight percent of these children who did not live with their fathers were African American.² During the same period, large percentages of other children were also living in homes without their fathers.³ Latino children who lived alone with their single mothers represented twenty-five percent of the children included in the report, while non-Latino white children represented only sixteen percent of the children included in the report.⁴ Asian families reported the lowest number of children who lived with their single mothers (thirteen percent).⁵

Many of these children were born out of wedlock, and most of them do not know their fathers.⁶ The exact number of children whom mothers are raising alone without the fathers' influence is difficult to ascertain.⁷ However, it is reasonable to believe that the number of children who do not have contact with their father is substantial.

From a psychological and a legal perspective, this article explores why some children do not know their father's identity, the importance

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1. JASON FIELDS, U.S. CENSUS BUREAU, CURRENT POPULATION REPORTS, CHILDREN'S LIVING ARRANGEMENTS AND CHARACTERISTICS: *March 2002* 5 (2003).

2. *Id.*

3. *Id.*

4. *Id.* at 5-6.

5. *Id.* The number of children who lived with their single father was considerably lower than the number of children who lived with their single mother. *Id.* Twenty-three percent lived with their mother whereas only five percent lived with their single father. *Id.* See also Wade F. Horn, *Why Dads Matter*, BLACK CHILD, June 30, 1996, available at 1996 WL 16613644 (reporting that more than half of African American children live only with their mother).

6. JAMES DOBSON, BRINGING UP BOYS 54 (2001). But see Vicky Phares, *Father Absence, Mother Love, and Other Family Issues That Need to Be Questioned: Comment on Silverstein (1993)*, 7 J. FAM. PSYCHOL. 293, 293-97 (1993) (finding that most absent fathers have some contact with their children).

7. See FIELDS, *supra* note 1, at 4.

of accurate parentage determinations to the children's well-being and establishment of their own identity, the essential role that fathers play in their children's life, and economic benefits that children gain from their father's involvement. Specifically, this article addresses how children's identity is developed through interaction with their father, and the relationship between race and culture that helps children of color to develop a sense of self.

This article is not written to disparage single mothers and the level of dedication and skill with which they rear and nurture their children. Many single mothers successfully rear their children alone. Still, a child has a better chance of complete psychological development with fewer problems when, in the father's absence, a responsible male role model is involved in the child's life.⁸ However, in the increasingly fatherless society, the mother often is the only parent the children know. Hence, this article focuses on the absent father.

II. THE SIGNIFICANCE OF ACCURATE PARENTAGE DETERMINATIONS

In due time, the child will begin to ask questions about his or her father. The child may ask, "What does he look like?" "Do I look like him?" "Why doesn't he contact me?"

Courts recognize the importance of parentage to a child. When addressing paternity issues, one court in particular ruled that children have a "constitutionally protected interest [a due process right] in an accurate determination."⁹ Similarly, other courts have held that children have an interest in knowing their biological father's identity.¹⁰ Courts have reasoned that "[a] child's interests in an accurate paternity determination are broader than the interests of all others and include support, inheritance, and medical support. An accurate determination of paternity results in intangible, psychological and emotional benefits for the child, including familial bonds and learning cultural heritage."¹¹ Similarly, a New Jersey court summarized the child's intense emotional need to know his or her parentage:

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8. See, e.g., Christopher Brown, *Let's Bolster the Role of Fathers*, DALLAS MORNING NEWS, May 27, 2001, at 5J.
 9. *In re Calcaterra*, 56 P.3d 1003, 1005 (Wash. Ct. App. 2002); *accord* Washington v. Fox, 937 P.2d 1075, 1079 (Wash. 1997).
 10. See, e.g., *Jensen v. Runft*, 843 P.2d 191, 193 (Kan. 1992) (quoting *In re Marriage of Ross*, 783 P.2d 331, 335-36 (Kan. 1989)); *D.B.S. v. M.S.*, 888 P.2d 875, 887 (Kan. Ct. App. 1995); *Turner v. Suggs*, 653 N.W.2d 458, 468 (Minn. 2002); *Koleski v. Park*, 525 A.2d 405, 408 (Pa. Super. Ct. 1987). *But see* *Susan H. v. Jack S.*, 37 Cal. Rptr. 2d 120, 123 (Cal. Ct. App. 1994) (finding it questionable that establishing biological parenthood would be emotionally and developmentally beneficial for the child).
 11. *Wyoming ex rel. NDB v. EKB*, 35 P.3d 1224, 1228 n.7 (Wyo. 2001) (citing *Hall v. Lalli*, 977 P.2d 776, 781 (Ariz. 1999)).

One would expect that a child has a natural yearning to know his true parentage. Every child has the need to feel rooted, to find himself, and to know his true origins. When such knowledge is denied the child may resort to fantasy to fill the void. As the links to his past disappear with time, the search for his identity will become more difficult. The anxiety to learn what was in his past may be pathological, making it more difficult for the child to lead a useful life and to form meaningful relationships.¹²

In another case, the same court stated, "it is important that a child . . . know who he is and from whence he came."¹³ In the court's view, children have a profound right to know their father.¹⁴ They have an interest in their father's care and companionship.¹⁵ Accurate paternity test results are the gravamen for "creation of a parent-child relationship between the [biological father] and [the child]."¹⁶ For that reason, paternity is an issue that should be resolved early in a child's life.¹⁷ In certain cases, it will be in the child's best interest to know the father's identity.¹⁸ Moreover, it is in the child's best interest to have the opportunity to establish a relationship with him.¹⁹

To ascertain whether genetic tests should be performed to reveal a particular child's true parentage, the decision should be approached from the child's point of view.²⁰ Thus, factors that the courts should consider include: "the stability of the present home environment, the existence or lack thereof of an ongoing family unit, the extent to which uncertainty of parentage already exists in the child's mind, and any other factors which may be relevant in assessing the potential benefit or detriment to the child."²¹ Additional factors could include:

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12. *J.H. v. M.H.*, 426 A.2d 1073, 1075 (N.J. Super. Ct. Ch. Div. 1980) (quoting *In re Adoption by K.*, 222 A.2d 552, 554 (Bergen County Ct. 1966)).
 13. *M.A. v. Estate of A.C.*, 643 A.2d 1047, 1052 (N.J. Super. Ct. Ch. Div. 1993).
 14. *See id.*; *see also C.T.D. v. N.E.E.*, 653 A.2d 28, 33-34 (Pa. Super. Ct. 1995) (Wieand, J., dissenting).
 15. *Koleski*, 525 A.2d at 408.
 16. *Id.* at 409 (identifying "substantial" privacy interests).
 17. *J.H.*, 426 A.2d at 1075 (citing *Adoption by K.*, 222 A.2d at 554).
 18. *Jensen*, 843 P.2d at 194.
 19. *See, e.g., Gary S.S. v. Jacqueline D.S.*, No. CN93-07265, 98-18321, 1999 WL 692100, at *8 (Del. Fam. Ct. June 8, 1999).
 20. *Cf. id.* at *7 (stating that the child should have a voice in visitation proceedings); *see also McDaniels v. Carlson*, 738 P.2d 254, 262 (Wash. 1987) (stating that "the court must balance the interests of all parties involved, while keeping in mind that the child's interests are paramount").
 21. *McDaniels*, 738 P.2d at 262; *see also Turner v. Whisted*, 327 Md. 106, 116-17, 607 A.2d 935, 940 (1991) (citing additional factors that the courts should consider, such as "the child's physical, mental, and emotional needs . . . the child's past relationship with the putative father . . . the child's ability to ascertain genetic information for the purpose of medical treatment and genealogical history").

the rights and relationships the child has through the presumed father that might be lost by a determination of parentage, the willingness of the biological father to assume the responsibilities of parentage, and whether there is a compelling medical need to determine paternity. The motive of the party bringing the paternity action may be relevant, and indeed of critical importance, but only to the extent it affects the best interests of the child. Whether a child's best interests will be served by a determination of paternity depends on such factors as the notoriety of the child's situation in the community and the likely effect a determination of parentage will have on the child's existing relationships. The court can also consider the child's basic interest in simply knowing who his or her biological father is.²²

In sum,

the court will look to the set of circumstances which will afford the child the most positive environment possible under the circumstances [T]he review of the circumstances will be made from the perspective of the child: that that child, under the present and foreseeable circumstances, will need to maximize his or her opportunities for a successful life, even if such an approach is to the detriment of individuals who occupy the status of natural parents.²³

III. WHY A CHILD MAY NOT KNOW THE FATHER'S IDENTITY

A child may not know the father's identity for a variety of reasons. In most situations, the child's mother is the one who withholds the information.²⁴ One reason for this reluctance to disclose the father's identity is that the mother, who has physical custody of the child, does not want the father to have any contact with the child.²⁵ He may have become disinterested in the mother, the child, or both of them, either before or after the child was born.²⁶ As a result, the mother decided that she could take care of the child without the father's financial or

22. *D.B.S.*, 888 P.2d 875, 887 (1995) (citations omitted); see also *Prowda v. Wilner*, 634 N.Y.S.2d 866, 868 (App. Div. 1995).

23. William Weston, *Putative Fathers' Rights to Custody – A Rocky Road at Best*, 10 WHITTIER L. REV. 683, 700 (1989).

24. See *Caban v. Mohammed*, 441 U.S. 380, 404-05 (1979) (Stevens, J., dissenting).

25. See Mary Burbach & Mary Ann Lamanna, *The Moral Mother: Motherhood Discourse in Biological Father and Third Party Cases*, 2 J. L. & FAM. STUD. 153, 177 (2000).

26. See, e.g., *C.J.H. v. A.K.G.*, No. M2001-01234-COA-R3-JV, 2002 WL 1827660, at *1 (Tenn. Ct. App. Aug. 9, 2002).

emotional support.²⁷ Consequently, she may not notify the father about the child's birth.²⁸

Another reason a child may not know the father's identity is that the mother is fearful or ashamed of the unpleasant and painful relationship that she had with the child's father.²⁹ In some cases, the father may have abused the mother, and she wants to protect herself and her child.³⁰ Also, the mother may not identify the child's father out of shame if the child was born as a result of a rape or an incestuous assault.³¹ Identifying the father in any of these situations may place the mother and her child at risk of harm.³² This section considers other reasons that the father's identity may not be known.

A. Principles that Preclude Identification of the Biological Father

1. Marital Presumption

a. Application of the Presumption

A minority of states continue to uphold the common law principle that when a married woman gives birth to a child, there is a conclusive presumption that the woman's husband is the child's legal father.³³ This is "one of the strongest presumptions known to the law."³⁴ The social policies that support the marital presumption are the following: "preservation of the integrity of the family, protection of the welfare of children by avoiding the stigma of illegitimacy and keeping them

27. See *id.* at *8.

28. See, e.g., *O'Meara v. Doherty*, 761 N.E.2d 965, 965-66 (Mass. App. Ct. 2002) (failing to notify father that daughter existed for seventeen years); *New Mexico ex rel. Salazar v. Roybal*, 963 P.2d 548, 549 (N.M. Ct. App. 1998) (declining to tell father about his son for twenty years).

29. See Burbach & Lamanna, *supra* note 25, at 178.

30. Lundy Langston, *Force African-American Fathers to Parent Their Delinquent Sons – A Factor to be Considered at the Dispositional Stage*, 4 COLUM. J. GENDER & L. 173, 196 (1994).

31. See, e.g., Mary L. Saenz Gutierrez, *Oklahoma's New Adoption Code and Disclosure of Identifying Information*, 34 TULSA L.J. 133, 140 (1998).

32. See, e.g., Jennifer M. Mason, *Buying Time for Survivors of Domestic Violence: A Proposal for Implementing an Exception to Welfare Time Limits*, 73 N.Y.U. L. REV. 621, 655-58 (1998) (explaining how a mother who had been subjected to domestic violence could protect herself and her child if she was required to establish paternity in order to obtain welfare benefits).

33. See *Michael H. v. Gerald H.*, 491 U.S. 110, 119 (1989), *reh'g denied*, 492 U.S. 937 (1989); *Susan H. v. Jack S.*, 37 Cal. Rptr. 2d 120, 122 (Cal. Ct. App. 1994); *Strauser v. Stahr*, 726 A.2d 1052, 1053-54 (Pa. 1999) (applying the presumption because the marriage was intact); *B.S. v. T.M.*, 782 A.2d 1031, 1034, 1036 (Pa. Super. Ct. 2001) (declining to apply the presumption because the couple's "hellish marital situation has already occurred"); *Wyoming ex rel. NDB v. EKB*, 35 P.3d 1224, 1229 (Wyo. 2001) (quoting statutory provisions for the presumption); UNIF. PARENTAGE ACT § 204(a)(1) (amended 2002), 9B U.L.A. 311 (Supp. 2004).

34. *Strauser*, 726 A.2d at 1053-54.

off welfare rolls, and insurance of the stability of titles and inheritance."³⁵

In this minority of states, the marital presumption is irrebuttable.³⁶ Application of this presumption makes scientific test results proffered to show that the husband is not the child's father irrelevant.³⁷ Thus, a challenge may not be initiated when the marriage remains intact before and after the child's birth, even though the husband knows that he is not the child's father.³⁸ Moreover, when that conclusive presumption is enforced, even if a mother, her husband, or her lover suspects that the child is not the husband's child, they are all precluded from bringing a paternity action to identify the child's biological father.³⁹

Conversely, some states and the Uniform Parentage Act allow the mother, the mother's husband, and the paramour to voluntarily enter into an agreement.⁴⁰ In the agreement, the mother and the paramour would acknowledge that the paramour is the child's biological father.⁴¹ In another provision of the agreement, the mother's husband must acknowledge that he is not the child's father.⁴² The agreement would be binding on all three parties.⁴³

In most states, however, this marital presumption of paternity is rebuttable.⁴⁴ The traditional view was that the presumption could be rebutted only with evidence of the husband's sterility, impotency, or non-access when conception occurred.⁴⁵ In comparison, modern statutory provisions determine who may rebut the presumption and whether there are any restrictions, such as time limitations, on when the challenge may be brought.⁴⁶ For example, in the State of Mary-

35. *Estate of Cornelious v. Taylor*, 674 P.2d 245, 247 (Cal. 1984); see also *Michael H.*, 491 U.S. at 119-20; see also *Strauser*, 726 A.2d at 1055 (citing preservation and protection of the family unit).

36. See *Strauser*, 726 A.2d at 1054.

37. *Michael H.*, 491 U.S. at 119; *Strauser*, 726 A.2d at 1054; *B.S.*, 782 A.2d at 1035.

38. See *Strauser*, 726 A.2d at 1054 (choosing to preserve their marriage despite serious marital discord); accord *B.S.*, 782 A.2d at 1034-35.

39. See *Susan H.*, 37 Cal. Rptr. 2d at 123 (recognizing that the presumption "may not comport with biological reality").

40. See, e.g., MASS. GEN. LAWS ANN. ch. 209C, § 5(b) (West 1998 & Supp. 2004); N.H. REV. STAT. ANN. § 126:6-a(b) (1996); UNIF. PARENTAGE ACT §§ 301-302(a)(2), (b)(2) (amended 2002), 9B U.L.A. 313-14 (Supp. 2004).

41. See *supra* note 40 and accompanying text.

42. See *supra* note 40 and accompanying text.

43. See *supra* note 40 and accompanying text.

44. See, e.g., MD. CODE ANN., FAM. LAW § 5-1027(c)(1) (1999 & Supp. 2004); *John M. v. Paula T.*, 571 A.2d 1380, 1384-85 (Pa. 1990), cert. denied, 498 U.S. 850 (1990); *Wyoming ex rel. NDB v. EKB*, 35 P.3d 1224, 1230 (Wyo. 2001) (allowing genetic testing to rebut presumption).

45. See *Strauser v. Stahr*, 726 A.2d 1052, 1054 (Pa. 1999); *B.S. v. T.M.*, 782 A.2d 1031, 1034 (Pa. Super. Ct. 2001).

46. See, e.g., UNIF. PARENTAGE ACT § 607 (amended 2002), 9B U.L.A. 341 (Supp. 2004).

land, the mother, the husband, or someone else may provide testimony at any time.⁴⁷ In contrast, California allows only the mother or the husband to challenge paternity if the presumption applies.⁴⁸

With regard to the child's interest in knowing the father's identity, this presumption is a hindrance. If no one chooses to challenge paternity, the presumption will stand, and the husband will be the child's legal father. Unfortunately, in some cases, he will not be the child's *biological* father. Thus, the operation of this presumption will cause the child to believe that someone else is his or her biological father and hamper the child's ability to get to know the true biological father.

b. Presumed Father's Silent Acceptance of the Presumption

In some families, the marital presumption may be promoted by a husband who does not believe that he is the child's biological father.⁴⁹ He will not acknowledge his suspicions because he wants to preserve his marriage, he loves the child, or he wants to avoid the embarrassment of admitting that his wife has had an adulterous affair.⁵⁰ Thus, the mother's husband perpetuates the falsehood about the child's conception by allowing the mother to place his name on the child's birth certificate and by rearing the child as his own natural child.⁵¹ Some husbands will also agree to continue to support the child after the marriage breaks down.⁵²

Undoubtedly, a father figure is important to any child. On the other hand, the difficulty that the marital presumption and the husband's willingness to keep the child's parentage a secret presents for identifying the child's actual father is that a court may decide that it is not in the child's best interest to conduct genetic testing.⁵³ Consequently, although there may be some speculation about the father's identity, no action will be taken to prove or disprove the notion.⁵⁴ The putative father may even have acknowledged the possibility that he is the child's father, but the child will not know with certainty which man is the father.

47. See MD. CODE ANN., FAM. LAW § 5-1027(c)(2)-(3) (1999 & Supp. 2004). See generally *Turner v. Whisted*, 327 Md. 106, 112-13, 607 A.2d 935, 938-39 (1992) (concluding that the putative father had to rebut the marital presumption).

48. See *Michael H. v. Gerald D.*, 491 U.S. 110, 131 (1989) (holding that not even the child could challenge paternity under these circumstances).

49. See, e.g., *Jensen v. Runft*, 843 P.2d 191, 193 (Kan. 1992).

50. *Id.* (believing that someone else was the child's father, but agreeing to act as the child's parent); see also Katheryn D. Katz, *Ghost Mothers: Human Egg Donation and the Legacy of the Past*, 57 ALB. L. REV. 733, 758 (1994).

51. See *Jensen*, 843 P.2d at 193.

52. See *id.*

53. See, e.g., *D.B.S. v. M.S.*, 888 P.2d 875, 878-79, 888 (Kan. Ct. App. 1995) (affirming the trial court's decision that blood tests would not be conducted).

54. See *id.* at 888.

2. Paternity by Estoppel

The doctrine of estoppel as it relates to paternity "prevents a party from taking a position that is inconsistent to a position previously taken and thus disadvantageous to the other party."⁵⁵ Accordingly, paternity by estoppel will preclude a man who has held himself out as a child's father from requesting scientific testing to prove that he is not the child's father or denying that he is the child's father.⁵⁶ Similarly, the estoppel theory may be applied to preclude a mother who has identified one man as the child's father from seeking a test in an effort to disprove that man's paternity or to claim child support from a third party who she names as the father.⁵⁷

The policy underlying the doctrine is to hold the mother and the putative father responsible for their conduct regarding paternity.⁵⁸ In one classic case, a man married a woman after she gave birth to a child.⁵⁹ He was not the child's father, but was designated as the father on the child's birth certificate.⁶⁰ Thereafter, he, the child, and the mother lived as a family for five years.⁶¹ As a result of his conduct, he was estopped from denying parentage when marital discord developed.⁶² In some cases, however, when the mother is married, estoppel may not become an issue unless and until the marital presumption is rebutted or inapplicable.⁶³

To be certain, the estoppel theory promotes the state's interest in ensuring that the public will not be obligated to support the child because the only father he or she has known has abandoned him or her.⁶⁴ However, one of the unintended consequences of this principle is that the child will never know the identity of the biological father. The estoppel doctrine will prevent the mother and the putative father (who may reasonably have believed that they were doing what

55. *C.T.D. v. N.E.E.*, 653 A.2d 28, 31 (Pa. Super. Ct. 1995) (quoting *In re Estate of Simmons-Carton*, 644 A.2d 791, 798 (Pa. Super. Ct. 1994)).

56. See, e.g., *Crago v. Kinzie*, 733 N.E.2d 1219, 1227-28 (Ohio Ct. Com. Pl. 2000); accord *Markov v. Markov*, 360 Md. 296, 308-09, 758 A.2d 75, 81-82 (2000); *Brinkley v. King*, 701 A.2d 176, 180 n.5 (Pa. 1997) (quoting *Freedman v. McCandless*, 654 A.2d 529, 532-33 (Pa. 1995)); UNIF. PARENTAGE ACT § 608(a)(1) (amended 2002), 9B U.L.A. 342-43 (Supp. 2004).

57. *C.T.D.*, 653 A.2d at 31; see also *Brinkley*, 701 A.2d at 180 n.5 (quoting *Freedman*, 654 A.2d at 533).

58. See *Crago*, 733 N.E.2d at 1234 (concluding that a putative father who allowed the children to use his surname and certified that he was their father on their birth certificates was estopped from denying paternity); *Snyder v. Wyland*, 821 A.2d 611, 613 (Pa. Super. Ct. 2003) (quoting *McConnell v. Berkheimer*, 781 A.2d 206, 210 (Pa. Super. Ct. 2001)); *Jefferson v. Perry*, 639 A.2d 830, 833-34 (Pa. Super. Ct. 1994).

59. *In re Montenegro*, 528 A.2d 1381, 1382 (Pa. Super. Ct. 1987).

60. *Id.*

61. *Id.*

62. *Id.* at 1384.

63. *Brinkley v. King*, 701 A.2d 176, 180 (Pa. 1997).

64. See *Alicia R. v. Timothy M.*, 34 Cal. Rptr. 2d 868, 871 (Cal. Ct. App. 1994).

was best for the child at the time) from correcting a mistake. That mistake will have dire consequences for the child because the child may not have an opportunity to know the biological father.

3. Issue Preclusion

Issue preclusion is another principle that may prevent a child from learning the biological father's identity. Issue preclusion applies to a subsequent suit between the parties (or those in privity with the parties) on a different cause of action and prevents the parties (or those in privity with the parties) from relitigating any issue that was actually litigated and finally decided in the earlier action.⁶⁵ When the marital presumption has been applied or the issue of paternity has been raised and decided in connection with a divorce proceeding, for example, a mother who has had a change of heart may not be permitted to file a petition for paternity so that someone other than her husband would be declared the child's father.⁶⁶

In *Doe v. Doe*,⁶⁷ the mother and father were married for five years when, in July 1992, the mother gave birth to a son.⁶⁸ When the mother and the child's presumed father were divorced nearly two years later, the divorce decree awarded visitation to the presumed father, ordered him to pay child support, and ordered him to provide other benefits for the child.⁶⁹ When the mother filed a petition for paternity to have her paramour adjudicated as the child's father, both the putative father and the presumed father alleged issue preclusion and equitable estoppel defenses.⁷⁰

The *Doe* trial court ruled that the common law doctrines of issue preclusion and estoppel barred the mother's attempt at relitigating the paternity issue because the divorce decree was a final judgment.⁷¹ The court further reasoned that issue preclusion applied because in the divorce proceeding between the child's mother and the presumed father, the issue of paternity was determined when the decree, a final judgment, indicated that "[t]here are two children[,] the issue of this

65. *Doe v. Doe*, 52 P.3d 255, 258 n.3 (Haw. 2002) (quoting RESTATEMENT (SECOND) OF JUDGMENTS § 24(1) (1982)). The four elements of issue preclusion are:

(1) the issue decided in the prior adjudication is identical to the one presented in the action in question; (2) there is a final judgment on the merits; (3) the issue decided in the prior adjudication was essential to the final judgment; and (4) the party against whom issue preclusion is asserted was a party or in privity with a party to the prior adjudication.

Id. at 264.

66. *See Doe*, 52 P.3d at 259-60.

67. 52 P.3d 255 (Haw. 2002).

68. *Id.* at 256.

69. *Id.* at 256-57.

70. *Id.* at 257.

71. *Id.*

marriage[,] who are minors and who require support.”⁷² The paternity issue was essential to the part of the judgment that required the presumed father to pay support and awarded visitation rights to him.⁷³ Moreover, the mother was a party to the first action.⁷⁴

With respect to identifying the child’s biological father, the *Doe* court reasoned that the purpose of issue preclusion was to “ensure that every child, to the extent possible, has an identifiable legal father.”⁷⁵ The court acknowledged, however, that although there may be some “overlap with the desire of a child to know the identity of his or her biological father, the two are not always the same.”⁷⁶

On the other hand, some courts have raised concerns of inequity when issue preclusion is applied in some paternity actions. For example, the Court of Appeals of Maryland recently decided that men who had acknowledged paternity without the benefit of genetic testing could seek a judgment to vacate the paternity judgment.⁷⁷ The court was concerned that several men had learned that they had not fathered a particular child after they had acknowledged paternity without submitting to a paternity test.⁷⁸ The Court of Appeals ruled that such actions could be brought on equity grounds, and a putative father should be relieved from an adjudication of paternity when a later determination demonstrates that he is not the father.⁷⁹

Distinguishing a child’s legal father from the man whom the child claims as the father, and from whom she asserts certain rights and benefits, is a necessary and laudable goal. In many instances, however, the consequence of applying the foregoing principle will be that the child has someone to care for him or her, which is an essential matter. However, the child will not know the real father’s identity, which is another essential matter.

B. Mother’s Misrepresentations About the Father’s Identity

Some mothers may falsely represent that a particular man is her child’s father.⁸⁰ A woman who is married to a man who is not the child’s father may not identify the child’s actual father.⁸¹ Her interest

72. *Id.* at 256-57, 264-65.

73. *Id.* at 262.

74. *Id.* *But see* UNIF. PARENTAGE ACT § 637(c) (2000), 9B U.L.A. 352 (2001) (allowing a husband and wife to seek vacatur of a paternity judgment in limited circumstances).

75. *Doe*, 52 P.3d at 262.

76. *Id.*

77. *See* Langston v. Riffe, 359 Md. 396, 437, 754 A.2d 389, 411 (2000).

78. *Id.* at 399, 754 A.2d at 390.

79. *Id.* at 417-18, 754 A.2d at 400.

80. *See, e.g.*, Pickering v. Pickering, 434 N.W.2d 758, 760 (S.D. 1989) (deciding a case in which a husband sued for fraud and deceit for wife’s failure to disclose that a child born in wedlock was not his).

81. *See, e.g., id.*

may be in preserving her marriage with her husband and marital harmony in general.⁸² She may also want to avoid inflicting emotional harm on her husband.⁸³ Often, she will withhold this information until the couple decides to dissolve the marriage.⁸⁴

Similarly, some unwed mothers mislead men to believe that they have fathered a child. For five years, one mother caused her lover to believe that he was her son's father.⁸⁵ Based on her unequivocal oral representations to him, the putative father acknowledged paternity by executing a paternity affidavit.⁸⁶ In court, the mother gave further validity to her accusation when she gave sworn testimony that this man was the child's father.⁸⁷ Waiving genetic testing, the putative father completely relied upon the mother's statements and admitted that he was the child's father.⁸⁸ Based on the evidence presented, the court issued a child support order and the putative father regularly paid child support.⁸⁹ Later, after the putative father had supported the child for several years, a paternity test demonstrated that he was not genetically linked to the child.⁹⁰

C. State and Federal Recoupment Policies That Require Identification

In 2002, approximately 3.4 million children lived in households with adults who received public assistance.⁹¹ Eleven percent of children, or 7.9 million, lived with a guardian who received food stamps.⁹² Of the 2,101 households where children were living with their mother only and receiving public assistance, 98.5% also received health insurance benefits.⁹³ Pursuant to a federal statute, state agencies must require a mother who receives public assistance to cooperate with the

82. *See id.* (the wife wanted the husband to believe that he was the father of her child for similar reasons).

83. *See id.*

84. *See, e.g.,* Prowda v. Wilner, 634 N.Y.S.2d 866, 867 (N.Y. App. Div. 1995) (alleging that his wife had engaged in an extramarital sexual relationship and requesting a blood-grouping test to establish parentage for a child who was conceived near the time that the affair occurred).

85. *See, e.g.,* Turner v. Suggs, 653 N.W.2d 458, 462 (Minn. Ct. App. 2002) (involving an unwed mother who unequivocally informed her lover that he was her child's father).

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

90. *Id.* *See also* Walter v. Gunter, 367 Md. 386, 389-90, 788 A.2d 609, 611 (2002) (wherein a putative father was found not to be the child's father and the court relieved him of paying child support).

91. FIELDS, *supra* note 1, at 13.

92. *Id.*

93. *Id.* at 18-19.

However, children living in households that were receiving public assistance were actually more likely to be covered by health insurance than children who were in households that did not, probably because participation in public assistance programs is often linked

state by locating and identifying the child's father.⁹⁴ She must also agree to allow the state to recoup child support from the child's father in her name.⁹⁵ If she is uncertain about the father's identity, she is pressured to name someone.⁹⁶ Therefore, she may name the wrong man, or any man, to acquire this much-needed assistance.⁹⁷

To avoid making an identification, some mothers will inform government representatives that they do not know the father's identity.⁹⁸ In addition, to protect the child's father, some mothers may resist identifying him because revealing his identity will subject him to state recoupment litigation.⁹⁹ Recoupment policies require mothers who receive public assistance to cooperate with the state in its efforts to recover specific costs and expenses expended for the mother.¹⁰⁰ That cooperation usually means that the mother may be compelled to identify the unwed father, who then will become the defendant in a lawsuit for reimbursement of child support that has accrued or will accrue.¹⁰¹ Also, when a child is a recipient of public assistance, the state may file a petition against the child's father to recoup funds that the state has expended for his biological child's benefit.¹⁰²

with eligibility for some type of health insurance safety net for children in low-income families.

Id. at 18.

94. Grants to States for Aid and Services to Needy Families with Children, 42 U.S.C. §§ 652(g)(1)-(2), 666(a)(5)(B)(i) (2004) (providing a good cause exception for failure to cooperate); *see, e.g.*, *Roberta Jo W. v. Leroy W.*, 578 N.W.2d 185, 187 (Wis. 1998) (interviewing the mother about the child's father after she applied for Aid to Families with Dependent Children and Medical Assistance). *See generally* Lisa Kelly, *If Anybody Asks You Who I Am: An Outsider's Story of the Duty to Establish Paternity*, 3 AM. U. J. GENDER & L. 247 (1995) (explaining how money is recovered from the biological father from the mother's point of view); Amy E. Watkins, *The Child Support Recovery Act of 1992: Squeezing Blood from a Stone*, 6 SETON HALL CONST. L.J. 845 (1996) (advocating that the Child Support Recovery Act was constitutional).
95. *Langston v. Riffe*, 359 Md. 396, 427 n.15, 434 n.17, 754 A.2d 389, 405 n.15, 409 n.17 (2000) (explaining the process).
96. *See id.* at 427 n.15, 754 A.2d at 405 n.15.
97. *See id.* at 417 n.9, 754 A.2d at 400 n.9. *But see* LA. REV. STAT. ANN. § 14.125.1-2 (West 2003) (making it a crime to falsely swear to or present a written oral statement that is false).
98. *Langston*, *supra* note 30, at 188.
99. *See infra* note 101 and accompanying text (explaining state recoupment litigation).
100. *See infra* note 102 and accompanying text.
101. *See, e.g.*, COLO. REV. STAT. ANN. § 14-14-104(2) (West 1997) (naming the government as subrogee); GA. CODE ANN. § 19-11-6(a) (2004).
102. *See, e.g.*, ALASKA STAT. § 25.27.120(a) (Michie 2002) (obligating a father to pay for assistance provided to the obligor's child); CONN. GEN. STAT. ANN. § 46b-169 (West 2003) (subjecting the mother to imprisonment, a fine, or both for failing to disclose the father's identity); MO. ANN. STAT. § 454.420 (West 2003); *see also* *Little v. Streater*, 452 U.S. 1, 3 (1981) (requiring identification of the child's father in order to receive public assistance for her child); *Alaska v. Green*, 983 P.2d 1249, 1253-57 (Ak. 1999); Dept. of Human

One federal recoupment statute requires a mother who receives prenatal and post-partum medical assistance under the Social Security Act to assist the Social Security Administration in recovering the cost of the mother's medical assistance from the child's biological father.¹⁰³ Usually, as a condition of receiving cash assistance, the mother assigns support rights to the public agency that furnished her and her child's expenses.¹⁰⁴ With that assignment, the agency can enforce the father's support obligation and seek reimbursement.¹⁰⁵ When the state collects the child support, it must pay a portion of the collected funds to the federal government.¹⁰⁶ The remainder of the money can be paid to the family or used to reimburse the state.¹⁰⁷

D. Mothers Who Have Multiple Partners May Not Know the Father's Identity

Some mothers will not be able to identify the child's father because they have had multiple sexual partners during the time that the child was conceived.¹⁰⁸ One mother admitted that she was involved sexually with three men when her child was conceived.¹⁰⁹ She testified that while she believed that one of the men was the child's father, she did not name him because their relationship was still in the development stage.¹¹⁰ Until she married one of the men two years after the child's birth, the child's birth certificate indicated that his father was unknown.¹¹¹

Res. v. Woodruff, 507 S.E.2d 249, 250-52 (Ga. Ct. App. 1998); Rose v. Stokely, 673 N.W.2d 413, 417, 427-28 (Mich. Ct. App. 2003) (filing an action against putative father for birth expenses that the Michigan Family Independence Agency paid and explaining why payment of such expenses is necessary); Missouri *ex rel.* Div. of Family Servs. v. Summerford, 75 S.W.3d 353, 355-57 (Mo. Ct. App. 2002).

103. 42 U.S.C. § 1396a(a)(10)(A)(i)(I)(IV) (2000); *see also* Perry v. Dowling, 963 F. Supp. 231, 232 (W.D.N.Y. 1997) (seeking reimbursement for the costs of medical assistance).

104. *Summerford*, 75 S.W.3d at 355 (a case where a mother assigned her support rights to the state).

105. *See, e.g.*, MO. ANN. STAT. § 208.040.2(2) (West 2004).

106. 42 U.S.C. § 657(a)(1)(A) (2000).

107. *Id.* at § 657(a)(1) (2000).

108. *See, e.g.*, C.T.D. v. N.E.E., 653 A.2d 28, 29 (Pa. Super. Ct. 1995) (concerning a mother who chose not to name a father because she was sexually involved with three men at the same time).

109. *Id.*

110. *Id.* *See also* Walter v. Gunter, 367 Md. 386, 389, 788 A.2d 609, 611 (2002) (finding the mother's claim that she had been sexually involved with only the putative father was false); Langston v. Riffe, 359 Md. 396, 400, 754 A.2d 389, 390-91 (2000) (engaging in sexual intercourse with two men); Snyder v. Wyland, 821 A.2d 611, 612 (Pa. Super. Ct. 2003) (admitting that she did not name the putative father on the birth certificate because she had multiple partners); Robert Jo W. v. Leroy W., 578 N.W.2d 185, 187 (Wis. 1998) (giving the district attorney's office three names of potential fathers).

111. *C.T.D.*, 653 A.2d at 32 (Wieand, J., dissenting).

E. Mother's Attempt to Accelerate the Adoption Process

Another reason that a mother may refuse to identify her child's father is that she may want to place the child for adoption without his interference.¹¹² If identified, the father may be entitled to notice of the adoption proceedings and an opportunity to participate in the proceedings.¹¹³ Providing that notice and allowing the father to participate in the proceedings may lengthen the adoption process if he decides to contest the adoption.

In one adoption case, in which the mother attempted to preclude the father's participation, the mother refused to identify the father. The mother had physical custody of her four teenage children and was divorced from their father when a fifth child was born out of wedlock.¹¹⁴ The mother was concerned that her ex-husband would use the circumstances surrounding the fifth child's birth as a basis for seeking a change in custody of the four teenagers.¹¹⁵

The infant's biological father was a married man and a family friend.¹¹⁶ He was unaware that he had fathered a child.¹¹⁷ The mother explained that she was withholding the man's identity, "I am the only one who really knows the whole story. And I am doing what I think is best for my children, myself and the baby."¹¹⁸ She further explained:

(1) it would be difficult for her children if they learned that the family friend was the father of the child; (2) the [biological] father would not want custody or a relationship with the child; (3) her ex-husband would use this situation to seek custody of her legitimate children; and (4) her right to privacy would be violated.¹¹⁹

Admittedly, some mothers will have good cause for their refusal to release a father's name. The mothers in the last four sections, however, appear to have been acting to ensure their own self-preservation instead of acting in their children's best interests. They made selfish decisions to withhold the father's identity in attempts to protect their own interests or to protect the men who had not shown enough interest in their children to provide for their support. As noted in Section IV of this article, the decisions that these mothers made will have prolonged and lasting effects on their children.

112. See generally *Augusta County Dep't of Soc. Servs. v. Unnamed Mother*, 348 S.E.2d 26 (Va. Ct. App. 1986).

113. See *id.* at 29.

114. *Id.* at 27.

115. *Id.* at 28.

116. *Id.* at 27.

117. *Id.*

118. *Id.*

119. *Id.* at 27-28.

F. Confidentiality and Sealed Adoption Records That Prevent Disclosure

A child may not know his or her biological father's identity because the child was adopted as an infant. An adoption involves a two-step process that terminates the biological parents' rights and creates a new parent-child relationship between the child and the child's adoptive parents.¹²⁰ After the adoption is finalized, many states require that all records of the adoption proceeding be sealed.¹²¹ The records that are sealed include the child's original birth certificate and any other documents that identify the child's birth parents.¹²² In most states, no one, not even the adoptee, may have access to identifying information about his or her parents without showing good cause, defined as a compelling need for obtaining that information.¹²³ On the other hand, the adult adoptee may receive non-identifying information, such as the biological parents' age, race, health at the time of adoption, education, occupation, personal characteristics, special interests, hobbies, religion, and reasons for making the child available for adoption.¹²⁴

Some states have enacted legislation to ease the harsh effect of the confidentiality provisions.¹²⁵ In several states, biological parents, the adoptee, and any siblings may register with the state-maintained adoption registry to indicate that they are willing to be contacted.¹²⁶ Statutes further permit an adult adoptee to request that state intermediaries conduct a search for the adoptee's father.¹²⁷ On the other hand, a father has a right to decide whether to provide his consent for the intermediary to disclose his identity.¹²⁸ If he does not want to be contacted, he may execute a contact veto or a disclosure

120. D.C. CODE ANN. § 16-312(a) (2001); MD. CODE ANN., FAM. LAW § 5-308(b) (1999) (divesting biological parents of all rights, duties and obligations, and recognizing the adoptive parents as the child's parents); D. KELLY WEISBERG & SUSAN FRELICH APPLETON, MODERN FAMILY LAW 1192 (Aspen Law & Business 2002).

121. 3 JOAN H. HOLLINGER, ADOPTION LAW & PRACTICE, § 13.01 (2003). See, e.g., D.C. CODE ANN. § 16-311 (2001 & Supp. 2004).

122. WEISBERG & APPLETON, *supra* note 120, at 1198.

123. *Id.*; see also MD. CODE ANN., FAM. LAW § 5-329(b) (1999); Jones v. S.C. Dep't of Soc. Servs., 534 S.E.2d 713, 715 (S.C. 2000) (finding that there was not good cause for releasing the biological mother's name).

124. See, e.g., *In re Kasperek*, 653 A.2d 1254, 1257-58 (Pa. Super. Ct. 1995) (holding that general information about an adoptee's biological parents may be disclosed); HOLLINGER, *supra* note 121, at § 13.01 (listing generally accepted categories of non-identifying information).

125. See HOLLINGER, *supra* note 121, at § 13.01; see, e.g., N.Y. PUB. HEALTH §§ 4138-c(2), (4)(a) (McKinney 2002); S.C. CODE ANN. § 20-7-1780(E)(1) (Law. Co-op. 1985 & Supp. 2003).

126. See, e.g., MD. CODE ANN., FAM. LAW §§ 5-4C-01 through 07 (Supp. 2004).

127. See, e.g., MD. CODE ANN., FAM. LAW §§ 5-4B-01 through 07 (1999 & Supp. 2004) (performing searches through trained intermediaries).

128. See, e.g., MD. CODE ANN., FAM. LAW § 5-4B-08 (1999 & Supp. 2003) (requiring written consent for disclosure).

veto that will preclude the intermediary from revealing his identity and to prevent his child from contacting him.¹²⁹

Adoptees often have a longing to know information about their biological parents.¹³⁰ Sometimes, they want to find their biological parents.¹³¹ This "is a search for roots, for full identity."¹³² Unfortunately, states that do allow adoptees to search for their biological parents require the child to wait until the adoptee becomes an adult to commence the search.¹³³ The adoptee may endure years of yearning and uncertainty about his or her identity before the child reaches the age of eighteen or twenty-one.¹³⁴ After so much time has passed, it is possible that the biological parents cannot be located.

G. Statutes That Promote Confidentiality

Some statutes will prevent a child from learning the father's identity. For instance, the Hawaii Revised Statutes provide that "[i]n the best interest of the child, the court may order that the alleged father's identity be kept confidential."¹³⁵ When the court draws this conclusion, not only will the child be deprived of an opportunity to know the father, but the child also will be deprived of the opportunity to decide whether to develop a relationship with him.

H. Artificial Insemination with an Anonymous Donor

Some mothers will not know the father's identity because the mothers were artificially inseminated with an anonymous donor's sperm.¹³⁶ When an anonymous donor's sperm is used, the mother will not be able to answer questions about the child's parentage.¹³⁷ In a recent Illinois case, an unmarried woman and her partner had an intimate relationship for ten years.¹³⁸ They agreed to rely upon artifi-

129. See, e.g., MD. CODE ANN., FAM. LAW § 5-4B-09 (1999 & Supp. 2003).

130. Anette Ruth Appell, *Blending Families Through Adoption: Implications for Collaborative Adoption Law and Practice*, 75 B.U. L. REV. 997, 999 (1995).

131. JAMES P. COMER & ALVIN F. POUSSAINT, *RAISING BLACK CHILDREN* 105 (Plume 1992) (1975).

132. *Id.*

133. See, e.g., HAW. REV. STAT. § 578-15(b)(2) (1993).

134. See Jason Kuhns, *The Sealed Adoption Records Controversy: Breaking Down the Walls of Secrecy*, 24 GOLDEN GATE U. L. REV. 259, 274 (1994) (stating that "[t]he adoptee's compelling need for his or her true identity is an undeniably basic human need to know one's true place in history").

135. HAW. REV. STAT. § 584-13(a)(2) (1993).

136. See, e.g., Joanna Bunker Rohrbaugh, *Lesbian Families: Clinical Issues and Theoretical Implications*, 23 PROF. PSYCHOL.: RES. AND PRAC. 467, 468 (Dec. 1992) (indicating that artificial insemination is the most popular method for lesbian women to become pregnant). But see Anndee Hochman, *Whose Sperm Is It, Anyway?*, THE OPRAH MAGAZINE, Dec. 2002, at 228, 230 (giving children an opportunity to contact their father through an "open-identity release program").

137. See Rohrbaugh, *supra* note 136, at 468.

138. *M.J. v. Banary*, 759 N.E.2d 121, 123 (Ill. App. Ct. 2001).

cial insemination with an anonymous donor when they discovered that the male partner was unable to father a child.¹³⁹ The male partner accompanied the mother to doctor's visits, injected her with medication to improve her fertility, and provided financial support for the procedure.¹⁴⁰ Finally, because she was African American and he was Caucasian, the couple agreed that the donor should be Caucasian so that the child would appear to be their natural offspring.¹⁴¹ After she gave birth to twin boys, the mother discovered that her partner was married and terminated the relationship.¹⁴²

Because of the method of reproductive technology that the mother chose, she did not know the children's biological father. In any event, the State of Illinois had adopted the Uniform Parentage Act (UPA) provision which provides that "[t]he donor of semen provided to a licensed physician for use in artificial insemination of a woman other than the donor's wife shall be treated in law as if he were not the natural father of a child thereby conceived."¹⁴³ There was another legal obstacle for the mother to overcome. When a mother is married and her husband provides the requisite consent, he will be considered the natural father regardless of the fact that his sperm was not used to impregnate his wife.¹⁴⁴ Applying the UPA rule from the Illinois statute to these facts, the court ruled that whether or not this man and woman were unmarried, because the woman's partner did not provide written consent for her artificial insemination, he was not legally obligated to support the twins.¹⁴⁵

Children conceived through artificial insemination using an anonymous donor have two strikes against them. First, their father's identity is unknown. Second, the children will not have support from the man who contributed the sperm that created them. When their mother is unmarried, they will have only their mother's love and support. A mother's love is powerful; but it is even stronger when it is mixed with a father's love.

I. Father's Disinterest in the Child Hinders Identification

Some mothers may not identify the father because they know that he does not want to have any contact with the child despite the mother's relentless efforts to encourage him to establish a relationship with the child. In one case, the child's biological father was mar-

139. *Id.* at 123.

140. *Id.*

141. *Id.*

142. *Id.*

143. UNIF. PARENTAGE ACT, § 5(b) (2000); 9B U.L.A. 408 (2001); 750 ILL. COMP. STAT. ANN. 40/3(b) (West 1999).

144. *M.J. v. Banary*, 759 N.E.2d 121, 125-26 (2001).

145. *Id.* at 127.

ried to another woman when the boy was born out of wedlock.¹⁴⁶ The father vehemently refused to develop a relationship with the boy, even if it were proven that he was the father.¹⁴⁷ He explained that such a relationship would destroy his marriage and his rapport with daughters he had fathered with his wife.¹⁴⁸ He unequivocally testified in a court proceeding that he did not have any "curiosity or interest" in the boy that was conceived during the extramarital affair.¹⁴⁹ In response to a question about whether he would be willing to spend time with the boy if a paternity test conclusively established parentage, he testified, "I'm afraid that I can't do that. I cannot provide any emotional support. Companionship, affection, intimacy, those things are not possible."¹⁵⁰

This type of rejection could be devastating to a child. However, it could be more harmful if this reluctant father was forced to establish a relationship with the child. The father's conduct could cause severe emotional trauma if he did not accept the child fully or acknowledge the boy as his own in the same way that he had acknowledged his daughters. Yet, the child would know his father's identity. It may provide some comfort for the child to know that he is biologically linked to this person, even though the man has refused to acknowledge him.

IV. THE CHILD'S EMOTIONAL AND PSYCHOLOGICAL INTEREST IN THE FATHER'S IDENTITY

Experts agree that both male and female children need contact with their father.¹⁵¹ When a father is absent, children develop an ache and a longing to know him.¹⁵² Dr. Alvin Turner is a psychologist who has testified as an expert on family and children's issues.¹⁵³ He concluded that children develop a better self-concept when both parents are involved in the children's lives.¹⁵⁴ In one case, Dr. Turner "testified that fathers play complex roles in the lives of their children" and that the African American father's involvement in his child's life is very important.¹⁵⁵ He also testified that "[o]ne of the decisions that a child confronts as part of the developing identity is the degree to which he or she will adopt characteristics of the parent."¹⁵⁶

146. *Jensen v. Runft*, 843 P.2d 191, 193 (Kan. 1992).

147. *Id.* at 197 (Six, J., concurring & dissenting).

148. *Id.*

149. *Id.*

150. *Id.* at 198. See also *Wyoming ex rel NDB v. EKB*, 35 P.3d 1224, 1227 (Wyo. 2001) (father declaring that he did not desire a father-child relationship).

151. DOBSON, *supra* note 6, at 55, 57.

152. *Id.* at 57.

153. *Gary S.S. v. Jaqueline D.S.*, No. CN93-072651999, 98-18321, 1999 WL 692100, at *2 (Del. Fam. Ct. June 8, 1999).

154. *Id.* at *3.

155. *Id.*

156. *Id.*

Furthermore, studies show that "children with highly involved fathers, in relation to children with less involved fathers, tend to be more cognitively and socially competent, less inclined toward gender stereotyping, more empathic, and psychologically better adjusted."¹⁵⁷ For their psychological well-being, children who do not live with their fathers need their father's encouragement, support, and closeness, as well his love and caring.¹⁵⁸ There are some exceptions, but children who do not have a relationship with their fathers are more likely to become smokers, drinkers, and serious drug abusers.¹⁵⁹

Experts also agree that boys in particular find it most difficult to navigate through puberty and other developmental stages of their lives without their father.¹⁶⁰ When their fathers are uninvolved, boys are more likely to drop out of school, be imprisoned, and suffer from behavioral problems.¹⁶¹ Most of the delinquent boys who were surveyed felt rejected by their fathers.¹⁶²

Dads teach their sons how to be good fathers and how to be men.¹⁶³ Male children learn these and other skills from observing their fathers.¹⁶⁴ When boys spend a majority of their time with women, they do not learn how to act like men.¹⁶⁵ Although women are loving and nurturing parents who contribute much to the child's development, women are not trained, and they do not have the experience, to teach boys how to become men.¹⁶⁶ In short, boys need responsible, conscientious, and caring men, preferably their father, to guide them

157. Ronald P. Rohner & Robert A. Veneziano, *The Importance of Father Love: History and Contemporary Evidence*, 5 REV. GEN. PSYCHOL. 392 (2001) (citations omitted); accord Rebekah Levine Coley, *Invisible Men: Emerging Research on Low-Income, Unmarried, and Minority Fathers*, 56 AM. PSYCHOLOGIST 749 (2001) (citing studies that show that children who receive nurturance from their "fathers correlates with better cognitive and school functioning").

158. Rohner & Veneziano, *supra* note 157, at 392-93.

159. DOBSON, *supra* note 6, at 56 (citing a National Center on Addiction and Substance Abuse study); Rohner & Veneziano, *supra* note 157, at 394.

160. DOBSON, *supra* note 6, at 55-56.

161. *Id.*

162. Rohner & Veneziano, *supra* note 157, at 394.

163. Gabe Grosz, *My Child Says Daddy Too*, BLACK CHILD, Dec. 31, 1995, available at 1995 WL 15708675.

164. See Aiba Goetz, *Fatherhood: Why Fathers Matter; What Makes Great Dads so Special? Why do Their Kids Love and Admire Them So Greatly? What Can You Learn from Them?*, BLACK CHILD, July 31, 1998, available at 1998 WL 12963067; Gabe Grosz, *Dr. Alvin Poussaint on Raising Black Children*, BLACK CHILD, Oct. 31, 1995, available at 1995 WL 15708665. But see Andrea Engber, *Single Mamahood: My Ex Is No Father Figure; So Now You've Read About What Great Dads Are Like, but What if Your Child's Father Is a Real Mess?*, BLACK CHILD, July 31, 1998, available at 1998 WL 12963068 (advocating that a mother should do what is best for her child when deciding if the biological father should have contact with the child).

165. DOBSON, *supra* note 6, at 56.

166. *Id.* at 55-56.

through life with a regular "diet of father-love vitamins."¹⁶⁷ Additionally, "[d]ads are role models for a wide range of behaviors that in their sum total constitute respect. Among these are consideration, validation, reliability, courtesy, attentiveness, honoring privacy, and using discipline in a restrained manner."¹⁶⁸ For both boys and girls, empirical studies show that fathers play a critical role in child development.¹⁶⁹ This literature reveals that a father's influence on a child's behavior is just as important to the child as the mother's influence.¹⁷⁰

[P]aternal acceptance-rejection (father love) is heavily implicated not only in childrens' and adults' psychological well-being and health but also in an array of psychological and behavioral problems. Moreover, . . . father love may affect offspring development at all ages from infancy through at least young adulthood. More specifically, . . . father love is often associated as robustly as mother love with a variety of outcomes.¹⁷¹

V. LINKING RACE, RACISM, AND PATERNITY

Renowned child psychiatrist Dr. Alvin Poussaint declared that "[n]o one can deny that discrimination and racism exist."¹⁷² In fact, in *Grutter v. Bollinger*,¹⁷³ the United States Supreme Court recently acknowledged that racism still exists in America.¹⁷⁴ Racism is piercing. It is inflammatory. It is painful. It is enraging. It is dehumanizing. It can make African American children feel "flawed and unworthy."¹⁷⁵

Many children react to racism in the same manner as adults. It may make them feel inferior. They also may develop insecurities, low self-esteem, and self-hatred.¹⁷⁶ Some children react to racism with rage and aggression, while other children remain calm and passive.¹⁷⁷

As early as age three or four, children of color realize that their skin is a different color than their white playmates' skin and that they are treated differently because of their skin color.¹⁷⁸ For children of color, especially African Americans, parents need to teach their chil-

167. HAKI R. MADHUHUBUTI, TOUGH NOTES: A HEALING CALL FOR CREATING EXCEPTIONAL BLACK MEN 137 (2002).

168. Goetz, *supra* note 164.

169. See, e.g., Rohner & Veneziano, *supra* note 157.

170. See generally *id.* at 393.

171. *Id.*

172. Grosz, *supra* note 164.

173. 539 U.S. 306 (2003).

174. *Id.* at 333.

175. Zawdie Abiade, *The Elements of Good Parenting*, BLACK CHILD, Feb. 28, 1996, available at 1996 WL 16613627.

176. COMER & POUSSAINT, *supra* note 131, at 16, 61.

177. See generally *id.* at 60-61.

178. Grosz, *supra* note 164.

dren how to cope with racism.¹⁷⁹ They must teach their children that they can be successful adults despite racism.¹⁸⁰

Parents also can teach their children by setting examples for them.¹⁸¹ Children emulate their parent's emotions.¹⁸² If the parent feels self-doubt, inferiority, or bitterness about how African Americans are treated, the parent may pass those feelings on to the children.¹⁸³ Instead, African American parents are encouraged to "pass on to their children a sense of feeling good about themselves as human beings and as [African American] children."¹⁸⁴ Among other teachings, parents must teach their children how to respond when a racial slur, such as the "n-word," is used to describe them.¹⁸⁵

In particular, African American fathers could teach their children about racism from a different viewpoint than the mother.¹⁸⁶ In this society, African American men are treated differently than African American women.¹⁸⁷ For example, African American men often are perceived as having a threatening and overly aggressive persona.¹⁸⁸ For that reason, and other reasons, African American men find it difficult to obtain employment.¹⁸⁹ African American boys need to learn how to cope in a society that fears them from men who have had those experiences.¹⁹⁰ The best person to teach them will be their father.

179. COMER & POUSSAINT, *supra* note 131, at 107.

180. *Id.*

181. *Id.*

182. See Grosz, *supra* note 164.

183. *Id.*; accord COMER & POUSSAINT, *supra* note 131, at 107, 290; Abiade, *supra* note 175 (stating that children learn by watching the adults without filtering out bad conduct).

184. Grosz, *supra* note 164; see also COMER & POUSSAINT, *supra* note 131, at 107.

185. Grosz, *supra* note 164 (suggesting that parents tell their children that people using the "n-word" word are insecure and are attempting to make the children feel insecure, as well. Parents should be encouraging their children to tell the other children not to use that word again).

186. See Grosz, *supra* note 164.

187. See, e.g., SAMPSON DAVIS ET AL., THE PACT 132, 199-206 (2002) (explaining how they have been treated as young African American men).

188. See *id.* at 132.

189. See, e.g., Lateef Mtima, *The Road to the Bench: Not Even Good (Subliminal) Intentions*, 8 U. CHI. L. SCH. ROUNDTABLE 135, 138-39 (2001) (finding it difficult to appoint African American judges because they were denied certain requisite legal positions and appointments); Joel Glenn Brenner, *Minority Lawyers Missed Out on Hiring Boom*, THE WASH. POST, Feb. 13, 1990, at A8 (indicating that larger law firms had failed to "recruit, retain and promote" lawyers of color in "representative numbers"); Michael Powell, *In New York City, Fewer Find They Can Make It*, THE WASH. POST, Mar. 14, 2001, at A1 (discovering a decline in employment that has lasted for three years resulting in employment for only 49.2% of African American males); see also Gwyn Kirk & Carolyn Bowen Francis, *Redefining Security: Women Challenge U.S. Military Policy and Practice in East Asia*, 15 BERKELEY WOMEN'S L.J. 245-46 (reporting that Amerasian adults are discriminated against in employment).

190. See Grosz, *supra* note 164.

VI. LINKING CULTURE, IDENTITY, AND PATERNITY

"Identification as a male or female, black person or white person, . . . gives a child a sense of 'I am.' Such identification can provide direction, limits, and motivation to think and act in particular ways."¹⁹¹ Similarly, culture is "the configuration of learned behavior and results of behavior whose components and elements are shared and transmitted by the members of a particular society."¹⁹² An important link between culture and identity occurs when parents teach their children about their cultural history, which helps them to develop a sense of pride and buttress their sense of identity.¹⁹³

For their children's cultural indoctrination, African American parents should tell their children stories, and purchase books, toys, and other materials that are multicultural and that depict African Americans.¹⁹⁴ In addition, parents should expose their children to art, biographies, literature, filmstrips, and programs that represent their culture.¹⁹⁵ Dr. Alvin Poussaint counsels African American parents to "show young children that they are important in the world by reading to them books about [African American] people, and giving [the children] black dolls to play with, and so on."¹⁹⁶ With respect to children of color in general, a parent's choices about where the family lives and worships, and where the child will be educated, are crucial because children "learn culture through social interaction. If [the] child's race[] [is] not represented in the place where [the child] lives, a hole will be created in his or her identity that will have to be filled in later, with much greater turmoil and pain."¹⁹⁷

When the mother and father come from different cultures, but the father is not involved with the child, the child will develop only a sense of the mother's culture. The child is entitled to develop a similar sense of the father's culture. When the father is actively involved in the child's life, he can help the child to develop knowledge of his

191. COMER & POUSSAINT, *supra* note 131, at 263.

192. DONALD R. ATKINSON ET AL., COUNSELING AMERICAN MINORITIES: A CROSS-CULTURAL PERSPECTIVE 5 (Michael Lange ed., Wm. C. Brown Communications, Inc., 1993) (1979) (citations omitted).

193. COMER & POUSSAINT, *supra* note 131, at 16.

194. GROSZ, *supra* note 164; see also Erriel Kofi Addae, *Affirming Our Children; 10 Tips to Healthy Identity Formation in Black Children*, BLACK CHILD, July 31, 1998, available at 1998 WL 12963069.

195. COMER & POUSSAINT, *supra* note 131, at 183-84, 226 (advocating that children should have a multicultural education).

196. GROSZ, *supra* note 164 (opining that Mother Goose and other fairytales are not good models for African American children because they are not included in those stories).

197. SUNDEE TUCKER FRAZIER, JUST DON'T MARRY ONE: INTERRACIAL DATING, MARRIAGE AND PARENTING 102 (George A. Yancey & Sherelyn Whittum Yancey eds., Judson Press 2002); see also COMER & POUSSAINT, *supra* note 131, at 299 (reporting that identity confusion may result in negative behaviors such as criminal behavior, depression, and school failure).

culture. When the father is absent, the mother should ensure that the child knows the father's culture through interaction with people who share that culture. The child will then develop a greater sense of identity through these cultural experiences.

VII. CHILDREN'S ECONOMIC INTERESTS IN KNOWING THEIR BIOLOGICAL FATHER

In addition to their interest in establishing a familial bond with their father, all children have an interest and a right in obtaining certain economic benefits from their biological father.¹⁹⁸ Those rights include child support, inheritance rights, medical support, veterans' educational benefits, workers' compensation dependent's allowances, social security death benefits, pension benefits, and the right to bring certain causes of action including wrongful death.¹⁹⁹

To recover these economic rights and benefits, however, a parent-child relationship between the child and the man from whom the child claims the benefits must be established.²⁰⁰ This means, of course, that some reliable scientific test, such as DNA testing or Human Leukocyte Antigen testing, must be performed to verify parentage.²⁰¹ Only after parentage is established will the child be entitled to certain benefits.²⁰²

One benefit that a child is entitled to receive from his or her biological father is child support.²⁰³ Both parents have an obligation to support the child until the child reaches the age of majority or becomes emancipated.²⁰⁴ Because the single mother most often has custody of

198. See *Murphy v. Myers*, 560 N.W.2d 752, 754 (Minn. Ct. App. 1997).

199. See *Weber v. Aetna Cas. & Surety Co.*, 406 U.S. 164, 175-76 (1972) (allowing unwed child to recover worker's compensation benefits); *Jensen v. Runft*, 843 P.2d 191, 193 (Kan. 1992); *Walter v. Gunter*, 367 Md. 386, 396, 788 A.2d 609, 615 (2002) (imposing a child support obligation on both parents); *Langston v. Riffe*, 359 Md. 396, 421-23, 754 A.2d 389, 402-03 (2000) (recognizing unvested rights such as inheritance rights and social security survivor benefits); *Murphy v. Myers*, 560 N.W.2d 752, 754 (Minn. Ct. App. 1997); *M.A. v. A.C.*, 643 A.2d 1047, 1052 (N.J. Ch. 1993); *Koleski v. Park*, 525 A.2d 405, 408 (Pa. Super. Ct. 1987); see also Social Security Act, 42 U.S.C. § 402(d)(1) (2000) (providing an insurance benefit for surviving children); MD. CODE ANN., FAM. LAW § 5-1033(a) (1999) (ordering the father to pay medical support).

200. *M.A.*, 643 A.2d at 1052.

201. See, e.g., MD. CODE ANN., FAM. LAW § 5-1021 (1999); *Langston*, 359 Md. at 427-28, 754 A.2d at 406 (making testing available to any man whose paternity had been established without scientific evidence); *M.A.*, 643 A.2d at 1050; *Snyder*, 821 A.2d at 611-12 (affirming trial court's decision to order blood tests).

202. *Jensen*, 843 P.2d at 192-93.

203. See, e.g., MD. CODE ANN., FAM. LAW § 5-1033(a)(1) (1999).

204. MD. CODE ANN., FAM. LAW § 5-1032(a)(2) (1999) (requiring court that makes a declaration of paternity to enter an order for child support); MICH. COMP. LAWS § 722.712.2(1) (2002); TENN. CODE ANN. § 36-2-311(a)(11)(A) (2001 & Supp. 2003); *Williams v. Beagle*, 777 So. 2d 1213, 1214 (Fla. Dist.

the child, there is a strong public policy that the father should support his child.²⁰⁵ Parents are not allowed to enter into private agreements that will circumvent this obligation of support, even when the mother is able to care for the child on her own.²⁰⁶ Thus, the "purpose of a paternity action is . . . to impose a duty on the father to support the child, to ensure that the mother does not bear full financial responsibility for the child, and to protect the public by preventing the child from becoming a public charge."²⁰⁷

Additionally, the putative father may be liable for retroactive child support that dates back to the child's birth.²⁰⁸ In addition to child support, the father may be ordered to pay day care costs,²⁰⁹ health insurance premiums,²¹⁰ medical expenses that may include the mother's hospital expenses associated with child birth,²¹¹ and funeral expenses if the child dies.²¹²

Arguably, some mothers may have an income that is sufficient to sustain her and her child. Even if they did have enough funds to care for the child independently, the child is still entitled to support from the father. Regardless of whether the mother is capable of caring for the child on her own, the child will be deprived of these benefits if the father's identity is unknown.

- Ct. App. 2001); *Child Support Enforcement Admin. v. Shehan*, 148 Md. App. 550, 556-60, 813 A.2d 334, 339-40 (2002) (discussing the connection between a paternity finding and child support); *Missouri ex rel. Div. of Family Servs. v. Summerford*, 75 S.W.3d 353, 358 (Mo. Ct. App. 2002) (finding that the duty to support a child is based on common law and cannot be avoided); *cf.* ARK. CODE ANN. § 9-10-115(f)(1) (Michie 2003); VA. CODE ANN. § 20-49.10 (Michie 2003) (relieving man of support obligation when paternity was disproved).
205. *Berryhill v. Rhodes*, 21 S.W.3d 188, 190 (Tenn. 2000).
206. *Id.* at 191-92.
207. *Jevning v. Cichos*, 499 N.W.2d 515, 517 (Minn. Ct. App. 1993).
208. *See, e.g., Oregon ex rel. Olson v. Renda*, 17 P.3d 514, 515-16 (Or. 2000) (concluding that the court could impose retroactive and future child support awards).
209. *See, e.g., Negron v. Ray*, 769 So. 2d 524, 525 (Fla. Dist. Ct. App. 2000).
210. *See, e.g., MD. CODE ANN., FAM. LAW* § 12-102(b) (1999 & Supp. 2003); *TENN. CODE ANN. § 36-2-311(a)(7)* (2001 & Supp. 2003).
211. *Negron*, 769 So. 2d at 526; *see also MD. CODE ANN., FAM. LAW* § 5-1033(a)(2) (2003); *MICH. COMP. LAWS ANN. § 722.712.2(1)* (West 2002) (including expenses for the mother's confinement and prenatal expenses); *TENN. CODE ANN. § 36-2-311(a)(12)* (Supp. 2003); *O'Meara v. Doherty*, 761 N.E.2d 965, 969-70 (Mass. App. Ct. 2002) (deciding that there is a greater need for retroactive child support for children born out of wedlock because paternity is not presumptively established and it may take some time to establish paternity).
212. *MD. CODE ANN., FAM. LAW* § 5-1033(a)(2) (1999); *MICH. COMP. LAWS ANN. § 722.712.2(1)* (West 2003) (including expenses for the child's funeral along with other necessary expenses); *TENN. CODE ANN. § 36-2-311(a)(12)* (Supp. 2003).

VIII. THE CHILD'S INTEREST IN GENETIC AND MEDICAL INFORMATION

In addition to economic benefits, the child is entitled to information about the father's health.²¹³

[C]ertain diseases are genetic in origin and may be passed on to offspring. It may be critical to preserving [the child's] health that he have knowledge of potential diseases, illnesses, abnormalities, birth defects or deficiencies which he may inherit from the decedent and his forbearers. Moreover, knowing his natural genealogy may provide [the child] and his physicians with potential sources for blood transfusions, bone marrow and organ donor transplants.²¹⁴

Some statutes allow for distribution of this information when the child is adopted.²¹⁵ When the child is not adopted, he or she may not be able to acquire this critical information without knowing the father's identity. A child's immediate and effective medical treatment may therefore be thwarted if the child does not know the father's identity.

IX. ALTERNATIVES FOR CHILDREN WHO DO NOT KNOW THEIR FATHER

A. *Substituting Other Male Role Models for Absent Fathers*

In most families, the child's biological father's presence in the child's life promotes the child's best interests.²¹⁶ Children have a right to know their biological fathers and to receive his nurturance, guidance, and care.²¹⁷ Sometimes, however, a paternity determination may not be in the child's best interest.²¹⁸ In some families, the child's biological father may not be a proper role model for the child.

213. See *M.A. v. Estate of A.C.*, 643 A.2d 1047, 1052-53 (N.J. Super. Ct. Ch. Div. 1993).

214. *Id.* at 1052 (concluding that fundamental fairness prohibited the mother from keeping this information from the child); see also *Langston v. Riffe*, 359 Md. 396, 422 n.11, 754 A.2d 389, 403 n.11 (2000); *Culliton v. Beth Israel Deaconess Med. Ctr.*, 756 N.E.2d 1133, 1139 (Mass. 2001) (expressing concern that the child's medical treatment may be delayed); *Turner v. Whisted*, 372 Md. 106, 117, 607 A.2d 935, 940 (1992) (finding that "other factors might even include the child's ability to ascertain genetic information for the purpose of medical treatment and genealogical history").

215. See, e.g., MD. CODE ANN., FAM. LAW §§ 5-328, 5-329(a) (1999) (requiring the person who places a child for adoption to provide the biological parents' medical history).

216. See *Rohner & Veneziano*, *supra* note 157, at 392.

217. See *McDaniels v. Carlson*, 738 P.2d 254, 261 (Wash. 1987).

218. *Crago v. Kinzie*, 733 N.E.2d 1219, 1231 (Ohio Ct. Com. Pl. 2000) (cautioning against an automatic presumption that the determination would be in the child's best interest).

He may be a tyrant, abusive, or he may engage in some conduct that may be harmful to the child.²¹⁹

Because a male influence is so critical to the child's complete development, another male role model should be a substitute for the child's absent father.²²⁰ In those situations, the child's mother should look to other adult males to act as role models for the child.²²¹ These alternative male role models may include the child's uncle, grandfather, neighbors, teachers and coaches, or the mother's partner.²²² Even an older brother may provide a positive influence for the child.²²³ "When there are many males in the neighborhood, there will be many models of masculinity and fewer problems for a male child in a fatherless family."²²⁴ Although other men may fulfill this role, the child still may yearn to know the biological father. Yet these role models could help the child to develop a better sense of self.

B. *Discerning a Father's Traits*

For those children who do not know their father and may never know him, one author suggests a way of identifying characteristics that the child inherited from his or her father. He proposes that children study differences between their characteristics and their mother's characteristics. He recommends that the child

[l]ook for the areas where there are marked differences between [the child] and [the child's] mother. These are the gaps where [the child's] father's characteristics may be showing up. Are you the quiet, one to one type, whereas your mother thrives in large groups? These are clues about abilities and interests that you may have inherited from your father. . . . Take a closer look at what you value in yourself. If you didn't get it from your mother, there's a good chance you inherited it from your father.²²⁵

This is a creative way for helping children to learn more about their father's traits when no better source of information is available. In many situations, though, it may leave more questions than answers. For example, the child may deduce that his or her slender build is a result of the father's genetic make-up because the mother has a stronger build. This exercise will not reveal the father's reasons for his failure to establish a relationship with the child. Still, it may provide some information to children who will treasure receipt of any information about their father.

219. See, e.g., COMER & POUSSAINT, *supra* note 131, at 97.

220. See DOBSON, *supra* note 6, at 135-37.

221. See *id.* at 138.

222. *Id.*

223. See COMER & POUSSAINT, *supra* note 131, at 97.

224. *Id.*

225. Goetz, *supra* note 164.

X. PROFESSIONAL COUNSELING

Depending upon the circumstances under which children learn the details about their parentage, professional counseling may be advisable. Some children may suffer severe trauma when they learn that the person whom they knew as their father for years not only is not their father, but also plans to cast them aside.²²⁶ In those instances, at least two courts (in California and Ohio) determined:

The relationship of father and child is too sacred to be thrown off like an old cloak, used and unwanted. We are dealing with the care and education of a child during his minority and with the obligation of the party who has assumed as a father to discharge it. The law is not so insensitive as to countenance the breach of an obligation in so vital and deep a relation, undertaken, partially fulfilled, and suddenly sundered.²²⁷

Children may suffer acute to severe stress if they learn their father is someone other than the person they believed to be their father, or the actual father has not been identified.²²⁸ Chief Judge Robert Bell of the Court of Appeals of Maryland wrote that limits should be placed on a putative father's right to modify a paternity decree.²²⁹ He reasoned that it would avoid "a wholesale disruption of the lives and best interests of children."²³⁰

One court opined that a putative father who had represented himself as the child's biological father could inflict "deep injury upon the child" if he led the child to love him as a son or daughter and then publicized that the child was born out of wedlock.²³¹ Another court astutely noted that if the woman's husband's "biological fatherhood is a fiction, it will not be maintained [because everyone in the community knew that the mother had been with another man when the child was conceived]. If [the child] eventually finds out that the truth is

226. See, e.g., *Crago v. Kinzie*, 733 N.E.2d 1219, 1232-33 (Ohio Ct. Com. Pl. 2000).

227. See *id.* at 1231 (quoting *Clevenger v. Clevenger*, 11 Cal. Rptr. 707, 716 (Cal. Dist. Ct. App. 1961)).

228. *Gary S.S. v. Jaqueline D.S.*, No. CN93-072651999, 98-18321, 1999 WL 692100, at *9-11 (having to cope with an interest in getting to know a father who had been convicted of sexually abusing his stepdaughter).

229. See *Walter v. Gunter*, 367 Md. 386, 408-09, 788 A.2d 609, 622 (2002) (Bell, C.J., concurring).

230. *Id.* at 410, 788 A.2d at 623 (Bell, C.J., concurring).

231. *Crago*, 733 N.E.2d at 1228; see also *Langston v. Riffe*, 359 Md. 396, 454, 754 A.2d 389, 421 (2000) (Bell, C.J., dissenting) (warning that the "uprooting of a child's foundation [will] potentially [result] in significant mental, emotional and psychological stress to the child").

different from what she has been led to believe for a period of years, she may suffer greater trauma than if she knows it from the outset."²³²

In proportion to their ability to pay, the father and the mother may share the cost of the child's counseling.²³³ The child may need professional help to deal with and overcome feelings of rejection and other emotions associated with information or lack of information that the child receives about the father.²³⁴

XI. CONCLUSION

Children gain a fuller sense of self-esteem and identity when they know their parentage.²³⁵ Most often, children know their mother's identity; but they do not know their father's identity.²³⁶ Sometimes, they do not have this information because their mother selfishly withholds the information from them.²³⁷ Other mothers may refuse to identify the father because they believe that nondisclosure is in the best interests of the child or the family.²³⁸ Whenever the mother is in danger, such as when there is a history of domestic violence, arrangements may be made for the child to have contact with the father without subjecting the mother to harm.²³⁹ Visitation programs are available to allow such contact.

When the mother chooses not to identify the father, the child suffers.²⁴⁰ The child feels embarrassed when teachers and children ask for information about the father. They suffer when they yearn to know not only their father's identity but also him as a person. Therefore, when it is not harmful for children to know their father's identity, mothers should not conceal that information.

Ideally, even imperfect fathers who may not have been upstanding citizens all their lives may make valuable contributions to the child's psychological well-being. For example, the child's father may have betrayed the child's mother; yet he may be a nurturing, understanding, and accepting father who could provide the kind of care that would enhance the child's development. The child would develop with the confidence that he or she is loved by both parents, even though they do not live in the same home, the same city, or even the same state. Alternatively, the child should be allowed to interact with other male role models.

232. *B.S. v. T.M.*, 782 A.2d 1031, 1037 (Pa. Super. Ct. 2001) (quoting the trial court judge).

233. See *Gary S.S.*, 1999 WL 692100 at *11 (ordering the father to pay 75% of the expense and the mother to pay 25% of the expense).

234. See *COMER & POUSSAINT*, *supra* note 131, at 266.

235. See *supra* Part II.

236. See *supra* Part III.

237. See *supra* Part III.

238. See *supra* Part III.

239. See *supra* notes 29-32 and accompanying text.

240. See *supra* Part IV.

As I wrote this article, I thought of my own father, his contributions to my life, and how they were distinguished from those of my mother. He was a soft-spoken, reserved, and gentle man. He was reliable and dependable. He enjoyed life. Among other gifts, he gave me and my sisters his sense of humor, his tireless work ethic, an unrelenting faith in God, and a love of gospel music. He also helped us to understand the importance of supporting family members, a strong commitment to community service, and a love and respect for all people. His patience knew no boundaries. Furthermore, he instilled in us the value of an excellent credit rating and the economic power that land and home ownership earn.

He fiercely protected my mother and he just as fiercely protected his girls. He taught his four daughters how to be self-sufficient, such as to change tires on cars, to check the oil, and to make minor home repairs. He encouraged us to try just about anything without concerns about stereotypical roles assigned to men and women. He and my mother made great personal sacrifices to ensure that we received college degrees. Best of all, he gave us his name—a name that was and is well respected in our community.

My father did not talk that much, but when he spoke he spoke with authority and great wisdom. We listened. Once when I was telling one of my sisters that I intended to purchase a certain type of vehicle so that I could navigate West Virginia's winding roads, my father overheard the conversation. He said, "[t]hose vehicles have a lot of glass in them. When they roll over, people get hurt." He had enough respect for my judgment that he would not tell me what to do, but in this short and pointed statement, I knew that he was saying that he wanted me to be safe and that I would not be safe in that vehicle. I never gave another thought to purchasing one.

Even when he lived more than two hundred miles away, I knew that he would be there for me whenever I needed him and for whatever purpose. When I called and said, "Daddy, I need to talk to you about something," he never asked me to wait or indicated that something else was more important. He always started by saying, "O.K., baby, what is it?" Together, my mother and my father created an environment that every child needs from his or her parents. We felt safe. We felt loved.

When my father died suddenly, I felt a painful sense of loss. He left a void that no one ever will fill. On the other hand, I was blessed. Unlike so many children, I knew my father. In the thirty-seven years that I knew him, he gave me enough love and wisdom to sustain me for the rest of my life. In a word, like so many fathers who are involved in their children's life, his contributions were immeasurable.