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Facebook message not enough when terminating father's parental rights in Oklahoma

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A Facebook message a woman sent to her former sex partner announcing she was pregnant was not sufficient legal notice to support terminating the father's parental rights, the state Supreme Court ruled this week.

by Randy Ellis Modified: October 19, 2014 at 10:00 pm • Published: October 19, 2014

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"This Court does not believe that attempts to provide notice via Facebook comport with the requirements of due process," Justice Douglas Combs wrote in his majority opinion.

The Supreme Court voted 6-3 to overturn two lower court decisions that had upheld the termination of Billy McCall's parental rights in a Rogers County adoption case.

How much of an obligation a pregnant woman has to seek out and notify an absent father has been a point of contention in some parental rights termination cases.

It's an issue upon which even state Supreme Court justices disagreed.

In a minority opinion, Justice James R. Winchester contended it was the father's responsibility to inform himself of the pregnancy.

"The legislature has clearly pronounced its intent," Winchester wrote. "The duty of the male who has sexual relations with a female is (1) to be aware that a pregnancy might occur and (2) to inform himself. He cannot complacently wait for the female to find him in the event of a pregnancy."

He was joined in his dissent by Justices Steven Taylor and Noma Gurich.

In the majority opinion, Justice Combs noted that even though the birth mother sent the father a Facebook message revealing that she was pregnant and planned to give the child up for adoption, the father testified he didn't see the message until sometime after the child's June 2012 birth.

The trial court judge took the position that when the father actually found out about the pregnancy and birth of the child was irrelevant, contending the legal burden was on the father to determine if he might have fathered a child and to exercise his parental rights.

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This is the reason that Oklahoma has over 11,000 children in DHS custody. People are afraid to adopt. While the story talks about the mother and farther it says very little about the child. Is this child, now going to be taken away from the only parents he or she has ever known and placed with people he or she has never seen?
Every day children go without loving parents, while perspective parents go over seas to adopt. If this had been an argument over something having to do with sports, it would have been decided in a expedited way. But it's a child so the state takes two years.
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by Randy Ellis INVESTIGATIVE REPORTER

For the past 30 years, staff writer Randy Ellis has exposed public corruption and government mismanagement in news articles. Ellis has investigated problems in Oklahoma's higher education institutions and wrote stories that ultimately led to two...

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