

Banning Dads From Delivery Room Deprives Dads of Critical Rights

By Jeffery Leving

A New Jersey Superior Court Judge has just ruled that dads can be blocked from the delivery room, basing his decision on a woman's right to privacy. Specifically, Superior Court Judge Sohail Mohammed ruled that:

“Any interest a father has before the child's birth is subordinate to the mother's interests ... Even when there is no doubt that a father has shown deep and proper concern and interest in the growth and development of the fetus, the mother is the one who must carry it to term.”

He further explained that a fathers' unwanted presence in the delivery room could put undue stress on the mother at the time of delivery and harm the fetus. In his ruling, the Judge failed to limit this decision to only those situations where a mother and child may be in danger and created a blanket ruling allowing women to prohibit a dads' presence in the delivery room *regardless of circumstance*. Mohammed added, “In light of the court rulings, it strains logic to ask a pregnant woman to notify the father when she goes into labor.”

This decision has potentially serious negative implications, striking a legal blow to a father's right to be involved in critical decisions concerning their unborn children and depriving them of experiencing one of life's greatest joys – being present at the birth of their children.

Further, because the decision gives a mother the ability to unilaterally block a child's dad from the delivery room, nothing prevents mothers from making this decision on a whim or out of spite. A mother should not be allowed to callously toss aside a dad's opportunity to be present at the miracle of his child's birth.

Additionally not requiring a woman to even give notice to the father of labor could lead to life-long resentment, bitter custody disputes, and potentially even deprive fathers of a relationship with their children. In Illinois, the putative child registry provides 30 days for fathers to establish their paternity over a child, and protects their parental rights to their children. As a result, a mother cannot legally put up a newborn for adoption without the consent of the biological father. If a mother isn't even required to give notice of going into labor, questions are raised concerning whether that dad will have sufficient notice of the birth to prevent the injustice of having his child adopted without his consent.

While recognizing that patients' privacy rights are critical, and that the health and safety of mothers experiencing stressful and difficult deliveries must be protected, such a broad decision tramples on critical fathers' rights and must not be allowed to stand.