



Ohio Supreme Court Uphold's Father's Rights

The Ohio Supreme Court on July 22, 2010 issued a ruling that breathes life into the rights of biological fathers.

The case involved Susan Tuttle, who conceived a child with Gary Otten (at the time, Susan was married to Jeremy Tuttle, but they soon divorced.) DNA tests determined that Gary Otten, not Jeremy Tuttle, was the biological father of the child. That made Otten liable for child support, as has been the case for several decades. Otten thought such a decree should also grant him rights, as well as responsibilities. He filed a petition a year after Susan Tuttle divorced Jeremy Tuttle and asked the court to establish his paternity and grant him rights of visitation.



Susan Tuttle, however, soon married Kevin Crooks and sought to have her new husband adopt her child by Otten. That would have required the termination of Gary Otten's parental rights to his child. The Ohio Supreme Court disagreed with this action, and its dicta shows a change in judicial thinking about fathers, to wit: "The right of a natural parent to the care and custody of his children is one of the most precious and fundamental in law" and "few consequences of judicial action are so grave as the severance of natural family ties" and "the State has no legitimate interest in termination unless the parent is unfit."

There appears to have been no evidence or even allegation that Gary Otten was unfit. Indeed, undertaking on his own an action to establish his paternity (and exposing him to liability for child support) belies the notion that Otten did not care for his child. What is shocking — if we can pull back from our "modern" moral system — is that Susan Tuttle, while married to Jeremy Tuttle, would have an affair and bear a child from Gary Otten, then divorce Tuttle and marry a third "father," Kevin Crooks. Her behavior seems much worse than the three men involved, and yet the idea of terminating her parental rights for unfitness never seems to have been considered.

The nuclear family, so much despised by secular social planners, remains — as it has for thousands of years — an essential building block for a decent and civil society. When it dissolves, however, the father of a child should have legal equality with the mother. That has not been the case during the last 40-year reign of feminism. Perhaps, now, the pendulum is swinging back. It is best for all if that happens. Sometimes mothers are the best parents and sometimes fathers are. Usually children thrive with both parents — meaning biological parents — in the home. Leveling the playing field for fathers will encourage us all to follow the wise maxim: Marry in haste and repent at leisure.



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