

*BMJ* 1994;309:1519 (3 December)

## Baby Richard

Last June the Illinois Supreme Court ruled that a 3 1/2 year old boy was to be taken from his adoptive parents and handed over to natural parents whom he had never seen. Although the decision caused an outcry, the case was complicated enough to defy the wisdom of King Solomon himself.

It all began in June 1990, in Chicago, when the boy's mother became pregnant while living with her boyfriend. Later the couple had a fight, and during the boyfriend's absence the young woman moved out to a shelter. She had the baby in March 1991 and put him up for adoption with a suburban family four days later. In May the boyfriend returned and filed for custody, claiming he had been told that the baby had died.

The couple married in September, which marked the beginning of a protracted legal battle. At first two echelons of lower courts upheld the adoption, saying that the father had failed to claim the child within the 30 days prescribed by law. Then in June 1993 the Illinois Supreme Court overturned these decisions, holding that the rights of natural parents had precedence.

At this stage the governor of Illinois took the unusual step of intervening. He said that the decision was a dark day for justice and human decency, and that it was terribly wrong to tear this young boy away from the only parents he had ever known. "Frankly, I cannot imagine how the judges who prevailed in this case will be able to sleep at night."

The chief judge retorted that such cases cannot be decided by "the public clamor generated by irresponsible journalism," and suggested that the governor and the members of the legislature should return to the classroom and retake Civics 101. As he refused to reverse his decision, the legislature passed a law requiring that a special hearing be held to consider the child's interest whenever an adoption is revoked on appeal.

By now the newspapers expressed outrage that it had already taken the courts three years to resolve this case. The natural father's lawyers said the governor's intervention was politically motivated, this being an election year. The father himself said he would deny the adoptive parents visitation rights after recovering his boy. Then the case was appealed to the US Supreme Court and meanwhile the Illinois court decided that pending a decision the boy was to stay with his adoptive parents. Three more months went by. At last in November the US Supreme Court announced it was not going to get involved and returned the case to the state courts. Under the new Illinois law a hearing is now required, which itself could drag on for months, but meanwhile the natural parents are contesting this law as unconstitutional and not applicable retrospectively.

All this time the boy has been told nothing of the dispute and his identity has been concealed to protect his privacy, so that he is known to the public only as Baby Richard. His adoptive parents say they have travelled to Chicago more than 50 times to meet with lawyers and have seen more court rooms than they can remember. Their elder son keeps wondering why this is happening and has asked if perhaps the president could do something. Meanwhile the parents continue their bitter fight in the courts, perhaps forgetting that--as one is reminded at Indian weddings--children are only lent to them and that they do not own them.