this interest is concerned, we should note that it is likely that children born following the performance of abortions have a statistically greater likelihood of being born with or developing medical problems requiring significant treatment. That treatment can be complicated to the extent that basic decisions must be made by a parent or parents who may be either ambivalent with respect to the child or altogether uninterested in the child's welfare or survival. Being of the view that the interest which we have identified is a legitimate one and that it is reasonably furthered by the provisions of House Bill 1065, we must advise that any challenge to the constitutionality of this provision as applied in the ordinary circumstance would in all probability fail and in any event would best be left to the courts. Having expressed that view as to the facial validity of the statute, we turn now to the one type of situation which causes us extremely serious concern relative to this provision.

By providing that both parents will lose their parental rights and responsibilities if neither of them agrees to accept those rights and responsibilities within thirty days of the birth of the child, the bill establishes this consequence without requiring that one or both parents have received actual notice that the fetus has been born alive following the performance of an abortion. While, obviously, the mother will be aware of the performance of an abortion in every instance and while, presumably, she will be informed if the fetus is born alive, it is not nearly as certain that the father will be so advised. While, presumably, the father would be fully informed in the vast majority of situations, it is possible that he will not be aware at the time that an abortion has been performed and it is equally possible that, while aware of the performance of the abortion, he will not be informed of the fact that the fetus has been born alive.3 While it may be true that in the vast majority of cases both parents will have the full knowledge necessary to enable them to act within thirty days, we cannot ignore the situation where this will not be the case.

In Stanley v. Illinois, 405 U.S. 645 (1972), the Supreme Court invalidated an Illinois statute providing that the children of unmarried fathers became wards of the state upon the death of the mother. This statutory scheme established a presumption that an unwed father was an unfit parent. The presumption could only be rebutted collaterally through adoption or guardianship proceedings in which the father would be accorded no special status relative to the child notwithstanding the fact that he was undeniably the child's father. The Supreme Court found that this presumption, which distinguished and burdened all unwed fathers, denied Mr. Stanley and those