A healthy, positive and ongoing relationship with a father, father figure or male role model is a critical aspect of every young person’s development. Successful fatherhood has been linked to improved physical and mental health, self-esteem, gender identity, responsible sexuality, and financial security for children. In contrast, children in father-absent homes are more likely to experience poverty at an early age, be suspended or drop out of school, perform violent crimes in adulthood, and commit suicide as adolescents.

In order for children in the child welfare system to experience the benefits that come with having an involved father, these men need to be identified, located, contacted and engaged. Many practices within the child welfare system prevent or limit father involvement in their children’s cases. A 2006 Urban Institute report, *What About the Dads?*, looked at nearly 2000 child welfare cases, and found that although 88% of fathers’ names were in the case files, only 55% of fathers had been contacted by the agency and only 30% of fathers had visited their children since placement. The report also indicated that 50% of non-resident fathers who had been contacted (28% of fathers in the study) expressed interested in having their child live with them, yet placement with the father was the goal in only 4% of cases.

Higher levels of non-resident father involvement in child welfare cases, however, have been linked to a greater likelihood of reunification, fewer subsequent allegations of child maltreatment and faster resolution of cases. With these outcomes in mind, this article explores the current obstacles hampering non-resident father involvement in the child welfare system and offers guidance, policy and practice tips to effect change.

**Individual Obstacles to Engaging Non-Resident Fathers**

**Gender Biases:** Gender biases within the child welfare system reinforce the stereotypical notion that the mother should serve as a child’s primary caretaker. Historically, fathers were held responsible for any family problems and traces of this legacy have lingered in current practice. Non-resident fathers are often not appointed counsel at the initiation of proceedings, not aggressively sought out by caseworkers, and viewed as mere “back up” placement options if reunification fails.

Gender biases have the most significant impact at the beginning of the case, when attempts to locate a non-resident father may be superficial or altogether absent. The *What About the Dads?* report found that only 55% of non-resident fathers were contacted by the assigned caseworker compared to 100% of non-resident mothers. Indeed, it is not uncommon for overburdened systems to move forward in a case without the father’s participation.

**The Mother’s Role:** Mothers may also prevent or limit a non-resident father’s engagement in a child welfare case. Some mothers are not certain of the biological father’s identity; others may be unwilling to divulge this information because of ongoing discord, fear of physical or emotional reprisal, hesitancy to disrupt an existing informal support agreement, or a desire to protect the father from court involvement. A mother’s assertion that the father’s identity or whereabouts are unknown is often taken at face value, with little or no effort made to verify the claim or check other resources.

**Father’s Circumstances:** Although there are some fathers who do not want to be involved in their child’s case, many non-resident fathers want to engage but face personal challenges that prevent their complete participation. Some are indigent and lack a permanent phone number, making it difficult for agency workers and advocates to contact them. If contacted, some fathers may be reluctant to engage in the court process because they have other legal issues or problems (such as unpaid bills, child support, outstanding warrants, uncertain immigration status or drug use) and do not want to place themselves at risk. Some lack financial resources and evade communication with the system, fearing child support obligations, fees for services that they cannot afford, or responsibility for sibling children who are not their own.

Furthermore, for many fathers, incarceration presents a barrier to spending time with their family and developing a close relationship with their children. Despite the growing number of fathers held in prison facilities, there continues to be little involvement of these men in their children’s cases. Incarcerated fathers are easily overlooked by system workers, despite their due process interests in the case and potential to maintain or establish a relationship with their children. Even a father facing a lengthy prison term may be able to positively influence a child’s life through visits, letters, connections to paternal relatives, and by sharing family history.

Although some jurisdictions may arrange for an incarcerated parent to be transported to a hearing, fathers in out-of-state or federal facilities are less likely to be afforded this opportunity. Most states and child welfare agencies do not have clear policies about involving incarcerated fathers in hearings and casework; lacking written mandates, incarcerated fathers are easily overlooked by system workers, despite their due process interests in the case and potential to maintain or establish a relationship with their children. Even a father facing a lengthy prison term may be able to positively influence a child’s life through visits, letters, connections to paternal relatives, and by sharing family history.

Interpreters are not always provided during court appearances, and even fathers who are proficient in English may not have the capacity to understand legal jargon. They may also be given court orders, referrals to services and other documents they cannot read and therefore cannot act upon. When attorneys and caseworkers are not cognizant of and responsive to this issue, non-English speaking and non-literate fathers are rendered powerless in the court process.

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Institutional Barriers to Engaging Non-Resident Fathers

Court Practices and Policies that Inhibit Engagement: A variety of institutional practices and policies act as barriers to non-resident father engagement. For instance, when caseworkers are only required to conduct an initial search for a child’s father, this reduces the chances of locating him. Policies that encourage ongoing searches – including those that call for methodically raising the issue at subsequent hearings – increase the likelihood of contact. However, non-resident fathers may not be included in case planning or family group conferencing sessions unless there is a legal obligation or official policy that requires it.

Non-resident fathers living out-of-state face additional hurdles in child welfare cases because of the Interstate Compact on the Placement of Children (ICPC). Ironically, while an in-state father must be deemed abusive or neglectful in order to lose his parental rights, a responsible and interested out-of-state father can fail an ICPC home study for something as simple as a crowded home. There is no presumption of fitness in the ICPC, so the burden is on the father – not the state – to prove he is capable. However, courts are split as to whether the ICPC applies when the potential placement is with a birth parent, so lawyers for non-resident fathers in certain jurisdictions may be able to avoid this hurdle.

Limited Interagency Collaboration: When child welfare offices fail to collaborate with other local child serving agencies, there is diminished opportunity to locate and engage non-resident fathers. Child support registries, for example, can be an important resource for locating a non-resident parent. However, many caseworkers cannot access them or are not trained to use them. Employment services, veterans’ affairs offices and the penal system could also help locate and engage fathers if more partnerships were forged. For example, a majority of states can locate state inmates via the National Victim Notification Network’s website—www.vinelink.com. This resource can help agencies easily track down an incarcerated non-resident father.

Federal and state parent locator services associated with child support cases are also underutilized by agency staff: one survey of unknown, non-resident father cases found that workers had made referrals to parent locator services only 20% of the time. Another study revealed that even when a father’s identity was confirmed, 63% of caseworkers had not made any contact with him in the last six months. Investigating caseworkers often proceed with the case on the assumption that the non-resident father has voluntarily abandoned his child and thereby abdicated his parental rights.

Lack of Gender Responsive Services: Court procedures and supportive programs offered through child welfare agencies are seldom tailored to meet the needs of non-resident fathers. Working non-resident fathers may have trouble attending daytime court hearings and services because they cannot continually take time off from work. For unemployed fathers, job training and placement is a crucial but often overlooked dimension of services. These lapses in services have a range of negative ramifications: unemployment not only brings financial instability, but can also be linked to “emotional disengagement” between the father and his child.

Additionally, programming offered to non-resident fathers must be designed according to male psychology and learning styles. Peer support from other fathers is the key to successful father involvement programs. Drug treatment and other services for non-resident fathers that are gender-specific can also help, although they are often not available. The lack of male caseworkers in the child welfare system may also contribute to a father’s sense of alienation from the process. Finally, there is a dearth of residential substance abuse facilities for fathers living with their children.

Legislative Barriers: A state’s statutory framework can prevent non-resident fathers from participating in child welfare cases. Many jurisdictions, for example, operate under the assumption that reunification with the custodial parent should be the first and best placement plan. In effect, the non-resident father is given less deference for placement even though he maintains the same legal rights and biological connections to the child as the mother. Additionally, a non-resident dad who has not been established as the “legal” father may not fit within a narrow statutory definition of “parent,” excluding him from the child welfare process altogether.

Furthermore, non-offending fathers do not necessarily receive custody of the child when the mother is adjudicated as unfit. Some state courts have held that the state can assume temporary custody of a child if only one parent is found to be abusive or neglectful. In such jurisdictions, children are routinely placed in foster care despite the fact that they have an able parent willing to care for them. Legislative reform is needed to ensure that non-resident fathers will be afforded their due process rights and be duly considered during child welfare proceedings.

Allison Green
This is the first part of a two-part article developed by The National Quality Improvement Center on Non-Resident Fathers and the Child Welfare System (QIC). For more information about the QIC and other available resources, visit www.fatherhoodqc.org.

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Policy and Practice Reform to Engage Non-Resident Fathers in Child Welfare Proceedings (Part 2)

This article is the second part of a two-part series on reform to engage non-resident fathers in child welfare proceedings. The first part appeared in the August 2008 issue of Child CourtWorks and addressed individual obstacles and institutional barriers to engaging non-resident fathers. This part provides specific suggestions for improvement of the system.

Steps for Improvement
Court systems, child welfare agencies and legal and child welfare professionals can take a number of actions to ensure that non-resident fathers are consistently and meaningfully engaged in child welfare cases, while preserving child safety.

Lawyers for non-resident fathers can …

- Refuse to rely on second-hand assertions that the father cannot be located. Do your own searches if needed. Ensure that the child welfare agency is conducting a diligent, thorough search as well.
- Obtain a clear understanding of the client’s desired outcome and request all of the client’s contact information at the outset of the case. This will be extremely valuable if there is later difficulty locating the client.
- Pursue collateral legal actions, such as establishing paternity.
- Be aware of local supportive agencies, including substance abuse treatment, mental health and employment services, and fathering support groups. Follow up with the caseworker to make sure your client is accessing necessary services. Work with your client and the agency to overcome any barriers to use of services (i.e., cost, transportation).
- Be cognizant of cultural norms: a “hands-off” father is not always an irresponsible one.
- Propose that non-resident fathers be permitted to care for their children while mothers are in treatment.
- Argue for “no reasonable efforts” findings if the non-resident father or paternal relatives were available, but not explored, as placement options or if the non-resident father was not provided with services needed to become a resource for the child.

Children’s attorneys, guardians ad litem and Court Appointed Special Advocates can …

- Explore whether a non-resident father or paternal relatives could serve as a placement option for the child.
- If placement is not possible, encourage visitation, counseling or other services that will help restore and maintain a child’s healthy connection with the father and father’s family.
- If seeking an adoption, see if the father will voluntarily relinquish his parental rights in support of that plan.
- Try to obtain a family history from the father that may be useful for the child later in life (including medical information).
- Ask whether the father has children from other relationships; if so, investigate whether the child would benefit from these sibling connections.
- If the goal is reunification with the mother, request concurrent planning to allow the father or paternal relatives to work towards custody if reunification is not successful.

Caseworkers and child welfare agencies can …

- Insist that mothers provide fathers’ names and provide leads to fathers’ location and identification.
- Provide comprehensive training to caseworkers on the benefits of non-resident father involvement and various search techniques (such as Parent Locator Search software).
- Utilize culturally sensitive support services designed to engage fathers and offered at hours that can accommodate various work schedules.
- Address issues of domestic violence and avoid gender assumptions on this issue. If needed, offer safety planning for fathers who were victims of domestic violence and are now seeking to reengage.
- Investigate and engage paternal relatives who could serve as resources or placement options for the child.
- Implement policies that require ongoing attempts to search for and locate non-resident fathers.
- Implement policies that ensure non-resident fathers and paternal relatives are involved in the case planning process, mediation and family team meetings.

Courts and judges can …

- Permit long-distance telephone testimony during hearings, or order the agency to pay for father’s travel to court when necessary.
- Offer legal document translation and interpreter assistance in the father’s native language.
- Advocate for dependency courts to be afforded greater jurisdiction over other family law matters (e.g. unified family courts) when needed to help resolve paternity, civil custody, child support and other issues related to fathers’ rights.
- Undergo training to eliminate gender biases and understand the benefits of non-resident father involvement.
- Establish court rules, policies and procedures that require judges, on an ongoing basis, to question whether non-resident fathers have been located and notified of proceedings.

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Help mothers remember identifying details about the father by asking questions about the father’s personal history, his relatives, and their whereabouts. Have mothers who say they do not know the father’s identity sign an affidavit to this effect.

Legislators can propose laws that …

- Require notice for all types of parents and do not contain a preference for the former custodial parent after that parent has abused or neglected the child.
- Encourage family group decision-making.
- Require ongoing attempts to find non-custodial parents.

Conclusion

Numerous policies and procedures exclude non-resident fathers from child welfare cases. Through improved training, legal representation, policies, programming and legislative advocacy, child welfare systems can take practical steps to eliminate gender biases and enhance fathers’ active participation in cases. Many of these fathers are untapped resources whose healthy engagement in the process will inevitably yield more positive outcomes for children in care.

Allison Green

This is the second part of a two-part article developed by The National Quality Improvement Center on Non-Resident Fathers and the Child Welfare System (QIC). For more information about the QIC and other available resources, visit www.fatherhoodqic.org.

Resources


QIC Intervention Projects

In 2006, the Urban Institute released What About the Dads?, a report showing that child welfare agencies too often fail to contact and engage non-resident fathers. Children in care subsequently suffer reduced emotional, financial and social support and have fewer permanency options. In response, the U.S. Department of Health and Human Services created the National Quality Improvement Center (QIC) on Non-Resident Fathers and the Child Welfare System. The QIC has collected data on the impact of non-resident fatherhood on childhood outcomes and is funding four projects that will test proposed interventions for increasing engagement. The collaborating programs are:

- Indiana Department of Child Services in Indianapolis, IN, and Indiana Fathers and Families Center
- Division of Children and Family Services in King County, WA, and Divine Alternatives for Dads
- El Paso County Department of Human Services in Colorado Springs, CO, and Center on Fathering
- Texas Department of Family and Protective Services in Tarrant County, TX, and Fatherhood Coalition of Tarrant County

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Nonresident Fathers


