



Policy and Practice Reform to Engage Non-Resident Fathers in Child Welfare Proceedings (Part 1)

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 interest 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 left out of the decision making, case planning and service delivery processes.

Finally, language and literacy barriers can hinder non-resident fathers' involvement in the court process. 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. Moreover, 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.

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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.fatherhoodqic.org.



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