



## 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](http://www.fatherhoodqic.org).

#### Resources

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### 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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*Child CourtWorks* is published bimonthly by the National Child Welfare Resource Center on Legal and Judicial Issues, a service of the Children's Bureau. This publication is made possible through a grant from the Children's Bureau, US Department of Health and Human Services. The views expressed herein have not been approved by the House of Delegates or Board of Governors of the American Bar Association or by the Children's Bureau and should not be construed as representing the policy of either.



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**on Legal and Judicial Issues,**  
a service of the Children's Bureau  
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