Engaging Fathers in Child Welfare Proceedings
April 2011
Annapolis, Maryland

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The Importance of Father Engagement: The Facts of Father Absence

- In 1960, 8 million children lived in father-absent homes
- Today, over 24 million children live in homes without their fathers

- 1 out of 3 children nationally live in father-absent homes
- 2 out of 3 African American children live in father-absent homes

Proportion of Children in Father-Absent Homes
All data is from “The Living Arrangements of Children,” U.S. Census Bureau, 2005.
The Effects of Father Absence

COSTS

Children of father-absent homes
- 5 times more likely to live in poverty
- 3 times more likely to fail in school
- Two times more likely to develop emotional or behavioral problems
- Two times more likely to abuse drugs
- Two times more likely to be abused and neglected
- Two times more likely to become involved in crime
- Three times more likely to commit suicide

BENEFITS

Children with involved dads
- Better cognitive outcomes even as infants
- Higher self-esteem and less depression as teenagers
- Higher grades, test scores, and overall academic achievement
- Lower drug/alcohol use
- Higher levels of empathy & pro-social behavior
How Have We Done in Getting Fathers Involved in Child Welfare Cases?
Almost 2,000 children removed from homes where the father did not reside

- 88% Agency has identified the father
- 55% Agency made contact with father
- 30% Father has visited child
- 28% Father expresses interest in child living with him


• Involvement by nonresident fathers was associated with more reunifications and less adoptions
• There was no aggregate association between child welfare agency contact with nonresident father and subsequent allegations of maltreatment
• Higher levels of nonresident father involvement associated with substantially lower likelihood of later maltreatment allegations
• Highly involved nonresident fathers’ children exited foster care more quickly
The Importance of Father Involvement

- Studies specific to families involved with the child welfare system have found:
  - Involvement by nonresident fathers associated with more reunifications and fewer adoptions
  - Higher levels of nonresident father involvement associated with substantially lower likelihood of later maltreatment allegations
  - Highly involved nonresident fathers’ children exited foster care more quickly
  - Children who had contact with a non-custodial parent in the last year were 46% less likely to enter foster care
Maryland’s Jan. 20010 CFSR Findings Regarding Non-Custodial Fathers

- The State was not consistent in assessing and meeting the needs of children, foster parents, mothers, and fathers.
- There were multiple barriers to achieving timely TPR, including a lack of effort on the part of DHR/SSA to identify absent parents, particularly fathers, early on in cases.
• The agency did not make concerted efforts to promote visitation with the father
• The agency did not make concerted efforts to support the relationship with the father
• There was an inadequate agency assessment of fathers’ needs
• The agency did not provide appropriate services to address fathers’ needs
• It also was determined that fathers received fewer services than did children, mothers, and caregivers.

• Agency caseworker visits with fathers did not focus on issues pertaining to case planning or service delivery.

• Fathers were involved in agency case planning in only 29% of the 45 cases reviewed.
9 Ideas for Overcoming Legal Barriers to Non-Custodial Father and Paternal Kin Engagement for Children in Foster Care

1) Assure that there is state statutory language or (in the absence of a law) state policy/procedure requiring prompt action to identify, locate, contact, and engage NCFs (Note: federal law is now clear that this must be done)

2) Address local systemic biases against involving non-resident fathers in child welfare cases, particularly where the father was not, or was minimally, involved in the child’s life before the case’s inception
3) Don’t “stereotype” dads and inappropriately use the “family or domestic violence” exception to providing fathers and paternal kin with notice of their child’s foster placement, as permitted by the 2008 federal *Fostering Connections Act*

4) Address mothers’ inability or unwillingness to identify or help locate the non-resident father

5) Target new resources for conducting adequate *and ongoing* diligent searches for NCFs and paternal relatives

6) Address father fears of sanctions when coming forward, especially being “socked” with past and new child support obligations
7) Assure *early appointment* of attorneys for all parents, including non-custodial fathers

8) Assure that parents’ attorneys do not have inordinately *high caseloads*, and that they receive *adequate compensation* for diligent representation that follows ABA Practice Standards

9) Take advantage of new specialized *training* developed by ABA on representing non-custodial fathers (see my last slides)
A Common Concern We Hear: *Fathers Needing to “Jump Through Hoops” to Perfect Their Rights*

Some states will compel both parents (not just the parent committing the abuse/neglect) to fully engage in mandated services and even mandated substance abuse testing, even when there’s a fit, non-offending non-custodial father, with no history of substance abuse, who requests custody.

Also, some out-of-state fathers seeking custody have found themselves subjected to home study scrutiny and other delays related to the Interstate Compact on the Placement of Children (ICPC).

But, does the ICPC apply to an out-of-state dad?
Best Practices

• Identify and Locate Fathers Early
• Use Family Group Conferences/Family Team Meetings
• Encourage Visitation and Case Planning
• Understand Male-Help Seeking/Learning Styles (particularly important because most caseworkers, and CASAs, are female)
Understand Male-Help Seeking/Learning Styles

• Men and women learn and seek help differently

• These differences should not cloud objective assessments of the father’s interest, capacity or ultimately what is in his child’s best interest
Male Help Seeking

- Men are often:
  - Action-oriented
  - Future-focused
  - Less likely to seek help
  - Unlikely to dwell on emotions
  - More likely to engage in physical play with children (which research has shown to help children regulate feelings and behaviors better, and teach them self-control)
  - Sensitive to power and respect issues (i.e., make sure he understands your role in the case)
Identifying and Locating the Dad
Identify and Locate Fathers Early

• If you don’t…
  – It prevents the child from maintaining or establishing an important connection with a parent
  – It may prevent the child from maintaining or establishing connections with paternal relatives
  – It deprives the child, court and parties of important information about the father’s, and his relatives’, capacity to parent or be involved in the child’s life
  – It may delay permanency for the child if adoption is the goal
• Advocates should get Judges to:
  – Ask the mother and other relatives (possibly under oath or via an affidavit) about the father’s identity and location at the first hearing
  – Explain to the mother the importance of establishing paternity early
  – Require paternity testing where there is a question about who the biological father is (and ensure the agency pays for it)
  – Be clear in court orders once paternity and “legal” fatherhood is established
From the “Extreme Recruitment” project of the St. Louis Foster & Adoptive Care Coalition (at www.foster-adopt.org)

**Time Magazine**
1/10/11 story on this project’s work: www.time.com/time/magazine/article/0,9171,2040212,00.html
– Request, at every hearing, information about progress being made to identify/locate the father and/or **establish paternity**
– Consider imposing deadlines for searches or filing affidavits detailing search efforts
– Make sure the record reflects efforts being made to locate the father
Locating The Father

- Use Fed’l & State Locator
- Send a letter to the last known address
- Send letters to any of the client’s relatives
- Consult the phone book covering the area of the last known address
- Consult web sites that focus on addresses and phone numbers
- Consult the state Department of Revenue to determine if it has an address for the father on file
- Search public records (DMV, SSA, courts)
- Review the agency’s file for details that could lead to the client or other information sources (and contact any friends or relatives who may be able to put you in touch)
- Check the Federal Bureau of Prisons inmate locator
- Ensure that the agency is pursuing these options
Establishing Paternity
• **Social workers should be encouraged to:**
  – Interview the mother, child and other relatives about the father
  – Use information gathered at court to conduct a diligent search
  – Check child support enforcement records, prisoner locator services, DMV, Social Security, etc
  – Get copies of birth certificates
  – Continue search efforts until father is found
  – Talk to the mother about the importance of father involvement (*the judge can do this too!*))
Children’s attorneys/CASAs should:

– Remind the agency to continue its efforts to find the father
– Request in your court reports and in-court advocacy that the judge inquire about the father’s whereabouts at every hearing
– Ask the child about their dad and relatives on their dad’s side
Encourage Visitation

- Judges should be encouraged to:
  - Determine what the child's relationship with the father has been and how frequently they saw each other before court proceedings commenced
  - Encourage frequent visitation (unless it would harm the child)
  - Consider allowing other family, mentors, friends or siblings to be present during visitation (particularly if the father has limited experience with the child or with parenting)
  - Consider asking the social worker to report back to the court regarding how visits have gone and the connection/bond between father and child
  - Encourage, and seek to facilitate, visits with incarcerated dads (where appropriate)
• Social workers should be encouraged to:
  – Be flexible about the timing of visits with the dad (particularly for dads who work)
  – Understand how fathers interact differently with their children than mothers
  – Consider having visits take place outside of the agency’s offices
  – Allow friends, mentors, family members to participate in the father-child visits
Encourage Case Planning

- Judges should be encouraged to:
  - Find out why the father is not appearing in court and try to overcome barriers (Transportation? Time of hearings? Incarceration?)
  - Ensure the agency includes the father in case planning and “family group” meetings
  - Require a service plan be developed for each of the parents
  - Examine whether services required in the service plan are “father-friendly”
Social workers should be encouraged to:

- Develop case plans that address services or needs of both parents to successfully reunify with the child or be positively involved in the child’s life in other ways
- Consider fathers and their relatives as placement resources
- Invite fathers and their relatives to case review meetings and staffings
- Offer services that are specific to the father’s needs
- Use family group meetings to help engage fathers and paternal relatives
Protecting Children When There’s a History of Domestic Violence

• Assure that the child welfare agency carefully and thoroughly explores allegations of domestic violence, by reviewing information from multiple sources including, but not solely, the parent (and/or child) alleging abuse

• Ensure, if domestic violence has been alleged, that appropriate assessments are conducted to determine whether and to what degree danger exists, and then require that a safety plan be created for the victims

• Be willing, if a history of domestic violence is established, to consider supervised visitation that can later be eased if required services are met, behaviors change, and safety allows
Explaining Fathers’ Rights and Responsibilities
Tips for Engaging Dads

• Judges should be encouraged to:
  – Reaffirm the importance of fatherhood to dads and moms who come before them
  – Ensure required services are appropriate and meet reasonable efforts requirements (e.g. dads going to all female parenting classes?)
  – Appoint counsel for dads as soon as possible to give them a voice in court

• Children’s attorneys/CASA should:
  – Be clear about their role and who they represent
  – Assess both mothers’ and fathers’ capacity to parent child equally (as well as their relatives)
Engaging Dads
Eight Important Areas for Non-Custodial Father Federal and State Legislative and Policy Reform

From five years of work on the National Quality Improvement Center on Non-Resident Fathers and the Child Welfare System, we now know a lot about what changes in law and public policy would help non-custodial dads whose children are involved in the foster care system...
1. Speed CPS Identification of the Non-Custodial Father

- Do this as close to the time of initial report as possible
- Have CPS Intake Forms always ask for father information
- Quickly determine his whereabouts
- Make sure written notice of his child’s placement gets to him and his parents, fast
- Have child welfare agency pay for quick paternity tests
2. Consider Him, and *His* Relatives, a Potential Alternative Placement

- Have policy recognizing that dad (or his family) may be a safe placement for the child that could *avoid other placements* and help end the need for the child welfare case
- Provide for quick safety assessments in this situation, and don’t make dads jump through unreasonable “hoops” to get custody
3. Hold More Family Team or Group Decision-Making Meetings *With Him*

- Don’t do it if dad’s involvement would present a clear danger to mother or child
- If paternal kin express interest in the child, help get them to these meetings
- Recognize *in policy* that father and paternal kin involvement may help successfully facilitate mediated case resolutions
4. Assure Domestic Violence Allegations are Properly Addressed

- Don’t put mother and child at serious risk of harm
- Have a clear policy about what to do when dad presents clear safety hazard because of a violent background
- But don’t let *one unproven allegation* completely eliminate consideration of dad as either a placement or as on-going resource for his child
5. Have a Policy on Foster Care & Incarcerated Dads

- Get information fast on where he’s incarcerated (jail, state prison, federal prison, immigration custody)
- Give him a chance to participate in court hearings concerning his child & to have visits with his child if he wishes
- Make father Involvement/reunification services generally a part of each child’s case plan
6. Have **Accountability** for Meeting the 30-Day Federal Law Notice Requirement

- Make child welfare agency compliance with this *Fostering Connections Act* provision a priority in data collection and analysis
- Have a policy on how caseworkers and the court will respond when the dad or paternal kin come forward to help, after receiving their written notice
7. Assure Dads Get Good Lawyers (and Moms too!)

- Make court appointment of a lawyer happen as soon as the child’s case first comes to court (ideally, day of petition)
- Have a specific training program for lawyers who receive court appointments to represent dads
- Appoint an attorney for any dad who comes forward, even before his paternity is firmly established – and even for dads who have not yet been located
8. Support Ways for Courts to Better Engage Dads and Paternal Kin

- Use the very best tools to help orient judges towards doing the right thing for dads and their relatives
- Put training on non-custodial father issues on the agenda of judicial education programs
- Address, in the law, issues related to dads who live “out of the jurisdiction”, are deployed by the military, are immigrants, or who reside in another country
Coming soon to judges everywhere…
Already available…

This book for lawyers may be downloaded for free from QIC website at:

www.fatherhoodqic.org/advocating%20for%20non-resident%20fathers%20book.pdf
Advocating for Non-Resident Fathers in Child Welfare Court Cases
A Training Curriculum

Training Curricula for Lawyers Includes Instructor’s Guides, Power Point Slides, Handouts, and Post-Training Tests

Entire content available on CD-ROM

Checklists for fathers’ lawyers are also available at:
www.fatherhoodqic.org/checklists.shtml