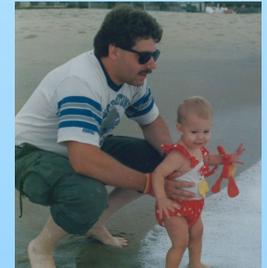




September 25, 2010

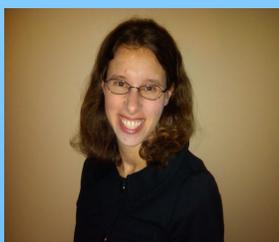
07:00-08:00.....Millennium Hall
Breakfast/Discussion Table Topics

- 3 Month Reviews
- Family Group Decision Making
- Family Finding
- Family Development Credentialing
- Collaboration—Best Practices
- Children’s Roundtable—Best Practices
- Data/CPCMS
- Fatherhood Inclusion
- Legal Representation Education
- Truancy
- Disproportionality
- Shared Case Responsibility
- Needs Based Plan & Budget
- Working with Incarcerated Parents



08:00-09:00.....Millennium Hall
Fatherhood: Creating a Culture of Inclusion

Guest Speakers: Ron Clark, Director, National Fatherhood Initiative, American Human Association
Jessica Kendall, Assistant Staff Director, American Bar Association Center on Children and the Law



Non-resident fathers often face unique challenges when a child enters state care as a result of abuse or neglect allegations. This session will examine issues faced by non-resident fathers and explore strategies for overcoming barriers and creating a culture of fatherhood inclusion in case planning and the court process.

Meaningful engagement of fathers will enhance resources for children, as fathers and paternal relatives serve as placement options, provide youth with extended family connections and provide financial, emotional and other supports.

09:00- 9:15.....Break

09:15-10:00.....Millennium Hall
Panel Discussion

Moderator: Honorable Kim Berkeley Clark, Allegheny County Court of Common Pleas

- Honorable George P. Hartwick III, Dauphin County Board of Commissioners
- Honorable Craig Miller, Clinton County Court of Common Pleas
- Jennifer Sobjak, Casework Supervisor, Clinton County Children & Youth
- Mike Angelelli, Solicitor, Clinton County Children & Youth



10:00-11:30.....various
Team Planning Time

Millennium Hall
Commonwealth A1
Commonwealth A2
Congress B
Congress C
Congress D

11:30-12:00.....Millennium Hall
Review of the 2010 Pennsylvania Children's Roundtable Summit

Facilitator: Frank Cervone, Executive Director, Support Center for Child Advocates

12:00-12:30.....Millennium Hall
Closing Remarks

Mr. Justice Max Baer, Supreme Court of Pennsylvania



Breakfast Discussion Table Topics & Facilitators

3 Month Reviews

Honorable Maria Musti-Cook
York County Judge

Sue Cohick
Dauphin County CYS Administrator

Family Group Decision Making

Honorable Jolene Kopriva
Blair County President Judge

Peter Vriens
Dauphin County Human Services Director

Family Finding

Honorable Carol Hanna
Indiana County Judge

Keith Hayes
Chester County CYS Administrator

Family Development Credentialing

Honorable Maureen Skerda
Warren/Forest Counties President Judge

Maryanne Burger
Blair County CYS Administrator

Collaboration—Best Practices

Honorable Michael Sholley
Snyder/Union Counties Judge

Marc Cherna
Allegheny County Human Services Director

Children's Roundtable—Best Practices

Honorable Kenneth Valasek
Armstrong County Judge

Rose Weir
Snyder County CYS Administrator

Data/CPCMS

Honorable David Wecht
Allegheny County Administrative Judge

Wendy Hoverter
Cumberland County CYS Administrator

Fatherhood Inclusion

Honorable Kim Berkeley Clark
Allegheny County Judge

Legal Representation Education

Honorable Kelly Streib
Butler County Judge

Truancy

Honorable John Kuhn
Adams County President Judge

Cindy Stoltz, Esq.
Allegheny County Children's Court Administrator

Disproportionality

Honorable Oliver Lobaugh
Venango County President Judge

David Schwille
Venango County Human Services Director

Annemarie Ambrose
Philadelphia County DHS Commissioner

Shared Case Responsibility

Honorable Carol Van Horn
Franklin/Fulton Counties Judge

Brian Mowrey
Jefferson County CYS Administrator

Needs Based Plan & Budget

Honorable Todd Hoover
Dauphin County President Judge

Bill Browning
Lackawanna County CYS Administrator

Working with Incarcerated Parents

Honorable Kevin Dougherty
Philadelphia County Administrative Judge

Lynne Rainey
Bucks County CYS Administrator

Engaging Fathers in Child Welfare Proceedings

September 2010
Philadelphia, PA

Ron Clark and Jessica Kendall



Session Overview

- QIC on Non-Resident Fathers (QIC NRF)
- Importance of father involvement
- Father friendly check-up
- Group exercise
- Barriers to father engagement
- Tips for judges, caseworkers and lawyers
- Resources
- Contact

Background on the Quality Improvement Centers (QICs)

- Quality Improvement Centers (QICs) of the Children's Bureau
 - Better understand targeted issues in child welfare
 - Stimulate new, research-based responses to those issues



Background on the QIC NRF

- QIC-NRF established because very little meaningful engagement occurs between the child welfare system and nonresident fathers.
- The QIC-NRF is operated by:
- American Humane Association
- American Bar Association Center on Children and the Law
- National Fatherhood Initiative
- Contributors:
- National Advisory Board
- Fathers Advisory Council
- Staff & Consultants
- 4 Pilot Sites (WA, IN, CO, TX)



QIC NRF Goals and Objectives

- To promote innovative, evidence-based practice improvements and an advancement of knowledge in the field
- To develop and disseminate knowledge to states, counties and other appropriate organizations
- To build evidence and knowledge that answers the question:
 - ***“Is there a difference in child and family outcomes based on nonresident father involvement?”***

Mark Twain

“When I was a boy of fourteen, my father was so ignorant I could hardly stand to have the old man around. But when I got to be twenty-one, I was astonished at how much he had learned in seven years.”



Forbes Magazine

"The other day I heard my older son tell my youngest son...Don't ever ask dad to help with homework...He said I once made-up a war that never happened."

Real Men...



Who We Are:

- Non-profit, non-partisan, non-sectarian organization
- Founded in 1994 to combat the most consequential social trend of our time:



Widespread Fatherlessness in the Lives of Our Nation's Children

NFI's mission:



To improve the well-being of children by increasing the proportion of children growing up with involved, responsible, and committed fathers in their lives.

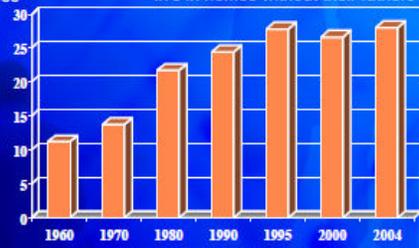
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Educate - The Facts of Father Absence

- 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



All data is from "The Living Arrangements of Children," U.S. Census Bureau, 2005.

© 2008 National Fatherhood Initiative

Educate - The Effects of Father Absence

COSTS

Children of father-absent homes are:

- Five times more likely to live in **poverty**
- Three 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

Studies show that children with involved fathers display:

- better **cognitive outcomes**, even as infants
- **higher self-esteem** and less depression as teenagers
- **higher grades**, test scores, and overall academic achievement
- lower levels of **drug and alcohol use**
- higher levels of **empathy and other pro-social behavior**

All data is from *Father Facts*, 5th Edition, 2007.

© 2008 National Fatherhood Initiative

What About the Dads? Report

- 1,958 cases of children removed from their homes where their biological father did not reside
- Interviews with 1,222 child welfare agency caseworkers showed that:
 - 88% of non-resident fathers were identified by the agency.
 - 55% of non-resident fathers were contacted by the caseworker.
 - 30% of the non-resident fathers visited their children.
 - 28% of non-resident fathers expressed an interest in assuming custody.
- 70% of caseworkers had received training on engaging fathers and were more likely to report having located fathers.

Good News!

- Decrease in father absence in past 4 years (2004-2008)
- 34.5 percent of children (2004) to 32.6 (2008)
- 2 million more children live in homes with their biological fathers

2008 U.S. Census Bureau

© 2008 National Fatherhood Initiative

Resources

- National Responsible Fatherhood Clearinghouse
www.fatherhood.gov
- National Responsible Fatherhood Capacity Building Initiative
www.fatherhood.org/grant/

The Father Friendly Check-Up™

- Diagnostic tool
- Helps assess the degree to which your organization's operations encourage father involvement in the activities and programs offered by your organization.
- Identifies areas for improvement in the father friendliness of your organization.

Assessment Categories

- Leadership & organizational philosophy
- Program management/program policies and procedures



Assessment Categories (Cont.)

- Parent-involvement program
- Program physical environment
- Staff training and professional development
- Collaboration and organizational networking
- Community outreach

MAN TAKE A STAND

Agree

Disagree



© 2008 National Fatherhood Initiative

Barriers to Men Seeking Help

- Admitting to a problem
- Difficulty in asking for help and depending on others
- Being perceived as “weak”
- Fear of intimacy & vulnerability
- Sexualization of females & homophobia
- Scarcity of treatment approaches for men

What Fathers Say...

- Fathers feel like no one is hearing them or advocating for them.
- Recruiter/Facilitator needs to listen to the father's needs before “pushing the paperwork or program”.
- Facilitator will initially serve as fathers' source of courage and self-esteem.

What Fathers Say...

- Many men lack confidence in government programs because of past unfulfilled commitments from government programs...ex., completed job training program but never received job.
- Men feel inadequate to face court system alone. "Me vs. The World" mentality.
- Self support is critical..."If you can't take care of yourself, it's hard to focus on your child or the program."

Best Practices for Judges, Caseworkers, Lawyers

- Identify and Locate Fathers Early
- Use Family Group Conferences/Family Team Meetings
- Encourage Visitation and Case Planning
- Understand Male-Help Seeking/Learning Styles

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 relative's capacity to parent or be involved in the child's life.
 - It may delay permanency for the child if adoption is the goal.

Identify and Locate Fathers Early

- **Judges should:**
 - 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
 - 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

Identify and Locate Fathers Early

- **Social workers should:**
 - Interview the mother, child and other relatives
 - 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 efforts to find the father
 - Request in court reports that the judge inquire about the father's whereabouts at every hearing
 - Ask the child

Use Family Group Conferences/Family Team Meetings

- Bringing the family together to discuss the child is an effective way to engage fathers
- The adversarial court process does not offer families an opportunity to create a plan to care for the child
- Fathers and their relatives will be more likely to participate
- Informal setting lends itself to identifying family needs and overcoming barriers
- All should ensure:
 - fathers and paternal relatives are invited to participate
 - fathers and paternal relatives are given an opportunity to share their positions
 - safety measures or other plans are put in place if there are high conflict issues between participants

Encourage Visitation

- **Judges should:**
 - 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 (assuming it will not harm the child)
 - Consider allowing other family, mentors, friends or siblings be present during visitation (particularly if the father has limited experience with the child or parenting)
 - Consider asking the social worker to report back to the court regarding how visits have gone and the connection between father and child
 - Encourage and allow visits with incarcerated dads (where appropriate)
- **Social workers should:**
 - Be flexible about the timing of visits (particularly for dads who work)
 - Understand how fathers interact differently with children than mothers
 - Consider having visits outside of the agency's offices
 - Allow friends, mentors, family members to participate

Encourage Case Planning

- **Judges should:**
 - 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 meetings
 - Require a service plan be developed for both parents
 - Examine whether services required in the service plan are "father-friendly"
- **Social workers should:**
 - 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 father's needs
 - Use family group meetings to help engage fathers and paternal relatives

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 the 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)



Tips for Engaging Dads

- Judges should:
 - 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. all female parenting class?)
 - Appoint counsel for dads as soon as possible to give them a voice in court
- Children's attorneys should:
 - Be clear about their role and who they represent
 - Assess mothers' and fathers' capacity to parent child equally (as well as their relatives)

Tips for Engaging Dads

- Social workers & Parents attorneys should:
 - Identify services that are informational and provide concrete practical guidance.
 - Keep conversations action oriented and focus on planning for the future and resolving problems.
 - Side-by-side conversations
- All should check biases at the door!

Resources from the QIC-NRF

Find many of these products at:
www.fatherhoodqic.org

- Father-Friendly Check Up for Public Child Welfare Agencies
- Model Intervention Program--Facilitated Peer Support Group Curriculum
- Social Worker Training: Effectively Engaging NRFs
- Attorney Training and Book: Representing NRFs (including chapter for judges)
- CASA and GAL Attorney Practice Briefs



Contact

- Ron Clark
rclark@fatherhood.org
- Jessica Kendall:
kendallj@staff.abanet.org

QIC NRF website:
www.fatherhoodqic.org



A TOOL FOR REDUCING BARRIERS TO FINDING FATHERS THROUGH MOTHERS



The Voices of Our Mothers

Kenneth Thompson, fatherhood program specialist, DFPS

Here are some suggestions for working with mothers, from the mothers themselves:

- Be careful about the approach — what you're asking is too personal, too quickly.
 - For example, when you start with, "I need to know," it causes anxiety.
 - Communicate in a way to help alleviate our fears.
 - Focus on our children's safety.
 - Tell us why the information you're seeking is important.
 - Be culturally competent and respectful.
- Inform us that there is a possibility the children won't be removed, if the father or his family can provide a safe home.
- Ask us if the father needs help as well.
 - Ask, "Tell me about _____'s dad."
 - Ask about the father's family (children do better with family than with a stranger).
- We might be afraid of having to deal with an ex-spouse or partner (e.g., abusive husband).
 - We're concerned that our children will automatically go to their father.
 - Explain to us that by law you have to search for fathers. Then ask us about our concerns.
- Give us examples of why it's important that you be able to reach the father in case of emergency (e.g., the child needs medical treatment that may require the father's blood type).
- Explain to us the information we provide helps determine what's best for our children.
- Understand what kind of relationship we have with the father and adjust your approach accordingly.
- Don't just accept when we say, "I don't know where he is" on your first request. Rethink your approach.
- Reassure me that CPS will investigate concerns we provide about the father.

Information gathered from Parent Collaboration Group, February 2009



NATIONAL QUALITY IMPROVEMENT CENTER
ON NON-RESIDENT FATHERS AND THE CHILD WELFARE SYSTEM

WELCOME!

Introduction

The National Quality Improvement Center on Non-Resident Fathers and the Child Welfare System, National Fatherhood Initiative (NFI), American Humane Association, and American Bar Association Center on Children and the Law welcome you to the *Father Friendly Check-Up*TM for Child Welfare Agencies and Organizations. This tool will help you assess the degree to which your organization's operations encourage father involvement in the activities and programs you offer.

Today more American children are growing up in homes without their biological father than at any other point in American history. Trends such as divorce and remarriage, as well as more births outside of marriage, result in a diminishing role of fathers in the daily lives of their children. Involving fathers in the lives of their children becomes an even greater challenge when these children are involved in the public child welfare system. This is especially true in cases where the child has been removed from the home and placed in non-relative or stranger's care. Reunifying children with their birth families, as quickly as possible, without jeopardizing the children's safety is the first priority. However, identifying family resources, especially non-resident fathers and paternal relatives, continues to be a challenge for the child welfare system.

As discussed below, most foster children are not living with their fathers when they are removed from their home and placed in care. In such cases, child welfare agencies must identify and locate the non-resident father, ideally before such placement or at least soon thereafter which is often challenging. The agency's "reasonable efforts" to prevent placement should include a fair consideration of the father's home as a placement for a child who is considered unsafe in his or her mother's home due to abuse, neglect, or maternal incapacity. They must also assess the benefits, detriments and difficulties associated with the non-resident father's involvement in the child welfare case generally. They should also consider whether there is the potential for an appropriate placement with, or other assistance to the child, from paternal kin.

In 2006, the Urban Institute, under contract with the Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, published its final report on child welfare agencies' efforts to identify, locate, and involve non-resident fathers in the child welfare process. The report, entitled, "*What About the Dads?*" reviewed 1,958 cases of children who were removed by child welfare agencies from their homes where their biological father did not reside. Telephone interviews with 1,222 child welfare agency caseworkers involved in these cases showed that:

- 1 88 percent of non-resident fathers were identified by the child welfare agency;
- 1 55 percent of non-resident fathers were contacted by the caseworker;
- 1 30 percent of the non-resident fathers visited their child; and
- 1 28 percent of non-resident fathers expressed an interest in assuming custody of their
- 2 child.

Despite these diminishing numbers, the "*What About the Dads?*" report found that 70 percent of caseworkers had received training on engaging fathers. Moreover, caseworkers who received training were more likely to report having located fathers.

Based on all of the findings, the report recommends, among other things, that child welfare agencies: (1) identify and search for non-resident fathers early in cases; (2) train caseworkers on identifying, locating,

and involving fathers; and (3) develop models for engaging non-resident fathers constructively (Malm, Murray, & Geen (2006). *What About the Dads?* Health and Human Services, Administration for Children and Families, Children's Bureau.).

This assessment is designed to help Child Welfare Agencies and Organizations take an active, positive approach in creating an environment that involves fathers and fosters the healthy development of children.

The Assessment

You will apply the assessment categories identified below to your organization.

- Leadership and organizational philosophy
- Program management policies and procedures
- Parent-involvement program
- Program physical environment
- Staff training and professional development
- Collaboration and organizational networking
- Community outreach

This assessment will encourage staff to examine their organization as well as their own attitudes about fathers.

Assessment Checklists

You will complete a series of assessment checklists designed specifically for Child Welfare Agencies and Organizations. There is one checklist for each assessment category.

The checklists consist of statements that might or might not be true about your organization. Quite simply, you will assess whether the statements are true of your organization. Complete the checklists by placing a checkmark in the boxes next to the statements that are true of your organization. If a statement on a checklist is not true of your organization, do not check the box.

Use your gut reaction to assess your organization on each statement. You might discover that you can check only a few boxes in each category. If that's the case, don't worry: a low score is not an indictment of your organization as being unfriendly toward dads. You might find that your organization includes fathers to a high degree in certain areas, but not in others. Use this assessment to identify areas for improvement, no matter what you discover.

Your Father-Friendly Score

After completing the assessment, you will receive a score for each category together with suggestions that the Quality Improvement Center on Non-Resident Fathers and the Child Welfare System has identified as best practices to increase the father friendliness of your Child Welfare organization. You will then have the opportunity to use the score from the *Father Friendly Check-Up*TM to set goals and identify priorities that are unique to your organization's way of serving children and families.

Leadership and Organizational Philosophy

Check the box only if the statement is true of your organization.

The leadership/administration of my organization:

<input type="checkbox"/>	Communicates to caseworkers, attorneys and other staff that non-resident fathers (those who do not live in the home where a child has been abused or neglected) and paternal family members are a resource for the child (as a potential placement option or other care provider).
<input type="checkbox"/>	Expects caseworkers, attorneys and other staff to engage and work with both non-resident and resident fathers proactively.
<input type="checkbox"/>	Expects all staff to interact with fathers in a gender-responsive, non-accusatory, and non-blaming manner.
<input type="checkbox"/>	Expects staff doing hiring for the organization to include fathers as participants/consultants in the new staff hiring process and in interviews.
<input type="checkbox"/>	Encourages the healthy development of the <i>father-child</i> relationship.
<input type="checkbox"/>	Encourages the healthy development of the <i>father-mother</i> relationship, whether or not the father and mother are together, except in cases where there is a history of domestic violence or other circumstances making such a relationship not in the child's best interests.
<input type="checkbox"/>	Expects staff providing orientation and training for newly hired personnel to emphasize the importance of involving non-resident fathers in cases and to do so during the earliest days of employment.
<input type="checkbox"/>	Expects staff doing hiring for the organization to emphasize through interview questioning the importance of involving non-resident fathers in cases and to determine whether candidates for employment personally support and value an aggressive approach to involving non-resident fathers in cases.
<input type="checkbox"/>	Encourages couples who are considering marriage to access pre-marital education including information on parenting issues.
<input type="checkbox"/>	Supports fathers on the organization's staff in balancing work and

		family life.
<input type="checkbox"/>		Provides adequate funding and staff to effectively serve fathers.
<input type="checkbox"/>		Provides families with balanced information on father involvement by discussing the negative impact of father absence and the positive impact of involved fathers.
<input type="checkbox"/>		Believes that a child welfare organization's services should be provided as much to fathers as they are to mothers.
<input type="checkbox"/>		Expects caseworkers, agency attorneys and other staff to use fathers as a resource for the child (for example, for information such as health histories, to identify potential assistance to the child from paternal relatives, and to identify potential kinship foster placements).
<input type="checkbox"/>		Has developed a vision or mission statement that includes serving fathers.
<input type="checkbox"/>		Encourages staff to communicate to families that fathers are just as important as mothers in raising healthy children.
<input type="checkbox"/>		Helps families understand father involvement from a holistic perspective (i.e., physical, intellectual, emotional and spiritual involvement).
<input type="checkbox"/>		Expects staff to include a father component in new staff orientation and training activities.
<input type="checkbox"/>		Encourages staff to connect fathers with individuals and community-based organizations that can provide them with the resources needed to become involved, responsible, committed dads.
<input type="checkbox"/>		Works with mothers to involve fathers in the lives of children.
<input type="checkbox"/>		Examines and expresses their own attitudes and beliefs about supporting fathers.
<input type="checkbox"/>		Supports fathers with tools, information, policies, and programs that help them in their fathering roles.
<input type="checkbox"/>		Experiments and remains flexible in creating, promoting, delivering, and evaluating family-directed services.
<input type="checkbox"/>		Displays a positive attitude about fathers and men when interacting with families.
<input type="checkbox"/>		Supports fathers in their cases in balancing work and family life.

Total Score

Program Management Policies and Procedures

Check the box only if the statement is true of your organization.

The policies and procedures of my organization:

<input type="checkbox"/>	Include a clear expectation that caseworkers and other staff will identify fathers early in child welfare cases and continue to attempt to identify them throughout the life of the case.
<input type="checkbox"/>	Include a clear expectation that caseworkers and other staff will locate fathers early in child welfare cases and continue to search for them throughout the life of the case.
<input type="checkbox"/>	Include a clear expectation that caseworkers and other staff will contact fathers early in child welfare cases and continue to contact them throughout the life of the case.
<input type="checkbox"/>	Provide clear case documentation methods to include specific identifying information about fathers.
<input type="checkbox"/>	Include a clear expectation that caseworkers and other staff will utilize child support enforcement staff to identify and locate fathers.
<input type="checkbox"/>	Include a clear expectation that caseworkers and other staff will utilize parent locator services and locator technologies including the use of public assistance records, motor vehicle records, hospital records, and other public records to identify and locate fathers.
<input type="checkbox"/>	Encourage fathers/men in their cases to balance work and family life.
<input type="checkbox"/>	Ensure that a father who has not abused/neglected his child and who acts to gain custody is always subject to the same procedures and requirements that would be applied to a child's mother in the same situation.
<input type="checkbox"/>	Include a clear expectation that caseworkers, agency attorneys and other agency staff will make all relevant and appropriate case information available to fathers (for example, case plans, changes in placements, court dates).
<input type="checkbox"/>	Ensure that fathers are included in, and know and understand what is expected of them under case plans, and are provided with resources to

	meet those expectations.
<input type="checkbox"/>	Ensure that fathers are consistently treated in a gender-responsive, non-accusatory, non-blaming manner.
<input type="checkbox"/>	Include a clear expectation that all policies and procedures will promote involvement of non-custodial parents and their kin in the life of the child.
<input type="checkbox"/>	Include a clear expectation that caseworkers, agency attorneys and other agency staff will proactively engage and work effectively with fathers in conducting the work of the organization.
<input type="checkbox"/>	Ensure that forms for families and staff (for example, intake forms, applications and questionnaires) are gender neutral except where gender-specific information is vital to the case.
<input type="checkbox"/>	Ensure that caseworkers, agency attorneys and other agency staff explain to fathers their rights and responsibilities while also emphasizing the importance of their involvement in child welfare and court processes.
<input type="checkbox"/>	Include referrals to resources that help dads with personal development, parenting, and family life in general.
<input type="checkbox"/>	Use measurement tools and methodologies for evaluating the effectiveness of services provided to fathers.
<input type="checkbox"/>	Evaluate the effectiveness of staff in working with fathers when reviewing staff performance.
<input type="checkbox"/>	In situations where the mother does not want the non-resident father involved with the child, include procedures for caseworkers to assess promptly and fairly whether the father's involvement would create a risk of physical or emotional harm to the child.
<input type="checkbox"/>	Help both the mother and the father resolve differences among them, with the goal of the best interest of the child in mind.
<input type="checkbox"/>	Provide a system and tools to hire casework staff with the knowledge, skills, and sensitivity to interact productively with fathers, as well as with mothers, and children.

Total Score

Parent-involvement Program

Check the box only if the statement is true of your organization.

My Organization:

<input type="checkbox"/>	Uses approaches and programs with fathers that are intended to promote meaningful and sustained father engagement in the life of his child.
<input type="checkbox"/>	Includes a strengths-based approach to working with fathers that begins with where the father is in his development, not with where staff thinks he should be.
<input type="checkbox"/>	Provides services that have equal regard and respect for parenting approaches typical of fathers and mothers.
<input type="checkbox"/>	Offers services specifically directed at fathers.
<input type="checkbox"/>	Provides families with balanced information on father involvement discussing the negative impact of father absence and the positive impact of involved fathers, as well as information on father involvement when there is a history of domestic violence.
<input type="checkbox"/>	Periodically surveys fathers to determine their needs, concerns and interests related to the organization's child welfare work.
<input type="checkbox"/>	Provides fatherhood resources in the form of materials and information emphasizing the importance of responsible fathering and fathering skills.
<input type="checkbox"/>	Uses fatherhood resources, parenting curricula and educational materials that reflect the diversity of fathers served by the agency/organization.
<input type="checkbox"/>	Provides effective measurement tools and methodologies for evaluating efforts directed at fathers.
<input type="checkbox"/>	Expects staff to support the belief that fathers can be excellent parents.
<input type="checkbox"/>	Expects staff to make every effort to interact with fathers.
<input type="checkbox"/>	Promotes father engagement by involving fathers and the father's

Program Physical Environment

Remember: Think about your organization’s overall physical environment that surrounds families being served (for example, waiting areas). Also, think about the ways in which your organization’s physical environment reflects/reinforces the values held by staff members. Is the environment clearly more “female oriented” than “gender neutral”?

Check the box only if the statement is true of your organization.

The environment/atmosphere of my organization:

<input type="checkbox"/>	Says, through visible father-related images in the waiting room and in caseworkers’ offices that “Fathers are expected and welcome here.”
<input type="checkbox"/>	Has gender-neutral colors and decorating scheme.
<input type="checkbox"/>	Offers reading materials (i.e., books, magazines and other literature) directed toward fathers/men as well as mothers/women.
<input type="checkbox"/>	Has a staff listing containing photos of both male and female staff.
<input type="checkbox"/>	Has male staff in positions where visitors are likely to have initial visual or telephone contact with the agency/organization (for example, receptionist, security guard).
<input type="checkbox"/>	Has family restrooms or a diaper deck in the men’s restroom.
<input type="checkbox"/>	If a TV or video plays in waiting areas, some of the programs or videos appeal to men.
<input type="checkbox"/>	If a library is available to families, it includes parenting and other information directed toward fathers.

Total Score

Staff Training and Professional Development

Check the box only if the statement is true of your organization.

The staff in my agency/organization:

<input type="checkbox"/>		Have been trained in how to ensure that a father/man who is contacted by the organization for the first time in connection with a case knows that he and his case participation are welcome.
<input type="checkbox"/>		Are open to constructive criticism regarding personal biases, including biases against men/fathers.
<input type="checkbox"/>		Are comfortable with differences in parenting styles typical of fathers and mothers.
<input type="checkbox"/>		Believe that fathers are important to the healthy development of children.
<input type="checkbox"/>		Believe that fathers can be excellent parents.
<input type="checkbox"/>		Have been trained on the importance of identifying, locating, and contacting fathers early in child welfare cases and continuing these efforts throughout the life of the case.
<input type="checkbox"/>		Have been trained in the use of parent locator services and other locator technologies in order to more effectively identify and locate fathers.
<input type="checkbox"/>		Have been trained on how to work with fathers in a gender-responsive, non-accusatory, non-blaming manner.
<input type="checkbox"/>		Have been made aware of community resources that offer services specific to fathers, including those involved in the child welfare system.
<input type="checkbox"/>		Have been trained on how to work effectively with both mothers and fathers when the relationships are contentious, including identifying when domestic violence is a factor in the relationship.
<input type="checkbox"/>		Have been trained on how to work effectively with fathers who may express their opinions strongly and loudly, but who pose no physical danger to staff.
<input type="checkbox"/>		Perceive my organization's programs and services to be as much for fathers as for mothers.

Collaboration and Organizational Networking

Check the box only if the statement is true of your organization.

My organization:

<input type="checkbox"/>	Works to promote the education of juvenile and family court judges and court employees (in the various types of courts) about the ways in which children benefit when fathers are responsibly involved in the lives of their children.
<input type="checkbox"/>	Develops a good relationship with local child support enforcement offices and staff members in order to be of mutual assistance in helping obtain appropriate financial support of children, learning more about individual family situations and in better promoting the welfare of children in the families served by the child welfare agency.
<input type="checkbox"/>	Promotes coordination and collaboration with the larger father-engagement community, such as fatherhood programs and organizations that regularly work with fathers and families.
<input type="checkbox"/>	Works to promote education for attorneys (especially those who represent fathers and children as well as those who represent the state or county in child welfare court proceedings) about the importance to children of having involved, responsible, committed fathers in their lives, as well as how to use the legal system to better engage fathers.
<input type="checkbox"/>	Works to educate courts, parent attorneys, child support enforcement staff, and social service caseworkers about the importance of explaining to fathers their rights and responsibilities, while also emphasizing the importance of their involvement in child welfare and court processes.
<input type="checkbox"/>	Actively works in partnership with one or more other public or private agencies to identify fathers of children the child welfare organization serves.
<input type="checkbox"/>	Actively works in partnership with one or more other public or private agencies to locate fathers of children served by the child welfare organization.
<input type="checkbox"/>	Actively works in partnership with one or more other public or private agencies to contact fathers of children served by the child welfare organization.
<input type="checkbox"/>	Actively works in partnership with one or more other public or private agencies to engage fathers of children served by the child welfare organization.

Community Outreach

Check the box only if the statement is true of your organization.

My organization:

<input type="checkbox"/>		Is perceived by the <i>community at large</i> as “father-friendly”.
<input type="checkbox"/>		Is perceived by <i>fathers and men</i> as “father-friendly”.
<input type="checkbox"/>		Encourages other organizations within the broader child welfare field (including court related organizations and child support enforcement) to work with fathers on enhancing positive relationships with their children.
<input type="checkbox"/>		Encourages organizations in other professional fields (such as healthcare, business, faith-based, law enforcement) to work with fathers.
<input type="checkbox"/>		Makes presentations, holds workshops, or presents papers at conferences on the organization’s work with fathers.
<input type="checkbox"/>		Participates in a network or coalition of organizations and leaders that promotes responsible fatherhood community-wide.
<input type="checkbox"/>		Submits articles or article ideas on the organization’s work with fathers for publication in print media (e.g., journals, magazines, newsletters, newspapers).
<input type="checkbox"/>		Periodically issues press releases on the organization’s success in working with fathers.
<input type="checkbox"/>		Promotes responsible fatherhood in the community as a preventive measure in the fight to reduce the incidence of negative outcomes for children, such as poverty, out-of-wedlock pregnancy, alcohol and drug abuse and suicide.
<input type="checkbox"/>		Is willing to share best practices in working with fathers with other organizations.

Total Score

Assessment Category Analysis Worksheet

How to use this worksheet:

1. Transfer your scores from each checklist to the corresponding row on this worksheet.
2. Don't combine the scores from all categories to arrive at a total score, because that score can mislead you.
3. Focus on the scores within each category, because the goal is to make your organization father friendly holistically. Determine whether your score in each category rates low, medium or high on father friendliness.
4. You should first target categories in which your score is low or medium on father friendliness. Then, revisit the statements that were not true of your organization within those categories and use them as specific target areas to work on.

Checklist	Score	Legend
Leadership and Organizational Philosophy		Low (0-8); Med. (9-16); High (17-24)
Program Management Policies and Procedures		Low (0-7); Med. (8-14); High (15-21)
Parent-involvement Program		Low (0-7); Med. (8-15); High (16-22)
Program Physical Environment		Low (0-3); Med. (4-6); High (7-8)
Staff Training and Professional Development		Low (0-9); Med. (10-18); High (19-27)
Collaboration and Organizational Networking		Low (0-3); Med. (4-6); High (7-9)
Community Outreach		Low (0-3); Med. (4-6); High (7-10)

IN THIS ISSUE: Engaging Non-Resident Fathers in the Court Process

Enhanced Representation for Non-Resident Fathers in Child Welfare Proceedings

Patrick Dowd
Washington State Office of Public Defense
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Non-resident fathers face unique challenges when a child enters state care due to allegations of abuse or neglect. Child welfare practices, laws and biases can adversely affect non-resident fathers and hinder efforts to unite children with their fathers. Additionally, non-resident fathers often face ancillary civil legal proceedings that affect their children's cases. This article examines the issues that non-resident fathers face and explores strategies for attorneys to overcome these barriers, engage fathers in their children's cases and enhance representation for non-resident fathers.

System Barriers

Barriers that can prevent fathers from engaging in the case process or impede them from achieving their case goals include:

- Failure to notify and involve non-resident fathers in the proceedings. While some state statutes specifically include presumed and alleged fathers as named individuals entitled to notice, other statutes only require notice to the parent, guardian or custodian¹
- Maternal gatekeeping, such as refusing to cooperate with efforts to identify or locate the father
- Caseworker difficulties with or lack of experience in engaging fathers
- Judicial preference for reunification with the (former) primary caretaker
- Family preservation services not being offered to non-resident fathers because of a focus on the deficiencies and needs of the custodial parent.

continued on page 3



Dear Friends,

I'm pleased to write my first introduction to an issue of this newsletter. I thank our partner, American Humane, for this opportunity to focus several articles on legal aspects of non-resident father involvement in the child welfare system.

Dads and your lawyers: this is an important issue for you to read!

When we refer to "non-resident" fathers, we mean biological dads who were not living with their children's mother at the time the

children were removed from the mother's home due to allegations of child abuse or neglect. In the legal system, we're more likely to use the term "non-custodial" father.

In this issue, you'll hear from a dad who sought to enhance his fathering capacity. You'll read about a community coalition aiding dads to be better fathers. In honor of the 100th anniversary of Father's Day, QIC partner National Fatherhood Initiative shares reflections on fatherhood and the holiday that celebrates it.

Also in this issue are several legally focused articles. Two include useful advice for fathers on what they should do if their children become involved with the child welfare system, and on how to work with their attorneys. We also include a piece on the constitutional rights of non-resident fathers which may be particularly useful for caseworkers and other child welfare professionals. Another article provides strategies attorneys can use to overcome barriers and enhance dads' case participation.

As an integral part of the QIC's work, my colleagues and I are committed to further exploring the legal dimensions of the non-resident father issue. This includes the challenges of making prompt father and paternal kin notification after a child's foster care placement, as is now generally required in the Fostering Connections to Success and Increasing Adoptions Act, which just became federal law (binding on the states) late in 2008. It also means helping those states whose federal Child and Family Services Review disclosed serious weaknesses, statewide, in the engagement of fathers in the child welfare intervention process. As suggested in their state Program Improvement Plans, training may be needed for lawyers, judges and casework staff to better understand how to effectively and promptly identify, notify and engage non-resident dads whenever the state removes a child from home. All of us stand ready to help.

Sincerely,

Howard Davidson

Howard Davidson, director, American Bar Association Center on Children and the Law, davidsonha@staff.abanet.org

The views expressed herein have not been approved by the American Bar Association House of Delegates or Board of Governors and, accordingly, should not be construed as representing policy of the Association.



NATIONAL QUALITY IMPROVEMENT CENTER

ON NON-RESIDENT FATHERS AND
THE CHILD WELFARE SYSTEM

The National Quality Improvement Center on Non-Resident Fathers and the Child Welfare System (QIC-NRF) is a collaborative effort between the American Humane Association, the American Bar Association Center on Children and the Law, and the National Fatherhood Initiative and is funded by the U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.

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Enhanced Representation for Non-Resident Fathers in Child Welfare Proceedings *continued from page 1*

Strategies for Lawyers to Engage Non-Resident Fathers and Overcome Barriers

Communication and Establishing an Attorney-Client Relationship

A key component to effectively representing all clients, including non-resident fathers, is establishing a solid attorney-client relationship. Be aware of each client's unique issues, such as incarceration, mental health status, housing needs, employment, child support obligations, immigration status, domestic violence and substance abuse, and consider how these issues affect the father's case goals and ability to participate in proceedings.

The father must have sufficient information to make informed decisions at each stage of the proceedings and adequate time must be dedicated to explaining the child welfare case process and the father's rights and obligations. Particular attention should be paid to requirements of the Adoption and Safe Families Act, permanency, the case plan and the limited time to achieve the father's desired outcome. Non-resident fathers may become involved in the child's case several months after the child entered state care. In these cases, ASFA's requirement to seek termination of parental rights after the child has been in foster care for 15 months drastically limits a non-resident father's opportunity to engage in services and pursue his case goals. Explore whether the agency exercised due diligence to identify, locate and notify the father in a timely manner. The agency's failure to take reasonable steps to locate and notify the father at the beginning of the case could be used later as a compelling reason not to file for termination of parental rights.

Work with the father to identify case goals and empower him to direct the course of representation. Many fathers may not see themselves as a placement resource for the child because they do not realize that services are available to assist them throughout the case and if they become the child's primary caregiver. Explain that the child welfare agency is required to explore placement options with maternal and paternal relatives. Fathers who have had minimal contact with their children may not understand the importance of their involvement in their children's case. You may



need to explain that establishing a positive relationship with the child can improve the child's long-term well-being.²

Advocacy for Services

In the absence of aggravating circumstances, federal law requires state child welfare agencies to make reasonable efforts to provide assistance and services to prevent the unnecessary removal of a child from the home and make it possible for a child who has been placed in out-of-home care to be reunited with his or her family.³ Consistent with the father's goals, you should advocate for the timely provision of services appropriate to meet the father's needs and circumstances. Identify and address barriers that may prevent or limit the father's ability to successfully engage in services. For example, examine whether services are accessible and coordinated with the father's work schedule, and whether transportation and funding issues are addressed.

Once services are ordered, ensure that the agency provides necessary referrals and helps the father engage in services. Communicate with the father regularly and keep apprised of his progress. If services are not offered or provided, set an early review hearing. Any discrepancies between services routinely offered to mothers but not to fathers should be documented and brought to the court's attention. Additionally, when appropriate, enforce the state's duty to provide necessary services by seeking a court finding that the department failed to make reasonable efforts. This also establishes an exception to ASFA's mandate that the state file a petition

to terminate parental rights when a child has been in foster care for 15 of the most recent 22 months.⁴

Advocacy for Visitation and Participation in Child-Related Events

As father-child contact is usually essential to the successful resolution of the client's case, advocate for frequent, consistent visits in the least restrictive setting possible. Oppose supervised visits unless there is a specific factual basis indicating that supervision is clearly necessary. Advocacy efforts should include the following principles:

- Visitation is the right of the family and necessary to promote the child's well-being;
- Early, consistent and frequent visitation is crucial for strengthening the father-child relationship;
- The maximum amount of father-child contact possible should be encouraged; and
- Visitation should not be limited as a sanction for a father's failure to comply with court orders or services and should only be limited or denied when necessary to protect the welfare or safety of the child.

Also, be familiar with cultural norms that may affect the father's behavior with the child and how others perceive the father's interactions with the child.

Even though the child is placed in state care, you should also advocate for non-resident fathers to engage in normal parental responsibilities and decision making to the greatest extent possible. For example, non-resident fathers should have the opportunity to participate in parent-teacher conferences, attend the child's extracurricular events (sports, dance, music recitals, etc.) and accompany the child to medical and dental appointments.

Collaborative Case Efforts and Concurrent Planning

Although non-resident fathers face numerous barriers, the child welfare system also presents opportunities for fathers to engage in their children's cases. For example, practices such as case conferences and family group decision making encourage collaboration with fathers and paternal relatives and provide a non-adversarial setting where the father's voice can be heard. Concurrent planning requires the agency to consider and pursue multiple case outcomes and can be used effectively to advocate for the father's case goals.

Encourage and help non-resident fathers participate in family group decision making meetings and case conferences. These are opportunities for you and your

client to present information about him and address issues concerning the child's placement, visitation, delivery of services and permanency for the child. When possible, service providers who have been working with the father and can describe the father's progress should attend or provide written reports. By engaging with the caseworker and other involved professionals in a collaborative setting, a non-resident father can minimize the risk of bias against fathers.

Concurrent planning allows an attorney representing a non-resident father to advocate for a permanent plan, identified by the father, even if the department is pursuing a different plan. If the court accepts the father's plan as an alternative, the agency is required to pursue and support both options simultaneously. For example, instead of sequentially seeking to reunite the child with the mother, then, only if that fails, pursuing placement with the father, the agency and the court would pursue and support both case plans of reunification with the mother and reunification with the father at the same time. Although one case plan would be identified as the primary plan, both options should be equally supported.

Ancillary Civil Legal Actions

Finally, many non-resident fathers must address civil legal issues related to the child's case, including family court matters such as parenting plans and non-parental guardianship. You should have a general understanding of these proceedings and be able to advise the father as to the impact on the dependency case and refer him to an available civil legal aid program.

Non-resident fathers frequently face issues related to establishment of paternity and child support obligations. Discuss child support issues with a non-resident father and be able to refer him to available resources or employment and work training programs.

¹ Sonenstein, F., Malm, K., Billing, A. "Literature Review: Non-Resident Fathers, Paternal Kin and the Child Welfare System." July 2007. 8 April 2009 <www.abanet.org/child/fathers/QICNRFLiteratureReview.pdf>.

² Studies show that children with involved fathers display better cognitive outcomes, even as infants; higher self-esteem and less depression as teenagers; higher grades, test scores and overall academic achievement; lower levels of drug and alcohol use; and higher levels of empathy and other social behavior. National Responsible Fatherhood Clearinghouse. "The Importance of Fathers." 8 April 2009 <www.fatherhood.gov/faq/importance.cfm>.

³ The Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272); ASFA (P.L. 105-89).

⁴ ASFA (P.L. 105-89).



My Experiences With Child Welfare and the Legal System

Shaine Yates, as told to Ellen Kinney,
American Humane, Ellen.Kinney@americanhumane.org

I proved that I was clean and that I was working hard, but they did not even look to me as an option. Even though I wasn't the one in trouble, I was not allowed to care for my son.

When my son Cassidy was born in 2000, his mother and I were both addicted to methamphetamines. Until Cassidy was about 3 years old, I was in and out of his life as I struggled to get clean. In 2003, I went to my final treatment program, where I met my current wife, Shannon. We have both been clean ever since and regularly attend Alcoholics Anonymous meetings. I was ready to be in Cassidy's life and began to see him and spend weekends with him.

Unfortunately, as I was getting clean, Cassidy's mom fell deeper into her addiction. In 2004, Cassidy pulled a meth pipe out of his pocket at school. The school called the police and the Department of Human Services (DHS). Cassidy, his half-brother and his mom all tested positive for methamphetamines, which meant his mom was doing drugs around the children.

Choosing Foster Care Over an Available Non-Resident Father

DHS called to tell me that Cassidy and his half-brother were being removed from their mother's home. They asked if I was willing to take Cassidy and I said yes. But when I arrived at DHS, the children were crying and Cassidy's mother told the caseworker that she would rather have the children go to foster care together than split them up and give Cassidy to me. DHS did as Cassidy's mother requested. The children were in

foster care for two months, after which they joined their mother in an inpatient treatment facility. I was only allowed to visit once a week. I had a demanding job two hours from where I lived, and I couldn't make the visits in time. I didn't see Cassidy for the nine months he was in the treatment facility with his mother.

In and Out of the System

DHS closed its case a few months after Cassidy's mom left the treatment facility. But I heard that she had relapsed. I called DHS and they re-opened the case. This time, DHS let her keep the children because her mother was in the home. They never considered me a placement option.

A few months later, and despite DHS' involvement, I learned that Cassidy's mother was using drugs again and had not seen Cassidy recently. Cassidy and his mother both tested positive again. DHS informed me that they were going to put Cassidy in foster care. They claimed that they wanted to keep Cassidy in the same school, and that I wasn't a good placement option because I lived in a different city. I visited every weekend while he was back in foster care.

Going to Court

It wasn't until June 2007 that we went to court and Cassidy was finally allowed to live with me. For the first



I told them that I wanted my son; I called every day begging for custody, but they put Cassidy in foster care anyway.

year he was living with me, DHS was still trying to reunify him with his mom. They encouraged visits between Cassidy and his mom, even though she tested positive for drugs. As she continued to use, she fell out of touch with Cassidy and DHS. She has not seen Cassidy in over a year.

Ongoing Court Battles

I worked hard to be a responsible, sober, working parent. But I felt that DHS was never on my side. I had to jump through a lot of hoops to even be considered an option for my son, yet his mother kept getting chances and kept putting him in the same dangerous situations. Once I had Cassidy, I received no support or services from DHS and I cannot get child support from his mother.

After DHS stopped visiting my home, I continued to struggle in the court system, trying to gain full custody of my son. I couldn't afford my own lawyer in this process, so I was appointed one. This experience has been negative and confusing.

My lawyer rarely asks my opinion or what I hope to see happen during a hearing. If I do tell her something that I think should happen, it usually doesn't happen. In general, it feels like all decisions are made before we even get to court.

Everyone always seemed worried about what Cassidy's mom wanted, even though she got Cassidy involved in the system. For me, it seems like DHS and the lawyers are just doing what's easiest for them, and everyone tells me different versions of what is happening. They have made

me feel pressured to close the case, even though I don't have full custody yet.

I have a permanency hearing coming up. The judge is supposed to rule where Cassidy will live. I have not been contacted by my attorney, the caseworker, the guardian ad litem or anyone connected to the case and I am not sure where they stand. I don't think the court will award full custody to me, but I think DHS wants to close our case. If this happens, then both parents can continue to be involved in Cassidy's life. I worry about sharing joint custody of Cassidy, since his mom has repeatedly put him in dangerous situations. Despite this, DHS refuses to terminate her rights and won't help me get full custody.

New Beginnings

Since Cassidy has been with me, he is clean and healthy. He went from being a child who couldn't count to 10 to a second grader who reads at a fifth grade level. He is involved in wrestling and baseball. My wife and I have overcome our own struggles with addiction to do what is best for our family. We are raising four other boys and know that we provide the best, safest place for Cassidy. We hope that DHS and the court system will recognize that soon.

To Dads in a Similar Situation: Don't ever give up. Keep fighting for your child. Ask questions, talk to people and let them know your opinions. One of the best things that happened to me was being able to share my story at a statewide judges' conference. Keep telling your story and get help from whomever you can.

My Kids Are in State Custody, What Do I Do Now



Angela Greene, Alaska Public Defender Agency, angela.greene@alaska.gov

You are a happily married father of two children. Due to an accident, you are hospitalized with permanent and life-threatening injuries and the financial and emotional strain of the accident causes your wife to find relief in alcohol.

After your wife arrives drunk at the hospital with your two children, hospital staff call the police, who call child protective services, and your children are placed in an emergency shelter. No one asks if you, as the father, have any input into placement for the kids, or even tells you where your children are going.

The next day, the state files a petition to declare your children in need of aid. You are notified by phone. For the next year, your family is supervised by the court, you are monitored by social workers, and you must submit to home visits. Even after you go home and the children are with you, the state says it has the right to make home visits, question you and make you appear in court to give status reports about your children. All this, even though you never harmed your children, and have shown that you and your extended family can care for your kids despite your wife's alcohol issues and the fact that you are bedridden from your accident. It takes a year of litigation before you are allowed to live with your family on your terms.

Sadly, this is a true story. It was the plight of Peter A., a very real, gravely disabled, non-offending parent in rural Alaska who fought for two years to win his children back, free of state interference.¹ He did eventually succeed, but not without significant emotional cost to himself and his family.

The purpose of this article is to provide guidance learned from Peter's case to non-offending, non-resident fathers when their children are involved in the child welfare system. Many non-offending fathers are not in regular contact with their children when they enter the child welfare system, and may not have seen their children for a long time. For these reasons, many are not in a position to assume care of their children right away. Nonetheless, this is not a reason to give up on the relationship; even previously absentee dads can be united with their children.

The law gives a fit, non-offending father the right to make key decisions about the care of his children and gain custody of them from the state.² The key to successfully navigating the court system and child welfare agency process is asserting that right in a way that is effective and shows that the father is capable of protecting the children. While that sounds simple enough, no amount of litigation — no matter how expensive, creative, or dramatic — will force a court to release a child to someone whom the court feels will not safely and competently supervise his children.

With all this in mind, here are some practical and specific legal steps a non-offending parent can take when he learns his children are in state custody:

- **Don't wait.** If you are the “legal father” you are entitled to formal notice that your children are in custody (see “Constitutional Rights of Non-Resident Fathers” on page 13). The particulars of this notice will vary state by state; however, if the only notice you have is from someone other than your lawyer, the court or the child welfare agency, call the local child welfare agency immediately. Do not wait; every day you delay can be seen as a day you don't care enough to call, even if it is the agency's job to notify you.
- **Be professionally persistent.** To gain custody of your children, the state must file a document in state court saying that your children need protection. You are entitled to a copy of that document. The social worker assigned to work with your children should give it to you. If you do not know who the social worker is, keep calling the agency until you get a name. If no one answers, leave a message. Repeat daily until you get a response, but always be polite. Keep a written list of every phone call you make and to whom you spoke.
- **Do not give up your rights.** You have a constitutional right to an individualized court hearing on your fitness as a parent.³ In most states, before this hearing, the court will appoint a lawyer

to assist a parent who can't afford one. If you do not meet the income requirements, you should hire a lawyer to guide you through the system. Do not agree that your children should remain in state custody if you feel you are fit, or can soon be fit, to parent them. Demand your hearing, and ask for a delay if you need time to gather resources to prove to the court that you can safely care for the children. Even though the state must prove you unfit to raise your children, you also need to satisfy the judge that your children will be safe and secure with you.

- **Be proactive.** Even before the court hearing, request visitation; you have a right to it. If you do not know your children very well or at all, suggest bringing extended family members or other mutual contacts to the visit to help introduce yourself to the children and ease their discomfort.
- **Be there.** Do not miss visits under any circumstances for any reason. Also, do not use alcohol or drugs before, during or after a visit. Never talk badly about the other parent during the visit. As time goes on, request more natural contact with your children, like going to school activities, sports events or restaurants. If this is denied by the child welfare agency, seek help from the court by asking for a hearing.
- **Protect the children from the offending parent.** A fit father who finds out that the mother of his children neglected or abused them must protect the children from her. Do not, for any reason, leave the children alone with the neglectful or abusive parent, or even visit her with the children, without prior approval of the social worker. Keep any contact with the offending parent minimal and supervised. You must show that your relationship with the children and their safety is more important than any issues you have with the mother. Otherwise, the failure to protect the



children from the offending parent can be used to show that you are unfit to care for them, and they will remain in state custody.

- **Go to every court hearing.** You have a right to be at every court hearing about your children. Do not miss them for any reason; court hearings are an opportunity to show the judge that you care and you are doing everything you can to parent your children. If transportation is a problem, talk to your attorney about it.
- **Just do it.** If you had little or no contact with your children in the past and now want to be a parent to them, the court will want to see that you can do it. The court will make the agency visit your home, make sure you can support the children and make you submit to a background check, etc. For the sake of your children, just do it. These are minimally intrusive measures designed to protect the children from further abuse or neglect, and, if successfully completed, leave the court with very little choice but to reunite you and your children.

For parents like Peter A., who had more extensive contact with his children, it is an open constitutional question whether the state could subject them to this type of scrutiny when they have already shown they can be, and are, active parents. Unfortunately, the Peter A. case did not settle that question. Hopefully, another fit parent will take on that battle and proven fathers like Peter A. will not have to undergo years of litigation and heartache to be respected as individuals with rights to their children.

¹ Peter A. v. State, Dept. of Health and Soc. Serv., OCS, 146 P.3d 991 (Alaska 2006).

² Troxel v. Granville, 530 U.S. 57, 68-69 (2000); Stanley v. Illinois, 405 U.S. 645, 656-58 (1972).

³ Stanley, 405 U.S. at 652 (“What is the state interest in separating children from fathers without a hearing designed to determine whether the father is unfit in a particular case?”)

100 Years of Father's Day



Fathers play a unique and irreplaceable role in their children's lives, and there is no better time than Father's Day to show dads just how valuable they are to the strength of our children, our neighborhoods and our nation.

As we come upon the 100th anniversary of our nation's annual celebration of fathers, it is a useful time to reflect on where our culture is and where it needs to go in its support of fatherhood.

As the first decade of the 21st century comes to a close, we face the best of times and the worst of times for fatherhood in America. It is the worst of times because a record number of children — over 25 million — live without their biological fathers. It is the best of times because the fathers who are involved in their children's lives are more involved than ever.

There is a revitalization taking place in the commitment that good dads are making in their children's lives. They are not only providing financially for their children like their fathers and grandfathers did, but they are emotionally and spiritually involved in their children's day-to-day lives. They are "fathering deeply."

Let's use this opportunity to celebrate those fathers. At the same time, let's not lose sight of the fathers who, for a multitude of reasons, are not as involved in their children's lives as they need to be. As we celebrate 100 years of great dads, let us remember the importance of providing the encouragement, support and resources those other dads need.

Let us hope that 100 years from now, we can say that the worst of times are behind us, and that it is simply the best of times for fatherhood in America.

-National Fatherhood Initiative Staff
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What's New With the QIC-NRF?

Stefanie Vincent, American Humane, stefaniev@americanhumane.org



NATIONAL QUALITY
IMPROVEMENT CENTER
ON NON-RESIDENT FATHERS AND
THE CHILD WELFARE SYSTEM

The QIC-NRF continues to work with its sites, partners and other professionals to improve the lives of children and families through the involvement of non-resident fathers. The subgrantees, located in Seattle, Fort Worth, Indianapolis and Colorado Springs, are conducting research by piloting a model intervention with non-resident fathers who have children involved in the child welfare system. Outcomes are being tracked in order to determine the impact non-resident father involvement has on child safety, permanency and well-being. The sites are creatively refining procedures to identify, locate and contact non-resident fathers to participate in the study. We are excited to announce that all the sites have model intervention sessions up and running!

The project partners, American Humane, American Bar Association Center on Children and the Law and National

Fatherhood Initiative, continue to support the sites and their programmatic, research and legal needs. The QIC-NRF has commissioned a six-part article series that is currently appearing in the American Bar Association's monthly journal, *Child Law Practice (CLP)*, which can be accessed at www.childlawpractice.org. After articles appear in CLP, they will be available on the QIC-NRF's website (www.fatherhoodqic.org). To complement this series, the QIC-NRF has developed a training curriculum for parents' attorneys representing non-resident fathers. No such module exists on a national level and very few, if any, communities offer specialized training to attorneys representing fathers. Furthermore, the QIC-NRF has developed a training curriculum for caseworkers that will help them understand the value of father involvement as well as the importance in understanding male socialization, perceptions and behaviors. To learn more about the project's products, findings and events, please visit www.fatherhoodqic.org.

A 21-year-old father in Fort Worth, Texas, unemployed, struggling to provide for his 2-year-old daughter, and interested in learning how to be a better father, was referred to the Fatherhood Coalition of Tarrant County for assistance. An email describing his situation went out to about 15 Fatherhood Coalition members. That day, the young man received several job leads, information on applying for emergency financial assistance, a list of free parenting classes in his area and two offers from Coalition members willing to meet with and mentor him on a regular basis. Less than two weeks later, the young man called to thank all the coalition members who had come to his rescue. He had followed up on every lead, found a job, received financial assistance and was looking forward to starting a parenting class for young fathers.

This is just one example of the effective work of the Fatherhood Coalition, which meets monthly in Fort Worth, Texas. It is a nonprofit association of social service agencies and concerned citizens working together to promote responsible fatherhood. The coalition's work began as a fatherhood

initiative about eight years ago, spearheaded by the local workforce development board (Workforce Solutions) and a local mayor (Charles Scoma, who continues to serve as the coalition's chairman). Today, the coalition has evolved into an effective collaboration of volunteers affecting the lives of thousands of fathers, children and their families in Tarrant County.

The Noncustodial Parents project includes collaborative partners Workforce Solutions, the Office of the Attorney General, NewDay Services and child support family court judges. Fathers who have fallen behind in their child support payments are mandated to participate in a coordinated case-management program, which provides them with employment assistance and other supportive services to enhance their capacities to provide for their children. Participating noncustodial fathers had a greater than 70 percent increase in child support payments. Recently, the program has expanded to include a legal clinic, at which local attorneys assist participants with legal issues and concerns and specialized employment training opportunities for chronically unemployed noncustodial parents. Judges recently secured additional office space in the court for workforce counselors meeting with program participants. Judge Steve Owens, a strong advocate for the program, recently stated that this partnership "has been a great asset to our courts... and to our efforts to enforce and collect child support. The presence of the workforce counselors ensures accountability when we [the judges] or Community Supervision send [noncustodial] parents to them for assistance."

With a history of successful collaborative efforts like these, the Fatherhood Coalition is proving to be a valuable partner with the Texas Department of Protective Services in the implementation of the QIC-NRF project in Tarrant County. As the first year of the grant gets underway, significant linkages and improved procedures have already been established and are expected to significantly contribute to fathers' positive engagement with their children who have been placed in foster care. Learn more about the Fatherhood Coalition at www.tcfatherhood.com.



Collaborative Case Management: A Texas Model

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10

Tips on How to Work With Your Lawyer

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1 Be honest: Your lawyer cannot tell anyone what you share with him unless you say it's OK. So, you should not be afraid to be open and honest with your lawyer about the facts of your case and be sure to share with him any information that may be brought up against you in court. Telling your lawyer everything that happened and relevant information about yourself, good and bad, will help him give you the right advice and make the best case for you in court. This may include information you have about how or whether your child was abused or neglected, whether you have a criminal history or if you live with someone whom the agency may not think is appropriate to be around kids, if you are asking for custody of your child.

2 Be prepared: Take notes on the events that brought your child into the system and what happens during your case to share with your lawyer so she knows what is happening and can advocate for you. Before each time you meet with your lawyer, write down questions or issues you want to discuss with her. This will help your lawyer understand what is going on and what you want. Your lawyer is probably very busy with a lot of cases, so writing things down before you meet will give you a chance to discuss everything you want to cover.

3 Tell your lawyer what you want to happen: It is your lawyer's job to help you get what you want from the court and agency. This can include whom you want your child to live with, how often you want to visit her while she's in foster care and what help or services you or your child need (e.g., transportation, job training, health care, etc.). Take your time and think about what you want for yourself and your child and share these goals with your lawyer. When you first meet with your lawyer, tell him what your expectations are and ask him what he will be able to do for you. He will ask you questions about your goals and give you advice on how best to achieve them. He will also give you feedback on whether your goals can be met and if not, what else you should try to accomplish.

4 Ask questions: Ask your lawyer questions if you don't understand something. The court and child welfare systems can be confusing. It is important that you understand these systems so you can achieve the result you want for you and your child.

5 Listen: Your lawyer will analyze the law and the information you provided to give you legal advice on what she believes you should do. Listen carefully to this advice and decide if you want to follow it. Your lawyer provides you advice with your best interests in mind. If you don't agree, tell your lawyer why, so the two of you can talk about your options.

6 Attend out-of-court meetings: Ask your lawyer to go with you to important case planning and other meetings with the child welfare agency and other service providers. Your lawyer can advocate for you in these meetings and help make sure that the agency provides you services you need and asks you to complete them within a reasonable time. Try to get your lawyer's advice before you agree to participate in and complete services.

Things to Bring When You Meet With Your Lawyer

- A list of questions to ask or issues you want to discuss with your lawyer.
- Your notes about what has happened in your case since you last spoke with your lawyer. Your notes may cover things like your progress in finding housing, your contact with your children and your attendance at agency meetings.
- Documents you have received since you last met with your lawyer (e.g., certificate from a parenting class, a letter from a caseworker, etc.).
- Your calendar, to schedule future meetings and confirm upcoming court dates.

Questions You May Want to Discuss With Your Lawyer

What rights and responsibilities do I have as the child's father? What are my rights to see my child? What are my rights to know about and participate in court hearings for the abuse/neglect case?

How long does my child have to stay in foster care? Can my child stay with me or one of my relatives?

Is what I tell you kept secret? What information should I give you?

What will you be able to help me with in the abuse/neglect case (placement, visitation, services, etc.)? Will you help me with other legal matters as well, like child support or a criminal case?

How much can (or should) I talk to other people involved in the case (caseworker, mom's attorney) when you aren't with me?

How will becoming involved in the abuse/neglect case affect my child support obligations? How will getting partial custody or increased visitation affect them?

PLEASE SHARE WITH US

Do you have pictures of your activities or a great father-and-child picture?

A story you want to share about your program?

Creative artwork from someone involved with your program?

Other items to share in the newsletter? Send your items to Stefanie Vincent, QIC-NRF site coordinator at stefaniev@americanhumane.org



7 Keep in touch: Make sure you have your lawyer's name, phone number and address so you can contact him when there are new developments in your case or when you have questions or concerns you want to discuss. Try to meet with your lawyer before each court hearing to update him on what is happening in your case, the progress you have made with your case plan and what you want to happen during the court hearing, and to give him important documents you have received from other parties since your last meeting. Make sure that your lawyer has all of your contact information (address, cell phone, etc.), and make sure to let him know if you move or get a new phone number.

8 Keep your own file and share important documents with your lawyer: Keep copies of all the papers you get from anyone involved in your case. This includes orders from the court, any papers you get from your lawyer and any documents you get from the agency or other service providers, like a substance abuse program, parenting class or job training program. When you start, make progress in or complete a class or program, make sure you get a written record of this progress and share it with your lawyer.

9 Follow-up: If you have called your lawyer, but she has not responded after a few days, don't be afraid to follow up. Leave her another message with your phone number asking for a call back within a certain amount of time or write her a letter. If you are not happy with how your lawyer is representing you, ask to meet with her to discuss your concerns. If you are still not happy with your lawyer's representation of you, ask your lawyer to withdraw as your counsel and request that the court appoint you a new lawyer. Child welfare cases move quickly and a parent may be required to do a lot in a short time. If you are not happy with the representation you are getting in court, it is important that you express your concerns and resolve these problems quickly.

10 Speak the same language: If you are assigned a lawyer who speaks a different language than you do, make sure you ask for an interpreter to be present at all meetings between you and your lawyer so that you can communicate and your lawyer can properly advise you.

Constitutional Rights of Non-Resident Fathers

Adapted from Vivek Sankaran. "Advocating for the Constitutional Rights of Nonresident Fathers." Child Law Practice (2008): 129-130, 134-137. Available at <http://www.fatherhoodqic.org/nov08.pdf>. vss@umich.edu

The Supreme Court has recognized a birth parent's right to direct the upbringing of his or her child as a fundamental liberty interest protected by the 14th Amendment of the United States Constitution.¹ Described as "one of the oldest of the fundamental liberty interests,"² this right has been applied to protect many parental decisions. For example, it empowers the parent to direct a child's religious upbringing,³ choose with whom the child should associate,⁴ and make medical decisions for the child.⁵ These holdings rest on the premise that the "natural bonds of affection lead parents to act in the best interests of their children."⁶

Parents' Constitutional Rights in Child Welfare Proceedings

In child welfare cases, this right has fueled constitutionally based procedural protections for parents. If the state seeks to remove a child from the home, an emergency hearing must be held promptly and the state must prove why removal is necessary. Before the state assumes extended custody of the child, a finding of unfitness is required. The parent must receive adequate notice and a meaningful opportunity to be heard at the hearing where this finding is made.⁷ Before the state terminates

parental rights, it must prove parental unfitness by clear and convincing evidence⁸ at a hearing. In most cases, the court will appoint counsel to represent the indigent parent at this hearing.⁹

The Supreme Court has said that in order to determine whether a father has rights protected by the Constitution,

one must look at the level of involvement of the non-resident father in his child's life. "When a father demonstrates a full commitment to the responsibilities of parenthood by coming forward to participate in the rearing of his child, his interest in personal contact with his child acquires substantial protection under the Due Process Clause."¹⁰ For example, in *Lehr v. Robertson*, the Supreme Court upheld a New York law that did not require a father to be notified of his child's impending adoption because the father did not take meaningful steps to establish a parental relationship with his child.¹¹ In this and other similar cases, the Supreme Court has prevented fathers who had not made efforts to establish a relationship with their children from using the Constitution

to disrupt the child's permanent placement.¹²

But when the father has such a relationship, the Court has prevented states from infringing on the father-child bond without providing adequate legal protections. In *Caban v. Mohammed*, the Court struck down a New York law that denied a father the right to object to an adoption

Respecting Fathers' Rights

Child welfare professionals have an important role to play in ensuring that fathers' constitutional rights are protected. You can:

- Ensure the non-resident father is identified and located early in the case and receives notice of all child-welfare proceedings.
- Arrange for paternity testing and other services to help the father establish that he is the legal father.
- Ensure your agency begins working with non-resident fathers (and any paternal relatives who express interest) immediately after they request custody or visitation.
- Include the father in his child's case plan, focus on his strengths and offer him appropriate services.
- If no evidence of parental unfitness exists, remember that the father has a constitutional right to see and request custody of his child.
- Ensure agency practices do not hinder the father's right to visit with his child without proof that it may harm or endanger the child's safety or well-being.

to which the biological mother had already consented.¹³ The Court held that since the father was as involved in the children's upbringing as was their mother, they both had to be treated equally.¹⁴ Although the Supreme Court has never listed the specific actions a non-resident father must take to establish his constitutionally protected interest in his child, its rulings clarify that the rights of fathers who have established relationships with their children are constitutionally protected from state interference, lacking proof of unfitness. Courts may look at a number of factors to determine if a father has established a relationship with the child, including whether he:

- paid child support or provided other assistance to the mother;
- visited or lived with the child;
- sent the child cards or gifts;
- attended school meetings or took the child to doctor appointments; or
- listed his name on the birth certificate.

Paternity Establishment

Additionally, the Supreme Court has said that states must give all fathers the opportunity to establish parental relationships by allowing them to claim their interest in the child soon after the child's birth.¹⁵ States have created several ways for fathers to assert parentage. In some states, fathers have to file an affidavit of paternity jointly with the child's mother or institute a paternity suit. Others use paternity registries to let fathers assert their interests. State practices vary on this issue, but professionals who work in this area should know the options available to fathers in their state. Most courts have found that a father's failure to comply with state procedures constitutes a permanent waiver of the father's rights to his child.¹⁶

State Law

In many circumstances, state law provides non-resident fathers with specific rights in child welfare cases. Most states provide non-resident fathers rights to:

- notice of proceedings and opportunity to participate in hearings;
- visitation with children; and
- court-appointed counsel if indigent.

States vary, however, on whether the child must be placed with the non-resident father lacking proof of unfitness, and whether the court can order a fit non-resident father to comply with services it deems are in the child's best interests. Caseworkers should consult with their agency's legal department to determine what their state's law says.

Know Your State's Law

A number of states have strong presumptions that the husband of the child's mother is the legal father if the child was born during the marriage. In these states, even if another man claims to be the child's birth father, he may not be able to assert his rights in court since the law recognizes someone else as the child's legal father. Some states, like Louisiana, have allowed courts to permit dual paternity in limited situations.¹⁷ Make sure you know your state's law on this issue.

¹ Meyer v. Nebraska, 262 U.S. 390 (1923).

² Troxel v. Granville, 450 U.S. 57, 65 (2000).

³ Wisconsin v. Yoder, 406 U.S. 205 (1972).

⁴ Troxel, 450 U.S. at 57.

⁵ Parham v. J.R., 442 U.S. 584, 603 (1979).

⁶ Ibid. 603.

⁷ Stanley v. Illinois, 405 U.S. 645 (1972).

⁸ Santosky v. Kramer, 455 U.S. 745 (1982).

⁹ Lassiter v. Dep't of Social Services, 452 U.S. 18 (1981).

¹⁰ Lehr v. Robertson, 463 U.S. 248, 261 (1983).

¹¹ Ibid. 248.

¹² Quilloin v. Walcott, 434 U.S. 246, 255 (1977).

¹³ Caban v. Mohammed, 441 U.S. 380 (1979).

¹⁴ Ibid. 389.

¹⁵ Lehr, 463 U.S. at 262-263.

¹⁶ See Marco C. v. Sean C., 181 P.3d 1137 (Ct. App. Az. 2008); Hylland v. Doe, 867 P.2d 551 (Or. Ct. App. 1994); Sanchez v. L.D.S. Social Services, 680 P.2d 753 (Utah 1984) (all refusing to permit fathers to assert parental rights where they did not comply with statutory requirements).

¹⁷ Smith v. Cole, 553 So. 2d 847 (La. 1989).

CHAPTER FIVE



Engaging Fathers in the Child Protection Process: The Judicial Role

Judge Leonard P. Edwards (ret.)

CHECKLIST

Engaging Fathers in the Child Protection Process: The Judicial Role

Identify and locate all possible fathers early.

- Question the mother under oath regarding the identity of the father.
- Determine where the father can be located by questioning parties about his whereabouts.
- Order the social worker to follow up on information gained from the court hearing.
- Revisit the question of identity and location of the father at all subsequent court hearings.

Complete paternity testing as soon as possible.

- When a potential father comes to court, let him know the court is pleased that he has appeared because he is an important person in the child's life.
- Let him know that once his paternity is established, he will be treated as a parent in all subsequent court proceedings.
- Ensure testing costs are at state expense unless the father has means to pay.

Appoint counsel for the father.

- Appoint counsel as soon as paternity is established, with the possibility of reimbursement considering his financial means.

Engage fathers in the child protection case.

- Insist that social workers use good faith efforts to identify, locate, and support fathers throughout the case.

- Use the “no reasonable efforts” finding if necessary to ensure father engagement.
- Make it clear that the father may be a placement possibility for the child.
- Encourage developing community-based services that meet the needs of fathers, like parenting classes for fathers, fathers mentoring fathers, and other gender-specific programs.

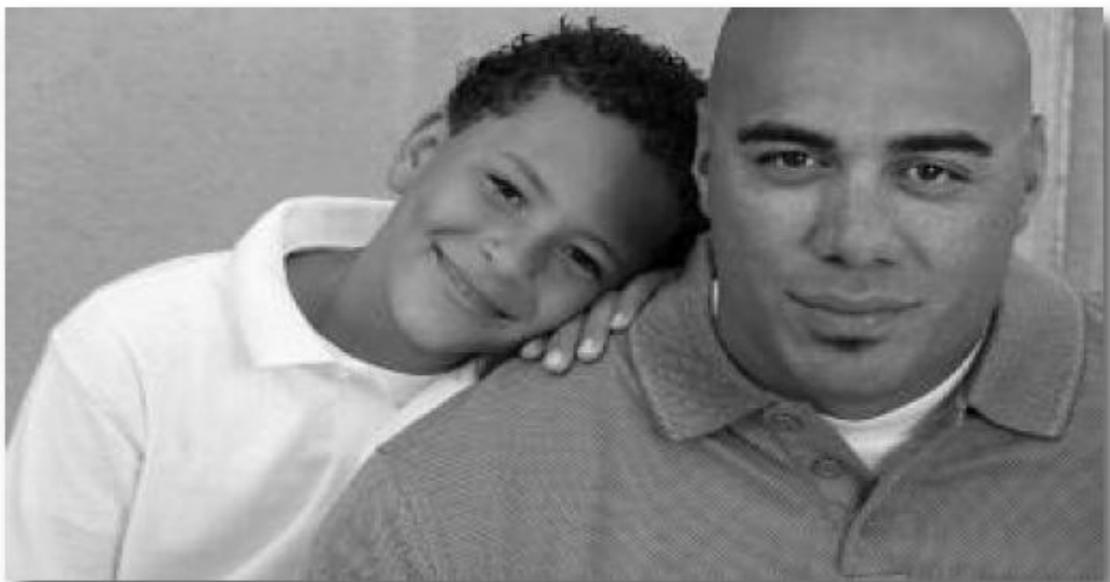
Involve paternal relatives in the case.

- Identify the father’s extended family and ensure they know about the legal proceedings and that they will be considered as possible placements if necessary.
- Permit the extended family to participate in group decision-making processes, visitation, and court hearings, where appropriate.

Address domestic violence issues.

- Determine if the father is a danger to the mother or to the child and consider appropriate protective orders.

Download this and other checklists at www.fatherhoodqic.org/checklists



Nonresident fathers rarely appear in child welfare proceedings.¹ Several reasons stand out: the father is hard to locate, the mother is ambivalent about engaging the father, the caseworker devalues fathers, and the father feels outside the process and does not want to participate. The list goes on.²

As a judge presiding over child welfare cases, you have the power to remove barriers and promote fathers' involvement in child welfare legal proceedings. Fathers are important to the child and to the legal process³ and you play a critical role in engaging them. This chapter explores:

- why it is important to engage fathers in the child welfare process;
- the judge's role in determining who the father is and in establishing paternity;
- the judge's role in monitoring agency actions to identify, locate, notify, and support the father;
- the judge's role in engaging fathers and their families in the child welfare process, both in and out of court; and
- safety considerations for the mother and child if the father presents dangers to one or both.

Making Father Engagement a Priority

Fathers need to be engaged in the lives of their children⁴ unless they pose a threat of harm. In the absence of any risk of harm, judges must take steps to ensure fathers participate in the court process.⁵ Engaging fathers in the child welfare case and legal proceedings is important for several reasons:

- **Protects the father's legal rights.** The father has a legal right to participate in the proceedings. If the court process does not include the father, in some states he may be able to attack the proceedings. The father's "late arrival" in the proceedings can affect the outcome for the child and delay permanency.⁶ Sometimes the child welfare process must start over to give the father a fair opportunity to reunify with his child. If the father was never notified of the proceedings, even an adoption could be overturned.⁷
- **Promotes children's social well-being and healthy development.** Research reveals that children have better outcomes when two parents are involved with their upbringing.⁸ A father's presence can give the child a sense of belonging to a complete family. A father can help the child understand who he is and how he fits into the social scheme of his family and the world around him.

- **Promotes family connections.** The father's family provides an additional resource for the child socially, emotionally, and financially. The father's family, on average, will provide the child with one-half of his or her relatives. Studies show that this can mean scores if not hundreds of potential relative connections.⁹
- **Provides financial resources for the child.** A father can bring financial support directly or through child support to the caretaker.¹⁰ The father may also provide health and dental insurance. The father's extended family also offers opportunities for economic support.

Identifying Fathers and Determining Paternity

The father is often viewed as the male biological parent of a child. But whether he will be acknowledged by the law as a father entitled to all of the legal rights and protections given to the mother will be determined by other factors such as:

- Was he married to the mother at the time of conception?
- If not, did he acknowledge that he is the father of the child?
When did he do so?
- Was he present at the birth of the child?
- Did he acknowledge paternity at the hospital or place his name on the birth certificate?
- Did he live with and support the child after birth?
- Did he attempt to have contact with and support the child after birth?
Was he prevented from doing so?
- Is there more than one person claiming to be the father?
- Did he register on a paternity registry?

Depending on state law and answers to the above questions, biological fathers in some jurisdictions may find they have fewer rights than in others. It is your role to sort this out and declare who the father is and his legal status regarding the child before the court. Accomplishing this involves aggressively pursuing paternity from the outset of the case.¹¹

Questioning the caseworker

Sometimes the information collected by the caseworker before the initial hearing will be incomplete regarding the identity, location, and legal status of the father. Always ask the caseworker whether she has had contact with anyone claiming to be

the father of the child. If so, follow up by asking if the caseworker offered paternity testing and informed him of the court proceedings and his right to participate.

Questioning the mother

Obtain as much information from the mother as possible by questioning her under oath. When trying to identify and locate a father with a reluctant mother, you will need to ask probing questions. The following courtroom exchange typifies the judge's role in determining the identity and location of the father from a reluctant mother.

Judge: Good morning, Ms. Jones. Thank you for coming to court today. As you know we are here today regarding the legal proceedings involving your child. I have several questions I must ask you at the outset. They are required by law. They are so important that I am going to ask you to raise your right hand and give an oath that you will tell the truth (oath administered). First, are you married?

Mother: No.

Judge: Have you ever been married?

Mother: Yes, but I think we are divorced. At least, he said he was going to get a divorce. I haven't seen him for years.

Judge: What is that person's name?

Mother: Jack Williams.

Judge: How can we contact him?

Mother: I have his address because the child support people have been getting him to pay support for the past few months.

Judge: Will you please give that information to the social worker after court?¹²

Mother: Alright.

Judge: Who is the father of your newborn son, Charlie?

Mother: I don't know.

Judge: Ms. Jones, it is necessary that I know who the father is. These are important legal proceedings and you must answer my questions. Who is Charlie's father?

Mother: I only met him once.

Judge: Where did you meet him?

Mother: In a bar.

Judge: What is the name of the bar?

Mother: I forget.

Judge: Where is the bar?

Mother: It's on the corner of 4th and Washington, downtown.

Judge: What did you call him when you met him?

Mother: He just went by "Big Al."

Judge: Did you see him there more than once?

Mother: Yeah, he hangs out there.

Judge: Did he say where he worked?

Mother: No.

Judge: Did he say where he lived?

Mother: No.

Judge: Have you seen him lately?

Mother: Once in a while.

Judge: Have you told him about Charlie?

Mother: I may have told him.

Judge: Was he present at the birth of the baby?

Mother: No way!!

Judge: Has he ever seen the baby?

Mother: No way, I wouldn't let him near the baby.

Judge: Did he ever see you when you were pregnant?

Mother: I don't remember.

Judge: Did he ever talk about his family?

Mother: I don't remember.

Judge: Ms. Jones...this is very important. Did he tell you about his family?

Mother: He said he lived with his mother and aunt.

Judge: Could you show the social worker or your lawyer where the bar is?

Mother: I guess so.

Judge: Could you point out Big Al to them if you saw him?

Mother: I guess so, but you have to watch out, as I hear he is dangerous.

Judge: Thank you, Ms. Jones. Ms. Tompkins (the caseworker), did you hear the answers that Ms. Jones gave? I order you to follow up on that information. Moreover, I order you to continue this search as long as this child's case is before the court.

Your stature as the judge is such that answers are likely to be forthcoming, answers that may not be revealed to a caseworker or even to a lawyer. It takes extra time for judicial questioning, but the results are well worth it.

Ordering agency follow up

Order the agency to follow up on the information disclosed by the mother, search for the father, and give him notice of the proceedings. Follow up on the agency's progress at subsequent hearings.

Questioning potential fathers directly

Sometimes a man claiming to be the father will appear at the courthouse. Be sure the person responsible for bringing parties into the courtroom (e.g., bailiff or other court officer) informs you of all parties who wish to be present in the courtroom. Decide who will be permitted to be present and for what portion of proceedings. Question a potential father directly about his relationship to the mother, relationship to child, desire to be a father, and his efforts to establish a relationship with the child. If the man may be the father, take steps to protect his rights, such as ordering the agency to arrange for and pay for paternity testing; setting a date for paternity test results; and appointing counsel. Consider the following exchange:

Judge: Good morning. What is your name?

Father: Good morning, Judge. I'm John Soto and I'm the father of the child, little Harry.

Judge: Well, I am going to ask you some important questions about your relationship to Ms. Rivera and the child, little Harry. Would you please stand while my clerk administers the oath? (oath administered) Are you married to the mother, Ms. Rivera?

Father: No sir, I'm not, but I know he's my son.

Judge: Are you living with Ms. Rivera?

Father: No sir, she and I had a falling out and she won't talk to me, and she wouldn't let me see the boy.

Judge: Were you present when the baby was born a few months ago.

Father: I wanted to be, but she wouldn't tell me where the hospital was.

Judge: Do you want to be a father to this child?

Father: I sure do and so does my family. My mother and father and a sister are outside the courtroom and they want to visit with the child also. My sister would love to have the child live with her, if he can't return to his mother's care or live with me.

Judge: Ms. Rivera, do you believe that Mr. Soto is Harry's biological father?

Mother: I guess so, judge.

Judge: Madam Social Worker, I order you to arrange for DNA testing to determine if Mr. Soto is the biological father of the child. I want that completed as soon as possible at department expense¹³ with the results returned to court in 14 days.¹⁴ Furthermore, in light of the financial affidavit that Mr. Soto has filled out I am appointing Mr. William Frank to represent Mr. Soto through these proceedings. My court attendant will give you Mr. Frank's telephone number, Mr. Soto.

There could be different answers and outcomes to this scenario, but the judge is demonstrating the importance of determining paternity at the earliest possible stage. If the father had shown ambivalence and decided he did not want to participate in the proceedings, the judge might have just let him walk out.

Protecting the legal rights of alleged fathers

Unfortunately, some state statutes create obstacles for nonresident fathers including those who might be interested in connecting with their children and participating in child welfare proceedings. These statutes may require the father to file a legal action to determine his paternity, register in a paternity registry, or take other independent action to have the right to receive notice and participate in the proceedings.¹⁵

One troubling situation involves a man the mother claims is the father to whom she is not married and who otherwise would not qualify as a putative or

Views from the Bench: Engaging Fathers

While little has been written about engaging fathers from a judicial perspective, juvenile and family court judges, child support commissioners, and other judicial officers have thought a great deal about this issue. Interviews with judicial officers from four different jurisdictions revealed several themes.

- **Encourage the agency to locate the father early:** Regularly ask about the father's whereabouts and hold the agency accountable for not looking hard enough and for not offering appropriate reunification services. Insist that social workers take seriously their role in questioning the mother about the identity and location of the father. Ensure the intake officer requires the father's information on the petition so the social worker gets in the habit of securing that information.
- **Consider the father as a resource:** Make it clear that the father should be considered for placement, if not immediately, then sometime soon. Encourage and facilitate regular visits between the father and child. Hold the agency accountable for failing to provide fathers with meaningful reunification services.
- **Engage fathers in the court process:** Tell them that "anyone can be a father, but it takes dedication to be a daddy." Share studies that show that children fare better if both parents are involved in their lives. Explain to the parties that just because a father is nonresident it does not mean he is unfit. Permit appearances by phone to accommodate work schedules, transportation problems, incarceration or other conflicts fathers may have. Order paternity testing if necessary. Offer evaluations, family contact, treatment, and transportation assistance.
- **Encourage interagency collaborations:** Coordinate with parent representation offices to appoint counsel for indigent fathers. Facilitate the development of protocols with child support enforcement whereby the father's child support obligation can be suspended if he has custody under a juvenile court order.
- **Use training to educate the court system about the importance of engaging fathers:** This includes not only child welfare cases, but all cases involving children where engaging fathers is a problem (e.g., delinquency, child support).

Sources:

These tips were drawn from interviews with: Commissioner Marilyn Kading Martinez, Los Angeles County Juvenile Court; Judge Stephen Rubin, Pima County, Arizona, Juvenile Court; Commissioner John Schroeder, Santa Clara County Child Support Commissioner; Judge Constance Cohen, Juvenile Court Judge, Des Moines, Iowa.

presumed father under the Uniform Parentage Act.¹⁶ In many states this person is called an alleged father. Best practice is for the court to order that he be notified of the proceedings. In some jurisdictions, the court will immediately appoint counsel to represent him and help locate and advise him of his rights.¹⁷ Most states will not appoint counsel unless paternity is established, while some states rarely or never appoint counsel for a father or mother at any stage of the proceedings.¹⁸

Devote time to determining whether an alleged father is the biological father of the child. Many children are born out-of-wedlock,¹⁹ and many children in child welfare proceedings come from unmarried parents. These children did not choose their parents or their parents' marital status. To punish them for their parents' behaviors is wrong. It is also unconstitutional.²⁰ These children deserve the same level of advocacy and assistance connecting to and reunifying with family as children of married parents.

The father who appears and asks for custody raises complex issues. Assuming that he is a fit parent, should the court place the child with him and dismiss the case? That would be the result had the mother died since he would be the child's surviving parent. Should the court give no preference to the father at all and simply use a "best interests" test to determine custody? Should the court place the child with the father, maintain the child under court supervision, and give the mother an opportunity to use services to reunify with her child? States have responded to these issues in different ways both through statutes and appellate decisions.²¹

Monitoring Agency Actions

Do not assume the child welfare agency is doing all it can to identify, locate, notify, and support the father in child welfare proceedings. The Adoption Assistance and Child Welfare Act of 1980²² requires court oversight of agency actions in child welfare cases. Further, the Child and Family Service Reviews (CFSRs) assess each child welfare agency on:

- 1) whether they made concerted efforts to involve *parents* in the case-planning process on an ongoing basis;
- 2) whether the caseworker had frequent and high quality meetings with the *parents*; and
- 3) whether the caseworker demonstrated concerted efforts to provide visits of sufficient quantity and quality to promote continuity in the child's relationship with the *parents* and siblings²³ (emphasis added).

The CFSR assessments require the caseworker to work with both parents throughout the time a child's case is before the court. These federal laws and guidelines clarify the agency's responsibilities and the court's role in monitoring agency compliance. Within the context of each case, the court can specify what it expects of the agency and hold it accountable.²⁴

Assessing the agency's actions

At the shelter care hearing,²⁵ ask what actions the agency has taken to identify and locate the father.²⁶ Has the agency's caseworker:

- asked the mother about the identity and location of the father?
- used any search technology such as the child support locator to locate the father?
- asked the mother's relatives about the father and his relatives?
- asked the mother about the identity and location of any of the father's relatives?
- used family-finding technology to identify the father's relatives?²⁷
- contacted any of the father's relatives concerning his location?
- checked with local jail or state prison representatives (or prisoner locator Web sites) to determine if the father is incarcerated? (See Chapter 4, *Locating Your Client: A Checklist* box.)
- checked with probation or parole authorities to determine if the father is on probation or parole?
- talked with the child or the child's siblings about contact with the father or father's relatives?

At interim review hearings, address the caseworker's efforts to identify and locate the father and review relevant court reports. If the caseworker has failed to follow through, consider making a finding of "no reasonable efforts" since identifying the father can prevent foster care placements.²⁸

Ensuring the father is notified

Notifying the father that legal proceedings have commenced is another critical stage in child welfare cases. State statutes differ on the type of notice required before the court can proceed. Some states do not require the state (agency) to give an unmarried father notice of child welfare proceedings, or only require notice when that person has taken specific steps such as entering his name in a paternity registry.²⁹ Illinois, on the other hand, includes unmarried fathers in the definition of parent and requires personal service when the case starts.³⁰ Notifying the father is so important that Illinois gives him the right to demand a shelter care

rehearing when he finally appears.³¹ Only after extensive efforts can the agency use substituted service, namely publication, to notify the father.³² This commitment to engaging the father is a best practice that other state legislatures should emulate.

Ordering DNA testing to establish paternity

When ordering DNA or other testing to determine paternity, make your expectations known regarding payment for the test—the Title IV-D agency or the child welfare agency, depending on which can accomplish the DNA testing more quickly or at the lowest cost. These are issues that impact the child’s best interests as well as the timeliness of the court process, already under strict ASFA guidelines. If there is any question about the agency’s follow through, hold an interim review to check on the progress of the testing.

Ensuring visits begin once paternity is established

Once paternity is established, visitation should begin immediately unless there is reason to believe such contact would harm the child.³³ The agency should not wait for weeks or months to return to court to start that visitation. Ensure visits begin promptly by making an order for visitation contingent upon the paternity finding without requiring a return to court. The agency should also consider permitting the father’s relatives to participate with the father in visits. Relatives may help the father develop a positive relationship with his child.

Ensuring the agency provides services to the father

Make it clear that you expect the agency to offer the father services once paternity is established. Since some fathers ask for service referrals before paternity is determined, the court should encourage the agency to permit this to occur without requiring a return to court.

Court-Engagement Strategies

Engaging fathers in the child welfare process involves strategic thinking and planning. For the father who enthusiastically comes to court asking to fully engage in his child’s life, participate in services, and attend all court hearings, there is little the court needs to do. The enthusiastic father, however, is the exception. More often the father is ambivalent about participating in the case, his relationship to the mother, and coming to court. Moreover, he may worry about getting involved

Iowa's Approach to Engaging Fathers

Iowa has taken steps to engage fathers in the child welfare process. Iowa's success comes despite a statutory scheme that treats nonresident fathers as little more than an intervenor.¹ According to Judge Constance Cohen, the judiciary does its best to provide notice, counsel, and services to fathers promptly. Engagement efforts cut across the entire dependency process in Iowa and include:²

- The public defender's office appoints counsel, subject to the filing of a financial affidavit, so all identified parents have legal representation at the first hearing.
- At expanded preliminary hearings held within five days of removal,³ the court orders paternity testing if necessary, and offers evaluations, family contact, treatment, transportation assistance, and other frontloaded services.
- Iowa courts provide parents handbooks at the first hearing to help them understand the nature of the proceedings.
- Judges present fathers with a "now or never" proposition, making it clear that full involvement is expected and that it may be too late if they wait for the mother to fail to try to assume custody.
- Fathers may participate by phone to accommodate work schedules, transportation problems, incarceration, and other barriers to personal presence at court hearings.
- Courts may find compelling reasons to maintain a father's legal rights beyond 15 months in cases in which the mother has purposefully frustrated the father's efforts to locate and become involved with the child.
- In cases involving siblings with different fathers where the mother is not a possible placement but one father can take custody of some or all of the children, expedited foster care licensing may be explored to keep the siblings together.
- The Parent Partners program works with parents who have successfully navigated the system to mentor parents who are new to the system. Fathers, in particular, benefit from these mentor relationships.
- Iowa's Fatherhood Initiative developed by the court and community supports fathers and provides educational tools.
- A Zero-to-Three project has made special efforts to motivate fathers to participate in all aspects of a case. It offers attachment assessments, dyadic therapy, family contact, and other frontloaded services.⁴

- A statewide protocol provides that a child support payor's obligation may be suspended if he has custody under a juvenile court order. This creates an economic incentive for the father to ask for custody.

Sources:

1. "A parent without custody may petition the court to be made a party to proceedings under this division. Iowa Code § 232.91(1).
2. E-mail correspondence from Judge Constance Cohen, Juvenile Court Judge, Des Moines, Iowa. Copy available from the author.
3. The local rule mandates the hearing take place within 10 days, but local practice is for the hearing to take place in five days, again because of the expedited nature of the proceedings.
4. Phone conversations with Judge Constance Cohen and Judy Norris, director of the Zero to Three project.

in legal proceedings for reasons relating to his immigration status, criminal history, concerns about child support, or poor relationships with the caseworkers or lawyers.

Treating fathers with respect

When the father appears in court, treat him with respect, acknowledging his importance to the legal proceedings and to the child.³⁴ Simple courtesies can make the difference between a positive and negative court experience for the father. Take time to explain such issues as the nature of the proceedings, the importance of fathers, permanency issues and timelines, the father's legal rights, and the potential role of the father's family for the child.

Judge: Good morning Mr. Smith. How are you today?

Mr. Smith: Fine thanks, Judge. Say, just why am I here today?

Judge: Mr. Smith, I have a number of important questions to ask you today. Please stand and raise your right hand so that my clerk can administer the oath (oath administered). Mr. Smith, Miss Francis says that you are the father of her baby boy, Ricky. There are legal proceedings involving Ricky, and, if you are the father, you have a right to participate in those proceedings. Is it possible you are the father?

Mr. Smith: Well, I don't know judge. Miss Francis has a lot of boyfriends, and I'm not married to her, you know.

Judge: Well she seems pretty sure that you are the father. That's great news isn't it!

Mr. Smith: I don't rightly know, Judge.

Judge: Being a father is a wonderful event. I want to offer my congratulations.

Mr. Smith: Thanks, Judge, but I'd like to be sure. Could I get some testing done to make certain that I'm the father?

Judge: Certainly, Mr. Jones. The caseworker will arrange for DNA testing this week. Will you go to the testing center when she tells you the date?

Mr. Smith: I guess so.

Judge: Have you told your parents about Ricky?

Mr. Smith: I did mention it to my mother.

Judge: And was she happy with the news?

Mr. Smith: Yeah, she was pretty excited.

Judge: As soon as the testing is completed, would you like to have visits with Ricky?

Mr. Smith: Sure, I guess.

Judge: Would you like it if your mother was also able to visit?

Mr. Smith: Sure, I guess. I know she would like it.

Judge: The caseworker can refer you to a class for new fathers where you could meet with other young men to discuss what it means to be a father and how to care for your child. Would you like to participate in that class?

Mr. Smith: Sure, if I'm the father, I'll do it.

Judge: You understand that if I find you to be Ricky's father, I will make the class a part of your case plan. So you will be getting a head start if you get going now.

Mr. Smith: I understand, Judge.

Judge: Would you like a picture of Ricky?

Mr. Smith: Yes, that would be nice.

Judge: Once the testing is complete, the caseworker will provide you with one. I want you to return to court in 10 days. I will appoint you a lawyer once the paternity testing is complete and you are proven to be the father. Then there will be another hearing in two weeks. You have a right to appear at that hearing and all hearings thereafter.

Removing barriers to participation

Identify and remove barriers to the father's participation and encourage him to become involved with his child. The barriers include anything that makes it more difficult for the father to play a role in his child's life. For example, ask whether the father has transportation to and from the facility that will perform the DNA testing, to court proceedings, to the site for visitation, and to the location of services. Ensure that there are language interpreters for non-English speaking fathers and that those interpreters are available at all critical events in the case. Also determine whether the father's relatives want to be involved in the child's life.

Appointing qualified counsel

Appointing counsel for the father is critical to his involvement in the court process. Counsel can inform the court about problems the father is experiencing that otherwise would escape the court's notice. Counsel can facilitate communication between the father and the caseworker and can ensure the father's rights are upheld.

There is no constitutional right to counsel for indigent parents in child welfare cases.³⁵ State laws and practices vary regarding appointing counsel for indigent parents. A 1998 survey found:

- Thirty-nine states provide that counsel be appointed for indigent parents.
- Six states include provisions that counsel be appointed for parents in all child welfare proceedings.
- Three states provide only for the appointment of counsel for parents in termination of parental rights cases.
- Three states do not provide explicitly for the appointment of counsel in statute.³⁶

Seventy-eight percent of the survey respondents reported that counsel is appointed at some point during a child welfare case, while 11% of the respondents said that counsel for parents is generally not appointed.³⁷ The survey also found that appointed parents' counsel is often inadequate for three reasons:

- 1) inadequate time to prepare;
- 2) inadequate time, resources, and compensation to adequately represent clients; and
- 3) tension between zealously representing parent clients and "core concepts" of morality [that] dictate care and concern for the abused child.³⁸

Barriers to Engaging Fathers

Understanding why fathers are important in child welfare cases is the first step to fully engaging them in the legal process. If the child welfare system does not have a role for fathers, then developing engagement strategies wastes time. Common barriers to engaging fathers are:

- **Mothers' reluctance to reveal name or location of father.**¹ Many mothers have had violent or unhealthy episodes with the father. Others have a new romantic relationship and want to forget about their child's biological father. Some may want to protect him from involvement with the court. Still others are reluctant to bring the current abuse or neglect episode to the attention of the father, fearing he will ask for custody.²
- **Caseworkers' ambivalence about finding fathers.**³ Some caseworkers have had negative experiences with fathers and suspect that the father is not interested in the child. Others fear that bringing the father into the child welfare case may introduce another abusive person or increase conflict between the parents.⁴ Caseworkers know that engaging fathers will result in more work, will be more costly to the agency, and find that working with mothers alone is easier.⁵
- **Legal system's failure to give priority to locating or engaging fathers,** particularly if the father is not married to the mother, is incarcerated, or has a violent or criminal history.⁶

(For further discussion of barriers to father engagement, see *Chapter 2, Understanding Male Help-Seeking Behaviors.*)

Sources:

1. See, e.g., *G.P. v Florida*, 842 So. 2d. 1059 (Fla. Dist. Ct. App. 2003) (holding mother had a constitutional privacy right to withhold name of her child's father).
2. Harris, L. "Involving Nonresident Fathers in Dependency Cases: New Efforts, New Problems, New Solutions." *Journal of Law & Family Studies* 9(2), 2007, 299-397.
3. Malm, K., J. Murray and R. Geen. *What about the Dads? Child Welfare Agencies' Efforts to Identify, Locate and Involve Nonresident Fathers*. Washington, D.C.: U.S. Department of Health and Human Services, Office of the Assistant Secretary of Planning and Evaluation, 2006, ix, 85-86.
4. *Ibid.*, 25.
5. See Rosenberg, J. and W.B. Wilcox. *The Importance of Fathers in the Healthy Development of Children*. Washington, D.C.: U.S. Department of Health & Human Services, 2006, 33.
6. National Child Welfare Resource Center for Family-Centered Practice. "Father Involvement in Child Welfare: Estrangement and Reconciliation." Washington, D.C.: U.S. Department of Health and Human Services, ACYF, Children's Bureau, Summer 2002, 1-2.

The survey shows that representation for indigent parents is not provided in all states, and when it is provided it is often inadequate. Appointing counsel for nonresident fathers occurs less frequently than for mothers and presumed (putative) fathers. For adequate counsel to be appointed for nonresident fathers, standards of representation must be raised. Some jurisdictions, such as the District of Columbia, already set high standards by appointing counsel for all fathers.

The court should also require counsel to participate in training focused on representing fathers.³⁹ Some courts require all appointed lawyers to complete trainings and observe and participate in court proceedings before becoming eligible for court appointment.⁴⁰ Such requirements ensure the availability of an experienced panel of lawyers for representation of parents, and particularly fathers, in child welfare cases.⁴¹

Encouraging the father

Encourage the father to take pride in his new status as father and help him identify the positive aspects of being a father. These include visiting, sharing with other family members, exchanging photos, participating in doctor visits, and more. Congratulate the father, reminding him that this is a major societal and family event. This encouragement can come from any male in the courtroom:

Judge: You know I am a father, too.

Father: Oh?

Judge: Yes, having a son/daughter has been one of most important parts of my life. There are so many things we do together. You have a great deal to look forward to as a father.⁴²

Consider asking the father if he had a relationship with his own father. Depending on the answer, you might follow up with, “Would you like to have a good relationship with your child?” If the answer is yes, offer to help with that. If the father works, compliment him and offer praise for his role in supporting his child and tell him how important economic support is to the child’s well-being.⁴³

The court can also present barriers to engagement by making it difficult for the father to visit, come to court, or engage in services. Some courts show a bias towards alleged fathers that harms the father and child.⁴⁴ Without appellate court oversight some trial courts will continue to provide only minimal due process or support for fathers.

Identifying and Engaging the Extended Family

Extended family can help engage fathers with their children. The young father may not understand the importance of a new family member to other family members and to the family unit. Other family members—grandparents, aunts, uncles, and siblings—understand how important a new family member is, particularly a baby. They will want to be a part of the baby’s care and for the baby to remain in the family. Moreover, they will likely influence the father more than any professional in the child welfare system.⁴⁵ Parents, siblings, and other relatives may be able to hold the father accountable for his behavior and ensure he participates in the legal proceedings.

Young fathers can be uncomfortable with infants. Typically they do not know how to play with or comfort them. Extended family members can help the father learn how to relate to and feel more comfortable with his child, and make him understand how important this new addition to the family is to everyone. A father visiting with an infant by himself may have a difficult experience and give up his efforts to be involved in his child’s life. A father visiting with a relative sees the child in the hands of a more skilled family member and learns how to be a better father.

As the judge, you can play an important role in making the extended family a part of the child welfare case. Insist that extended family be told of the legal proceedings, invited to court, and included in visitation arrangements so that they can help engage the father in his child’s life.

Identifying and engaging relatives is sound policy. It also is the law in many states and is emphasized in recent federal legislation.⁴⁶ The Fostering Connections to Success and Increasing Adoptions Act stresses the identification of extended family, the engagement of relatives, and the preference for consideration of relatives. There are also more than 23 “relative preference” states—states with statutes that give preference to relatives over nonrelatives when a child is removed from parental care and placed out of home. This is also the practice in some states without relative preference statutes. It is good caseworker practice to identify and work with extended family members. Usually these relatives know the child, which makes placement with them less traumatic to the child. They also share DNA with the child, making it likely that they will treat the child with love and will work to make the child’s environment family-like. Some research shows that relative placements are safer than nonrelative placements.⁴⁷ It is also well established that relatives provide a significant percentage of care for children placed out of home.⁴⁸

Protecting the Safety of the Mother and Child

Do not assume the father in the child welfare case is harmless or a positive influence in the child's life. He may be dangerous, violent, a substance abuser, or have sexual or mental health problems. You will need good information about the father to make decisions about his contact with the child and with the mother. Be prepared to restrict contact, if necessary, and have domestic violence protocols and practices in place that address when mediation or other group decision-making processes should be used.⁴⁹

However, just because the father is violent or dangerous does not mean his entire family is to be avoided. Some people subscribe to the maxim that “the apple does not fall from the tree,” meaning that if the father is dangerous, the entire family must be dangerous. Group decision-making practices often uncover some solid, stable members in a family, no matter how violent or dangerous one or more members may be.

Assuming the father is a danger, if a family member steps forward to receive a child into their home, find out whether the family member understands what the father has done and is willing to protect the child from the father in the future. This issue is challenging for family members because they often love the father and cannot accept that he has done or may do something abusive towards the child. Weigh these considerations when making a placement decision.

Using Nonadversarial Processes

The adversarial court process does not build relationships, strengthen families, or encourage participation by fathers or other family members.⁵⁰ Fathers (and most family members) are intimidated by the adversarial process and most do not want to come to court and have a trial. As a result, they either do not attend or sit silently in child welfare proceedings. The courtroom does not permit the parent to speak freely. Instead, any expressions are restricted by the rules of evidence and time restrictions. An important strategy for the child welfare system is to have opportunities outside of court to resolve matters, preferably in a confidential setting where family members can work with others to address the needs of their child.⁵¹

Group decision making

Encourage the agency to use group decision-making processes that bring together family members, friends, and professionals to address issues relating to the child.⁵²

Family members work together to plan for the future of their children. Resources within the family and close friends are identified, family members help make it possible for the child to remain with relatives, and fathers see that they are a part of a greater family that wants to raise its children. The father also sees that he has a part to play in the family, and that he is important to his child. Every effort should be made to include fathers in group decision making. In North San Diego County, for example, the agency will not convene a team decision-making meeting (TDM) without the father, believing his involvement and the involvement of his family almost always benefits the child.⁵³

Mediation

Many child welfare courts across the country have started mediation programs with great success.⁵⁴ Family members prefer mediation to the court process because they feel that they are heard (for the first time) and they can work with others to fashion a result with which everyone agrees.⁵⁵ If your jurisdiction lacks a child welfare mediation program, encourage your court administration to start one.

Ensuring Quality Father-Child Visits

Pay special attention to visitation between children and their fathers. Frequency, duration, location, and environment (including who else is present) can make the difference between effective visitation that builds a relationship and visitation that discourages the father.⁵⁶ Visitation once a month or once a week is insufficient to build a relationship. Meeting for 30 minutes is not long enough to engage father and child. Meeting in a room by oneself is also not conducive to strengthening a relationship. Insist that visitation take place frequently, that it last at least an hour (longer is preferable), that it occur in a family-like setting, and that others (such as relatives or supportive foster parents) are permitted to attend with the father.⁵⁷

Some fathers will benefit from support or coaching before or during visits. Sophisticated supports and techniques for visiting exist to enhance parenting skills during visitation. The agency and the judge should consider referring fathers to “visit coaching” to make visits as positive as possible.⁵⁸ These coaching services prepare fathers to meet children they have not seen or had much contact with, and are particularly useful for incarcerated fathers.⁵⁹

Visitation should be expanded to include other locations and events rather than just time at a visitation center.⁶⁰ For example, make orders that permit fathers to get notice of and to participate in all well-baby doctor visits as well as

the child's other appointments. For the school-aged child, this includes parent-teacher conferences and sporting or cultural events in which the child participates. Church-based events such as baptisms, Sunday school, and other occasions also offer opportunities for meaningful father-child contact.

Ensuring Fathers Receive Parenting Services

Many fathers need help learning how to be a father, particularly young fathers. Be prepared to refer the father to services that will provide basic information about child development and skill development for parents.⁶¹ Most jurisdictions offer parenting classes, and some offer parenting classes that focus on infants. The most useful classes bring together fathers and their children so the father can work and play with the child in the context of the parenting class.⁶² Also useful are programs that bring new fathers together to address their unique needs.⁶³ Some communities have mentoring programs that match experienced fathers with new fathers so that one can learn from the other.

Pressing for father-specific services

Know what services are available in your community. Community-based organizations such as the YMCA often provide services for fathers. If no appropriate services exist, explore how they might be developed. Excellent service models exist around the country.⁶⁴ If no services specific to fathers exist, ask the agency to develop them. You may decide that a parenting class or a parenting class for fathers is a reasonable service for the community to provide and insist that the agency create one. Failure to do so would result in a “no reasonable efforts” finding.⁶⁵

Handling reluctant fathers

Some fathers will balk at the idea that they should participate in any services. The father may say something like “[s]he was the one who neglected my child. Why should I have to do anything?” Be prepared to discuss the importance and value of the service being offered. When speaking to a father about services, one judge suggests advising: “You are a father. Now you need to learn how to be a daddy.”⁶⁶

Working with Incarcerated Fathers

Many foster children have parents in jail or prison. Of this population there are far more incarcerated fathers than mothers.⁶⁷ Some of these fathers are “alleged,” that is, they are not married to the mother and have not established paternity. The issues discussed earlier regarding identifying, locating, notifying, and engaging fathers are relevant to incarcerated fathers. While the mother may finally reveal the father’s identity, she may or may not know if he is incarcerated. Best practice in cases involving incarcerated fathers includes:

- Ensure the caseworker confirms the father’s incarceration status. With a name, a birth date, and possibly other information, the caseworker should be able to locate an incarcerated father quickly.
- Insist that the caseworker contact the alleged father, inform him of the legal proceedings, and determine his desires regarding the child welfare proceedings. The fact that he is in jail should not stop the inquiry.⁶⁸
- Bring the incarcerated father to court, appoint counsel, have paternity established, and proceed with the case.⁶⁹
- Offer services to incarcerated fathers who show interest in reunifying with their children, including visitation, to improve their parenting abilities.⁷⁰ Even if services are unavailable in prison (counseling, parenting classes, etc.), insist that the caseworker assist the father and examine the caseworker’s conduct as part of the reasonable efforts requirement.⁷¹
- Be creative in efforts to involve incarcerated fathers. In one New Hampshire judicial district the court has approved a computer hook-up in the jail so that incarcerated fathers can communicate with their children.⁷²

(See Chapter 8, *Representing Incarcerated Nonresident Fathers*, for more guidance.)

Conclusion

Our court traditions and practices must change to embrace fathers, and judges must take the lead. Recent developments in law and practice are encouraging. Increasingly legislatures are passing laws that grant fathers the same rights as mothers once paternity is established. Additionally, the extended family is now a placement of choice if children must be removed from their parents.

It is up to the court to ensure fathers receive their legal rights, lawyers speak forcefully for them, and caseworkers fulfill their roles in identifying, locating,

notifying, and working with fathers. The potential benefits are that the father will become engaged in the court process and with his child, and the father and his family will be a resource to the child and to the decision makers in the court system. Additionally, allowing the child to remain with family brings emotional, social, and financial rewards for the child.

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Endnotes

1. "Child welfare proceedings" is used in this chapter to refer to legal proceedings brought on behalf of allegedly abused, neglected, or abandoned children. The infrequency of fathers' involvement has been noted in Malm, K., J. Murray and R. Geen. *What about the Dads? Child Welfare Agencies' Efforts to Identify, Locate and Involve Nonresident Fathers*. Washington, D.C.: U.S. Department of Health and Human Services, Office of the Assistant Secretary of Planning and Evaluation, 2006, vii-xiii.
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6. "Timely resolution of paternity issues is both in the best interests of the child and essential to avoiding delays at subsequent points in the court process." NCJFCJ, *Adoption Guidelines*, 2000, 10.
7. *E.g.*, State ex rel. DHS v. Rardin, 134 P.3d 940 (Or. 2006); In re Shaiesha O., 887 A.2d 415 (Conn. App. Ct. 2006); In re Deztiny C., 723 N.W.2d 652 (Neb. Ct. App. 2006); In re Dylan Z., 697 N.W.2d 707 (Neb. Ct. App. 2005).
8. Parke, M. "Are Married Parents Really Better for Children? What Research Says about the Effects of Family Structure on Child Well-Being." Washington, D.C.: Center for Law and Social Policy, 2003; McLanahan, S. and G. Sandefur. *Growing Up with a Single Parent: What Hurts, What Helps*. Cambridge, MA: Harvard Univ. Press, 1994.

9. Edwards, L. and I. Sagatun-Edwards. "The Transition to Group Decision Making in Child Protection Cases: Obtaining Better Results for Children and Families." *Juvenile and Family Court Journal* 58(1), Winter 2007, 8-9; Beck, K. et al. "Finding Family Connections for Foster Youth." *ABA Child Law Practice* 27(8), October 2008, 113-125.

10. Children living without fathers are five times more likely to be poor. U.S. Census Bureau. "Children's Living Arrangements and Characteristics: March 2002." *Current Population Reports*, Pub. No. 20-547, June 2003.

11. Some states require the paternity enquiry at the initial hearing. See Cal. Welf. & Inst. Code § 316.2(a) and Cal. Rule of Court 1413(b). This is a best practice since it focuses upon a critical issue at the earliest court hearing. See also Edwards, L. "Achieving Timely Permanency in Child Protection Courts: The Importance of Frontloading the Court Process." *Juvenile and Family Court Journal* 58(2), Spring 2007.

12. This follow-up by the social worker is important. If the divorce was never finalized (and often it has not been), this man is the father of the child since he and she were married at the time of the conception and birth. However, biologically someone else is the father of the child. If the husband can be found, he is entitled to notice. Usually, he tells the social worker or comes to court and states he is not the father and does not want any involvement in the case.

13. The issue of payment for paternity testing has been raised in several states. It is in the best interests of the child, the family, and the court process that paternity be established as soon as possible. The state has an interest in this determination and should be responsible for the cost of the testing. Since the state also has an interest in identifying fathers for child support purposes, caseworkers should be ready to work in tandem with child support authorities to complete paternity testing. Putting the burden on the father to arrange for blood or DNA testing or requiring him to file a paternity action is unduly burdensome and unrealistic, particularly if he is indigent, and it is also time consuming. Additionally, it is in the best interests of the child to have paternity established as soon as possible. Some courts have located a genetic testing site within the courthouse. This convenience can save days and weeks in the paternity-determination process. Cook County (Chicago) is a model for this practice.

14. In some courts the question of paternity can and is determined immediately. If the parties are living together and each claims that the person claiming to be father is indeed the father, the court could place both parties under oath, examine them about their relationship, advise the father of his right to have a formal court hearing on the issue of paternity, advise the father of the rights and responsibilities relating to a paternity determination, and make a finding of paternity. If there is any question about the issue, the DNA or other testing is necessary. If the father has any questions about the legal issues, a lawyer should be appointed before the paternity examination and finding.

15. See generally Iowa Code § 232.91(1); S.D. Codified Laws § 25-6-1.1; Va. Code Ann. § 16.1-277.01 B4; Fla. Stat. Ann. § 63.062; Idaho Code Ann. § 16-1505 (2) et. seq.

16. Uniform Parentage Act, available at www.nccusl.org.

17. D.C. Code § 16-2304.

18. In Nevada, indigent parents do not have a legal right to representation, so only have representation in a few circumstances where the judge orders it. This is also true in Indiana. In Minnesota, as of the date of this writing, the Office of the Public Defender has stopped representing parents so there are no state-funded lawyers for indigent parents in the child welfare system.

19. The National Center for Health Statistics reports that 36.9% of all births in the United States in 2005 were to unmarried mothers, another all-time high. Available at www.cdc.gov/nchs/fastats/birth/htm.
20. *See, e.g.*, *Pickett v. Brown*, 462 U.S. 1, 7 (1983) (“...imposing disabilities on the illegitimate child is contrary to the basic concept of our system that legal burdens should bear some relationship to individual responsibility or wrongdoing...the Equal Protection Clause does enable us to strike down discriminatory laws relating to status of birth”); *Gomez v. Perez*, 409 U.S. 535, 538 (1973) (“a State may not invidiously discriminate against illegitimate children by denying them substantial benefits accorded children generally.”).
21. For a discussion of these issues, cases and statutes, *see* Harris, L. “Involving Nonresident Fathers in Dependency Cases: New Efforts, New Problems, New Solutions.” *Journal of Law and Family Studies* 9(2), 2007, 301-307. Also *see* Chapter 1 in this book.
22. The Adoption Assistance and Child Welfare Act of 1980, P.L. 96-272, 42 U.S.C. § 670 et. seq.
23. Items 13, 18 and 20, Child and Family Services Review. The CFSR results from almost every state have been disappointing in all of these measures.
24. “The court must ensure that the efforts of the child welfare agency are thorough and diligent in locating and involving all legal and putative fathers.” NCJFCJ, *Adoption Guidelines*, 2000, 10.
25. This chapter uses “shelter care hearing” to refer to the first hearing in a child welfare case.
26. In some states, failure to conduct a thorough investigation can result in reversal of a termination of parental rights decision. *See In re S.P.*, 672 N.W.2d 842, 848 (Iowa 2003) (“For example, the investigator did not talk to the children or their caretaker, Scott, or to the children’s mother.”).
27. “Family finding” emphasizes the importance of family members as a solution to the problems facing abused and neglected children. *See* Edwards, “Achieving Timely Permanency,” 2007, 8; Beck et al., October 2008.
28. On the use of the “no reasonable efforts” finding, *see* Edwards, L. “Improving Implementation of the Adoption and Child Welfare Act of 1980.” *Juvenile and Family Court Journal* 45(3), 1994, 19-23; Edwards, L. “Reasonable Efforts: A Judicial Perspective.” *The Judge’s Page*, July 2008, available at www.Nationalcasa.org.
29. *State v. Corrigan*, 600 S.W.2d. 87 (Mo. Ct. App. 1980); Minn. Stat. Ann. § 259.49, subd. 1; Iowa Code § 232.91(1). Iowa’s restrictive statute has not prevented Iowa judges from taking a more proactive attitude towards the identification, notice, and engagement of nonresident fathers in child welfare cases, however.
30. 705 Ill. Comp. Stat. 405 1-3(11), 405 1-5(1), 405 1-5(1.5), 405 2-10(3); Nolan, L. “Preventing Fatherlessness through Adoption While Protecting the Parental Rights of Unwed Fathers: How Effective Are Paternity Registries?” *Whittier Journal of Child and Family Advocacy* 4, Spring 2005, 289-322 (noting that fathers do not know about the registry and that registries are ineffective in interstate adoptions).
31. 705 Ill. Comp. Stat. 405 2-10(4).
32. 705 Ill. Comp. Stat. 405 2-15, 2-16.
33. The social worker must make the court aware of facts that might lead it to conclude that visits would harm the child.

34. E-mail correspondence from Commissioner Marilyn Kading Martinez, June 12, 2008 (“... what is very very important is to treat the man with dignity and respect. The goal is for him to feel that he is being treated fairly and that he can be a part of his child’s life and we will take him seriously.”) Copy available from the author.

35. In 1981, in *Lassiter v. Department of Social Services*, 452 U.S. 18, the United States Supreme Court ruled that due process does not always require the appointment of counsel in termination of parental rights cases. Since child welfare proceedings are less intrusive than termination of parental rights, it is logical to conclude there is no constitutional right to counsel in child welfare proceedings.

36. National Council of Juvenile and Family Court Judges. *Child Abuse and Neglect: Representation as a Critical Component of Effective Practice*, March 1998. States not requiring appointment of counsel for indigent parents include DE, ID, KY, IN, MN and MS. However, a statute requiring appointment of counsel for indigent parents does not always mean the trial court will implement the statute. Nevada, for example, has been sued for failing to appoint counsel for indigent parents (and for children as well).

37. *Ibid.*

38. Garcia, S. and R. Batey. “Parents, Children, and the Courts: The Roles of Counsel for the Parent in Child Dependency Proceedings.” *Georgia Law Review* 22, 1988, 1079, 1093-94.

39. The court’s role in overseeing the provision of legal services to indigent parents is important. One state has written a Standard of Judicial Administration that addresses this issue. *See California Standard of Judicial Administration 5.40(c)* (West, 2008).

40. *Ibid.*

41. *See San Francisco Superior Court, Local Rules of Court*, Rule 12.6–12.18, describing an elaborate system for identifying qualified parent lawyers.

42. Judge Carolyn Kirkwood, presiding judge, Orange County (CA) Juvenile Court. Research shows that connections with families can refocus a parent’s attitude towards life, even a life of crime. Desistance from crime is one of the byproducts. *See Farrall, S. Rethinking What Works With Offenders*. Portland: Willan Publishing, 2002, 8, 146, 152, 159.

43. *Ibid.*

44. *See In re Baby Boy V.*, 45 Cal. Rptr. 3d 198 (Ct. App. 2006) involving trial court’s failure to notify and engage father in child welfare proceedings, resulting in reversal of termination of parental rights order and remand for new trial.

45. Farrall, S. and A. Calverley. *Understanding Desistance from Crime*. New York: Open University Press, 2006, 72; Farrall, *Rethinking What Works*, 2002.

46. *See, e.g.*, Cal. Welf. & Inst. Code § 361.3(a) (West, 2008) which states, in part, “In any case in which a child is removed from the physical custody of his or her parents pursuant to Section 361, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative.” Recent federal legislation places great emphasis on the identification and engagement of relatives. *See Fostering Connections to Success and Increasing Adoptions Act of 2008*, P.L. 110-351.

47. Edwards and Sagatun-Edwards, 2007, 8-9.

48. The AFCARs data shows approximately 24% of children in out-of-home care reside with relatives.

49. Such protocols are standard practice in some jurisdictions. *See Cal. Rule of Court 5.215*. For discussion of best practices regarding mediation when domestic violence issues are present, *see Edwards*, “Achieving Timely Permanency,” 2007, 12-13.

50. See Edwards, L. "Comments on the Miller Commission Report: A California Perspective." *Pace Law Review* 27(4), Summer 2007, 635-639.
51. The California legislature has acknowledged the importance of nonadversarial resolution of family matters. See Cal. Welf. & Inst. Code § 350, Cal. Fam. Code § 3170(a), and the California Blue Ribbon Commission on Foster Care, Recommendation 2E, www.courtinfo.ca.gov/jc/tlists/bluerib.htm.
52. Other common names for such processes are family group decision making, family group conferencing, team decision making, family team meetings, and court-based mediation. See Edwards and Sagatun-Edwards, "Group Decision Making," 2007; For a description of family team meetings, see Edwards, "Achieving Timely Permanency," 2007, 13-14; MacRae, A. and H. Zehr. *The Little Book of Family Group Conferences: New Zealand Style*. Intercourse, PA: The Little Books of Justice & Peacebuilding, Good Books, 2004; *Family Group Conferencing*, edited by Burford, G. and J. Hudson. Piscataway, NJ: Aldine Transaction, 2005.
53. E-mail correspondence from Donna Hand, deputy director to Judge Susan Huguenor, presiding judge of the San Diego County Juvenile Court, July 31, 2008. Copy available from the author.
54. See Edwards, L. "Mediation in Child Protection Cases." *Journal of the Center for Families, Children & the Courts* 5, 2004, 57-69; Trosch, L. et. al. "Child Abuse, Neglect, and Dependency Mediation Pilot Project." *Juvenile and Family Court Journal* 53(4), Fall 2002, 57-67; and the citations in Edwards, "Achieving Timely Permanency," 2007, 12-13. If you are interested in starting a child welfare mediation program, contact the author for a free DVD. E-mail: leonard.edwards@jud.ca.gov.
55. Edwards, L., et al. "Mediation in Juvenile Dependency Court: Multiple Perspectives." *Juvenile and Family Court Journal* 53(4), Fall 2002.
56. Ibid.
57. Any visiting relatives must not pose a threat of harm to the child.
58. Beyer, M. "Visit Coaching: Building on Family Strengths to Meet Children's Needs." *Juvenile and Family Court Journal* 59(1), Winter 2008, 47-60.
59. E-mail from Marty Beyer, October 18, 2008. Copy available from the author.
60. Edwards et al., "Mediation in Dependency Court," 2003, 10.
61. E-mail from Joe Spaeth, Marin County Public Defender, September 30, 2008. Mr. Spaeth's office represents parents in child welfare proceedings. Copy of e-mail available from the author.
62. For an outstanding example of such parenting programs, see www.celebratingfamilies.net/.
63. Effective programs for fathers in Colorado include B.A.M. (Be a Man) Fatherhood Program in the Greeley/Evans area (www.realdads.net); Got Fatherhood? Program in South Weld County (Longmont/Boulder) (www.gotfatherhood.com), and Colorado Dads—Be There for Your Kids, a state program (www.coloradodads.com). The Center on Fathering in Colorado Springs, CO also offers several programs for fathers, and is a model intervention/evaluation site for the Quality Improvement Center on Non-Resident Fathers and the Child Welfare System. For advice about maximizing the effectiveness of fathers' programs, see Rosenberg and Wilcox, Office on Child Abuse and Neglect. "The Importance of Fathers in the Healthy Development of Children" (CD-ROM). *User Manual Series*, 2006.

64. Brandon, E. "Dudley Morgan Speaks about Marin City Fatherhood Program." *The Center View* (a publication of the Marin City Community Services District), 10(20), Oct-Nov, 2008, 4.
65. For a discussion on how a "no reasonable efforts" finding can result in changes to services available in the community, see Edwards, L. "Improving Implementation of the Adoption and Child Welfare Act of 1980." *Juvenile and Family Court Journal* 45(3), 1994, 3; Appendix C, in *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases*. Reno, NV: National Council of Juvenile and Family Court Judges, 1995, 167-168; Edwards, L. "Reasonable Efforts: A Judicial Perspective," July 2008.
66. E-mail correspondence with Child Support Commissioner John Schroeder, June 4, 2008. Copy available from the author.
67. Committee on Law and Justice. *Parole, Desistance from Crime, and Community Integration*. Washington, D.C.: National Research Council, 2007.
68. Additionally, connecting with family can change the direction of a prisoner's life. See Farrall, *Rethinking What Works*, 2002.
69. Ibid.
70. California legislation permits the court to extend the reunification period for parents who are incarcerated, institutionalized, or in residential substance abuse treatment up to 24 months from the time the child was removed from the parent under specified circumstances. The statute requires the court to consider the parent's criminal history as well as the parent's ability to care for the child. AB 2070 (Ch. 842, Statutes of 2008). This is a clear legislative determination that the facts surrounding incarceration should be carefully considered before ending the parent-child relationship.
71. Lough, D. "Incarcerated Father Entitled to Reunification Services." *Journal of Juvenile Law* 21, 2000, 169-173; See also *In re Robin V.*, 39 Cal. Rptr. 2d 743 (Ct. App. 1995).
72. E-mail correspondence from Judge Susan B. Carbon, Grafton County, NH, October 12, 2008. Copy available from the author.