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:

Key Question: “Is there a difference in child and family outcomes in child welfare cases based on nonresident father involvement?”
The Importance of Father Engagement: The Facts of Father Absence

- In 1960, 8 million children lived in father-absent homes
- Today, over 24 million children live in homes without their fathers
- 1 out of 3 children nationally live in father-absent homes
- 2 out of 3 African American children live in father-absent homes

Proportion of Children in Father-Absent Homes

All data is from “The Living Arrangements of Children,” U.S. Census Bureau, 2005.
The Importance of Father Involvement

• Studies specific to families involved with the child welfare system have found that:
  – Involvement by nonresident fathers associated with more reunifications and fewer adoptions
  – Higher levels of nonresident father involvement associated with substantially lower likelihood of later maltreatment allegations
  – Highly involved nonresident fathers’ children exited foster care more quickly
  – Children who had had contact with a non-custodial parent in the last year were 46% less likely to enter foster care
The Effects of Father Absence

COSTS

Children of father-absent homes

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

BENEFITS

Children with involved dads

■ Better cognitive outcomes even as infants
■ Higher self-esteem and less depression as teenagers
■ Higher grades, test scores, and overall academic achievement
■ Lower drug/alcohol use
■ Higher levels of empathy & pro-social behavior
How Have We Done in Getting Fathers Involved in Child Welfare Cases?
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)
Barriers to Father Engagement

2006 Report: What About the Dads?

Almost 2,000 children removed from homes where the father did not reside

88%
Agency has identified the father

55%
Agency made contact with father

30%
Father has visited child

28%
Father expresses interest in child living with him

The federal Child and Family Service Reviews (CFSR) show that many states have not adequately involved fathers in case planning or providing services, failed to contact fathers, even when they had been involved in their children’s lives, or did not adequately involve fathers in any aspect of their child’s case.

Including, but not limited to: AR, IN, OK, GA, FL, WA, DE, CA (to name a few)
From Washington’s 2004 CFSR

“A particular concern identified in some cases was the lack of effort to incorporate fathers into any aspect of the case process”

Typical visitation between children and their fathers, for the 15 cases for which this assessment was applicable, was the following:

- Weekly visits – 2 cases
- Twice a month visits – 1 case
- Monthly visits – 1 case
- Less than monthly visits – 2 cases
- No visits – 9 cases
Reviewers determined the following:

• Father’s needs were not assessed (in 15 of 39 applicable cases, 5 of which were foster care cases)

• Needed services were not provided to fathers (in 16 of 39 applicable cases, 6 of which were foster care cases)

“A key concern identified pertained to the lack of assessment and service provision to fathers”

Fathers who should have been involved in case planning were not involved (19 of 37 applicable cases [51%])
Typical patterns of social worker visits with fathers (including pre-adoptive fathers) were the following (in 35 applicable cases):

- Monthly visits - 4 cases (none of which was a foster care case)
- Less than monthly visits - 22 cases (10 of which were foster care cases)
- No visits – 9 cases (4 of which were foster care cases)

2004 Washington 114-page *Program Improvement Plan* (PIP) contained no specific “Action Steps”, “Benchmarks” or “Measurements” that were solely & specifically focused on fathers
July 2010 Washington 2nd CFSR State Assessment Findings

- Challenge: documenting parent participation, particularly of fathers, in staffings and case planning
- Challenge: lack of services and supports directly to fathers
- Case review data showed that engagement of the father in the child’s case plan decreased from 51% in 2008 to 47% in 2009
- Frequency of social worker monthly visits with the father increased only 1% from 2004 (from 18 to 19%)
Other Common Barriers to Father Engagement Include:

– Insufficient efforts by system players to identify and locate
– Unfriendly laws and policies
– Mother as gatekeeper
– Father’s circumstances
  • Fear of system involvement
  • Incarceration
  • Substance abuse
  • Domestic violence
Ideas for Overcoming Legal Barriers to Non-Custodial Father and Paternal Kin Engagement for Children in Foster Care

• Assure that there is statutory language and policy/procedure requiring prompt action to identify, locate, contact, and engage NCFs (even though federal law is clear)

• Address biases against involving non-resident fathers in a child welfare case, particularly if the father was not, or was minimally, involved in the child’s life before the case’s inception
Don’t inappropriately use the family or domestic violence” exception to providing father and paternal kin notice, as contained in the 2008 federal Fostering Connections Act

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

Target new resources for conducting adequate and an ongoing diligent searches for NCFs and paternal relatives

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

• Assure that parents’ attorneys do not have inordinately high case loads, and that they receive adequate compensation for diligent representation

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

Some states will compel **both** parents (not just the parent committing the abuse/neglect) to fully engage in mandated services and mandated substance abuse testing, even when there’s a fit, non-offending non-custodial father who requests custody.

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

But, does the ICPC apply to an out-of-state dad?
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
- A new one is being developed for COURTS
Best Practices for Lawyers

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

• If you don’t…
  – It prevents the child from maintaining or establishing an important connection with a parent
  – It may prevent the child from maintaining or establishing connections with paternal relatives
  – It deprives the child, court and parties of important information about the father’s and his 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
• **Lawyers should get Judges to:**
  – Ask the mother and other relatives (possibly under oath or via an affidavit) about the father’s identity and location at the first hearing
  – Explain to the mother the importance of establishing paternity early
  – Require paternity testing where there is a question about who the biological father is (and ensure the agency pays for it)
  – Be clear in court orders once paternity and “legal” fatherhood is established
– Request, at every hearing, information about progress being made to identify/locate the father and/or **establish paternity**
– Consider imposing deadlines for searches or filing affidavits detailing search efforts
– Make sure the record reflects efforts being made to locate the father
Locating Your Client Father

- Sending a letter to the last known address
- Sending letters to any of the client’s relatives
- Consulting the phone book covering the area of the last known address
- Consulting web sites that focus on addresses and phone numbers
- Consulting the state Department of Revenue to determine if it has an address for the father on file
- Searching public records (DMV, SSA, courts)
- Review the agency’s file for details that could lead to the client or other information sources (and contact any friends or relatives who may be able to put you in touch)
- Check the Federal Bureau of Prisons inmate locator
- Ensure that the agency is also pursuing these options
Establishing Paternity
• **Social workers should be encouraged to:**
  – 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 about their dad and relatives on their dad’s side
Make Creative Use of Family Group Conferences/Family Team Meetings

• Bringing family together to discuss the child is an effective way to engage fathers
• Adversarial court process doesn’t offer families an opportunity to create a plan to care for the child
• Fathers/relatives will be more likely to participate
• Informal setting lends itself to identifying family needs and overcoming barriers
  – Fathers and paternal relatives should be invited to participate
  – Fathers and paternal relatives should be given an opportunity to share their positions
  – Safety measures or other plans should be put in place if high conflict issues between participants
Encourage Visitation

• Judges should be encouraged to:
  – Determine what the child’s relationship with the father has been and how frequently they saw each other before court proceedings commenced
  – Encourage frequent visitation (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 encouraged to:
  – 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 be encouraged to:
  - Find out why the father is not appearing in court and try to overcome barriers (Transportation? Time of hearings? Incarceration?)
  - Ensure the agency includes the father in case planning meetings
  - Require a service plan be developed for both parents
  - Examine whether services required in the service plan are “father-friendly”
• **Social workers should be encouraged to:**
  – Develop case plans that address services or needs of both parents to successfully reunify with the child or be positively involved in the child’s life in other ways
  – Consider fathers and their relatives as placement resources
  – Invite fathers and their relatives to case review meetings and staffings
  – Offer services that are specific to father’s needs
  – Use family group meetings to help engage fathers and paternal relatives
Explaining Fathers’ Rights and Responsibilities
Tips for Engaging Dads

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

• Children’s attorneys should be encouraged to:
  – Be clear about their role and who they represent
  – Assess mothers’ and fathers’ capacity to parent child equally (as well as their relatives)
• 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 their biases at the door!
Engaging Dads
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
• Book for Attorneys Representing NRFs (including a chapter for judges)
• CASA and GAL Attorney Practice Briefs
Advocating for Non-Resident Fathers in Child Welfare Court Cases
A Training Curriculum

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

Entire content available on CD-ROM

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

- Stuart is non-resident father of Lyle and Cedric, both minor children in foster care
- Stuart wants them to move in with his mother
- Increasingly aggravated, he calls his counsel (Jane) multiple times each week to find out how the process can be expedited
- Jane represents Stuart and hundreds of other parents
- She is sometimes able to call Stuart back, but not always promptly
- Jane frequently uses courthouse waiting time before court proceedings to update her clients on case status and discuss issues the client may have
- Jane encourages clients to bring issues to court so they can discuss them & possibly address them in the hearing
Is Jane complying with her ethical duties to maintain communication with her client and diligently represent his interests?
• Stuart became frustrated with Jane’s lack of response and system’s failure to move quickly to place his children with his mother
• Jane has lost contact with Stuart since the adjudicatory hearing
• Stuart’s mother failed the agency’s home study
• It is now the permanency hearing and Jane has not received any instruction from Stuart
What, if any, representations can Jane make on Stuart’s behalf at the permanency hearing?

- Can Jane continue to represent Stuart at this point (or after, at a potential TPR hearing)?
Case Study Continued

Jane has approximately 350 clients and is a very experienced attorney

- She must take a leave of absence due to illness
- She has asked Gordon to stand in for Stuart’s case
  - He’s a recent law graduate, took family and juvenile law courses, and volunteered as a court appointed special advocate (CASA)
  - He’s a new solo practitioner representing parents in child welfare cases and is named on the court’s parents’ attorney panel
  - With the exception of a half-day introductory class, he has no other training before taking this case
Questions

Will Gordon be able to competently and thoroughly represent his clients?

• Do you have any ethical concerns regarding his representation her clients?
Case Study Continued

• Cedric’s and Lyle’s mother, **Janice**, states that she is not sure whether Stuart is Cedric’s father
• Janice names **Joe** as another putative father
• Pending a paternity test, counsel is asked to represent both Stuart and Joe
Questions

Can counsel ethically represent both putative fathers?

• Are there any circumstances by which counsel can ethically represent Stuart and Janice (i.e., a non-resident father and the custodial mother)?