



# Engaging Nonresident Fathers in Child Welfare Cases:

A Guide for Attorneys Representing Public Child Welfare Agencies

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ON NON-RESIDENT FATHERS AND  
THE CHILD WELFARE SYSTEM

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- Jessica R. Kendall and Lisa Pilnik

American Bar Association Center on Children and the Law

## ABOUT THIS BRIEF

The QIC NRF is examining the impact of nonresident father involvement on child welfare outcomes. Through research, it seeks to understand the relationship between children, nonresident fathers, and/or paternal relatives. Since its start, the QIC NRF has focused on developing materials for child welfare system players--judges, lawyers, social workers, fathers and others--on the importance of father engagement. This publication extends what the QIC NRF has learned to government attorneys. It offers another useful tool to advocate on behalf of children.

In addition to this brief, the QIC has other resources that may be useful to government attorneys, including:

- a book on advocating for fathers in child welfare court cases;
- a curriculum for attorneys on advocating for nonresident fathers;
- the father-friendly checkup for child welfare agencies; and
- newsletters on several topics, including child support, father engagement, and parent representation.

View these and other publications and materials developed by the QIC NRF at: [www.fatherhoodqic.org](http://www.fatherhoodqic.org)

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*Jessica R. Kendall and Lisa Pilnik*

*Edited by Claire S. Chiamulera*

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## INTRODUCTION

*“...every father deserves to be involved in their child's life.”*

—*Foster youth*

Each year, hundreds of thousands of children become involved with child protective services (CPS) due to suspected or confirmed abuse or neglect. Some states report that at least half of children involved with the child welfare system had noncustodial fathers (e.g., come from female-headed single parent households).<sup>1</sup> For these children, because of systemic failure, their biological fathers and paternal relatives are often left out of caregiver search efforts, case planning, team meetings, and court hearings, even if they were positively involved in the child's life before CPS involvement.<sup>2</sup>

Failing to engage noncustodial (“nonresident”) fathers in child welfare cases harms children by robbing them of many potential resources. Fathers and paternal relatives may serve as placement resources and provide financial, emotional, and other support. Support from noncustodial fathers may also help custodial mothers or other caregivers address the issues that first brought the child to the attention of CPS. In cases where the father does not want to be involved with a child, or cannot be a positive presence in the child's life, determining and documenting this throughout the case will also reduce delays in permanency if the case reaches the guardianship, termination of parental rights and/or adoption stages.

This guide provides background on the systemic failure to include nonresident fathers in child welfare cases. It then discusses research findings on the benefits of father involvement and offers practice tips to identify, locate, assess and help the agency engage fathers in your cases. The information and tips below are primarily for attorneys who represent the child welfare agency in dependency court. Guidance to attorneys who serve in a general counsel or policy role is available at page 15. This guide will help you make informed recommendations to represent the agency's position, act in the child's best interests, and promote father engagement that supports those interests.

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<sup>1</sup> Sonenstien, F., K. Malm and A. Billing. *Study of Fathers' Involvement in Permanency Planning and Child Welfare Casework*, 2002, available at <http://aspe.hhs.gov/hsp/CW-dads02>.

<sup>2</sup> See “Barriers to Father Engagement.” In Malm K., J. Murray and R. Geen. *What About the Dads? Child Welfare Agencies' Efforts to Identify, Locate and Involve Nonresident Fathers*. Washington, DC: The U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, 2006.

### *Barriers to Engagement and the Importance of Father Involvement*

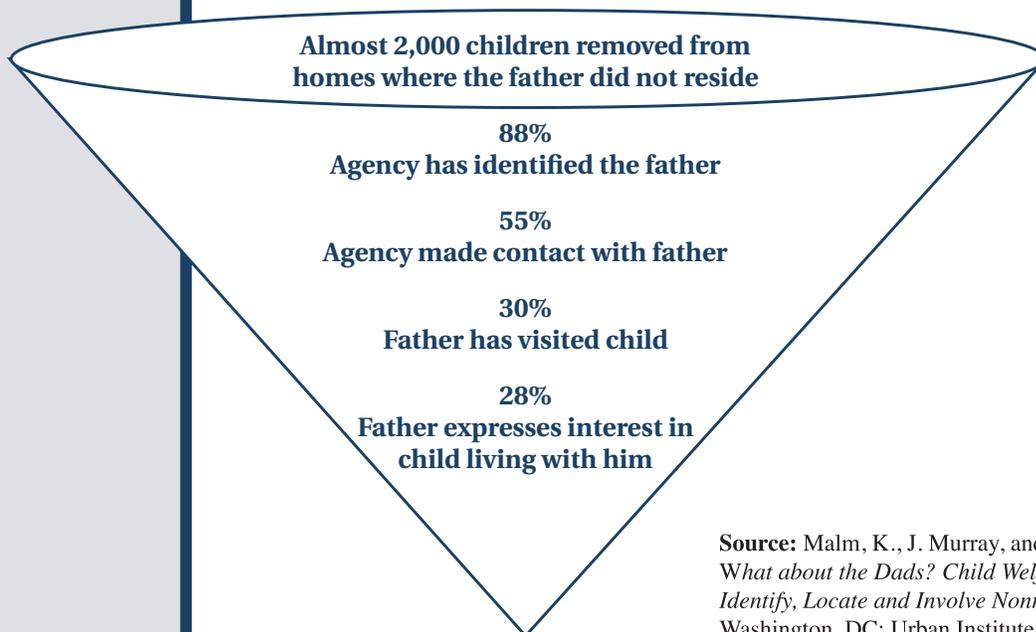
Many states struggle to contact and engage fathers in child welfare cases. These struggles are reflected in the federal Child and Family Service Reviews (CFSRs). Recent and past CFSR reports show that many states:

- fail to contact fathers, even when they had been involved in their children's lives;
- do not adequately involve fathers in case planning or provide services for them; or
- do not adequately involve fathers in any aspect of their child's case.

The tips offered at pages 8-15 help agency attorneys overcome these barriers.

### *Nonresident fathers are often known but not included*

A 2006 Urban Institute report, *What About the Dads?* analyzed nearly 2,000 child welfare cases in four states (based on phone interviews with caseworkers). Although child welfare agencies have a legal duty to notify noncustodial fathers, the study found that while most had been identified, few were contacted by the agency or visited their child. In fact, the Urban Institute report found that the caseworkers contacted only 55% of noncustodial fathers, compared to 100% of noncustodial mothers. Caseworker bias has been described as “the most widely researched barrier to fathers’ participation in child welfare case planning.”<sup>3</sup> In one study, “caseworkers were found to require that fathers demonstrate their connection to the child whereas the mothers’ connection was taken for granted.”<sup>4</sup>



**Source:** Malm, K., J. Murray, and R. Geen. *What about the Dads? Child Welfare Agencies' Efforts to Identify, Locate and Involve Nonresident Fathers*. Washington, DC: Urban Institute. <[www.urban.org/publications/411316.html](http://www.urban.org/publications/411316.html)>

<sup>3</sup> Sonenstien, Malm and Billing. Study of Fathers' Involvement in Permanency Planning and Child Welfare Casework, 2002, available at <http://aspe.hhs.gov/hsp/CW-dads02>.

<sup>4</sup> Ibid.; Greif, G.L. and S.J. Zuravin. "Fathers: A Placement Resource for Abused and Neglected Children?" *Child Welfare* 68(5), 1989, 479-490; Franck, E.J. "Outreach to Birthfathers of Children in Out-of-Home-Care." *Child Welfare* 80(3), 2001, 381-399.

### *Nonresident fathers may face challenges and require support to be fully engaged*

Many fathers whose children are involved in the child welfare system face the same barriers as mothers. These barriers — poverty, substance abuse, incarceration or criminal history, lack of parenting experience, or language or literacy challenges — can often be overcome with adequate support. Mothers may also act as “gatekeepers,” hiding the father’s identity because they do not want him to be involved in the case, are protecting him, or fear he may harm them or the child. Fathers may be unaware that they have children or unsure they are the fathers of particular children.

These challenges can be overcome, however, by services the agency should be providing as part of its reasonable efforts requirements, such as substance abuse treatment, an interpreter, vocational training, parenting classes, housing assistance or other appropriate services to address barriers to custody. For putative fathers, agency attorneys can move the court at the earliest possible hearing to establish paternity via testimony (e.g., admissions from both parents) or to issue an order for paternity testing.

## **Father involvement improves children’s quality of life**

Research shows youth from father-absent homes are more likely to experience poverty, emotional and behavioral problems, substance abuse, incarceration, and problems at school (e.g., repeating a grade, dropping out, poor performance). In contrast, having a closer relationship with their fathers is linked to higher self-esteem and lower depression rates in adolescents. Increased father involvement in activities such as family outings, homework, and meals is linked to better academic performance, more positive social behavior, and fewer behavioral issues in children and adolescents.

**Source:** Horn, W. and T. Sylvester. *Father Facts: Fifth Edition*. Gaithersburg, MD: National Fatherhood Initiative, 2007.

### *Nonresident father involvement improves child welfare outcomes*

In 2008 the Urban Institute authored a follow-up report, *More about the Dads*, which looked at the case outcomes in the *What About the Dads* study, using administrative data. The new report concluded that involvement by nonresident fathers was associated with more reunifications and fewer adoptions in child welfare cases. It also concluded that:

- A higher level of nonresident father involvement substantially lowers the likelihood of later maltreatment allegations.
- Children with highly involved<sup>5</sup> nonresident fathers exited foster care faster.<sup>6</sup>

A study from the journal *Child Maltreatment* also found that children who had contact with a noncustodial parent in the last year were 46% less likely to enter foster care.<sup>7</sup>

<sup>5</sup> The study classified fathers as highly involved if they provided “both financial and nonfinancial support to their child and had visited their child” at least once since case opening.

<sup>6</sup> Chen, Henry, Karin Malm and Erica Zielewski. *More about the Dads: Exploring Associations between Nonresident Father Involvement and Child Welfare Case Outcomes*. Washington, DC: U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, 2008, available at <http://aspe.hhs.gov/hsp/08/moreaboutdads/report.pdf>.

<sup>7</sup> Bellamy, Jennifer L. “A National Study of Male Involvement among Families in Contact With the Child Welfare System.” *Child Maltreatment* 14, 2009, 255-262.

### *Practice Tips*

As the attorney representing the child welfare agency, you can help ensure that the agency includes fathers in the child welfare process. You can advise agency staff of their legal obligations regarding fathers — both informally and through periodic legal training. You can encourage caseworkers to include fathers in case-related meetings for court-involved and non-court involved cases. You can ask the caseworker to consider fathers when making reasonable efforts to prevent the removal of a child or promote reunification with a parent.<sup>8</sup>

The agency must also make efforts to locate all parties, so working with staff to devise a systematic identification and notification protocol for absent or missing fathers is critical. Efforts to locate paternal relatives should also begin early to identify possible concurrent plan options. Your role in encouraging a positive father-child relationship should also begin early in the case and carry through permanency. A healthy relationship with both parents is always an ideal outcome for the child.

### *Identify and locate the father*

Often the system only focuses on trying to identify and locate missing fathers at the very beginning and end of a case. Even if there was an earnest attempt to locate the father early, new information may come to light as the case progresses that may make it easier to find him. You can encourage the caseworker and other agency staff to make these ongoing efforts. Failing to make ongoing diligent efforts to locate the missing parent is not in the child's or agency's interest and may create legal obstacles to permanency.

- It prevents the child from maintaining or establishing an important connection with a parent and paternal relatives.
- It deprives the child, court, and parties of important information about the father's and his relatives' capacity to parent or be involved in the child's life.
- It may delay case closure and permanency for the child if guardianship or adoption is the goal and the father is found late or not searched for until the final stages of the case.<sup>9</sup>

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<sup>8</sup> See Edwards, Judge Leonard P. (ret.). "The Judge's Role in Engaging Fathers in Child Welfare Court Cases." In *Engaging Nonresident Fathers in Child Welfare Court Cases*, Washington, DC: American Bar Association and American Humane Association, 2009, available at [www.fatherhoodqic.org/chapter5.pdf](http://www.fatherhoodqic.org/chapter5.pdf); Lewis, Judge J. Dean. "Identifying, Locating and Engaging Fathers in Dependency Court Cases," available at [www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5545435/k.90DD/Editors\\_Message.htm](http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5545435/k.90DD/Editors_Message.htm). (stating that "timely permanency necessitates early identification of, and legal notice to, both parents—not just the mother. It also requires that courts engage both parents in case planning and offer appropriate reasonable efforts services to both parents."). However, state cases are split on whether the reasonable efforts to reunify requirement applies equally to custodial and noncustodial parents. Compare *In re J.M.D.*, \_\_\_ N.C. App. \_\_\_, 708 S.E.2d 167 (2011) (holding that in relation to permanency planning hearings, "return home" refers only to return to the home from which the child was removed) with *In re MCW, Jr.*, 2010 WL 1986624 (Mich. Ct. App. 2010) (finding that the state's obligation to make reasonable efforts at reunification extends to the non-custodial parent, particularly when it becomes clear that reunification with the custodial parent is unlikely.)

<sup>9</sup> American Bar Association. "Standards of Practice for Lawyers Representing Child Welfare Agencies," August 2004, available at <http://apps.americanbar.org/child/rclji/agency-standards.pdf> (see Standard 2, which addresses how agency attorney must reduce case continuances and delays).



Ensure the agency makes reasonable efforts to locate unknown or missing fathers and the court fulfills its oversight responsibilities by taking these steps:

- Ask the caseworker and other staff to make ongoing efforts to identify and locate any unknown or missing father. Such efforts include:
  - » Using search engines and other tools to locate the father (such as using family-finding strategies,<sup>10</sup> online people search engines, federal and state prison databases, the federal parent locator service, child support or custody court files, etc).
  - » Ask the child (if age appropriate) about his or her father and when and where the child last saw him.
  - » Ask the mother about the father's whereabouts and for contact information for any paternal kin.
  - » Ask each known relative about the father's whereabouts.
- Ensure the agency or court sends notices to both parents about upcoming hearings, and ask the judge to inquire about any missing parent's whereabouts at every review or status hearing.
- Work with the father's attorney (if one has been appointed or retained) to search for the missing father.
- Report the agency's efforts to the court at each hearing.

#### *Resolve any paternity issues*

When an alleged or putative father is found, request swift resolution of paternity questions and ensure he is notified of the proceedings even before paternity is established and following your state's laws or policies.<sup>11</sup> Paternity testing can take a long time and delay case progress. Ensure that the court inquires about the father's financial resources and determines the responsible party for payment of paternity testing, which will also help speed the process.

### **Using child support enforcement to locate fathers and resolve paternity**

On December 29, 2010 the federal Office of Child Support Enforcement issued a rule (75 Fed. Reg. 81894) that gives child welfare agencies access to Parent Locator information to help find parents, relatives, and siblings of children in foster care, to help fulfill their obligations pursuant to Titles IV-B and IV-E (amending 45 CFR §§303.70 and 307.13).

To accomplish this, child welfare agencies should develop close working relationships with their child support enforcement (IV-D) agency. By doing so, they can:

- use child support enforcement resources to quickly locate fathers who may owe or are currently paying child support;
- obtain information from child support enforcement to help resolve paternity issues in the child welfare case.

In concurrent child support and child welfare cases, the agency attorney should communicate with the child support attorney to ensure there are not conflicting paternity orders.

<sup>10</sup> To learn more about family finding, visit the Center for Family Finding and Youth Connectedness's Web site: [www.senecacenter.org/familyfinding](http://www.senecacenter.org/familyfinding).

<sup>11</sup> American Bar Association. "Standards of Practice for Lawyers Representing Child Welfare Agencies," August 2004. Available at <http://apps.americanbar.org/child/rclji/agency-standards.pdf> (see Standard 14 encouraging agency attorneys to ensure proper notice is provided to all parties).

### *Assess whether the father could be a placement or other resource for the child*

When paternity is not an issue, encourage the caseworker to assess the father's living circumstances as early as possible to determine his suitability as a day-to-day caregiver or other resource to the child. This assessment should include an inquiry into prior custody orders by asking the parents and checking court records, so that you can inform the court of any prior orders. If the father cannot take custody, he can still be a resource (e.g., by visiting, providing financial support to his child, helping with transportation needs, or purchasing clothing or school supplies). In cases involving sibling groups with multiple fathers, make sure the caseworker assesses each father's capacity to parent and ensures each is included in case planning and is offered appropriate services.

*Fathers as caregivers.* If the father expresses an interest in caring for the child, and there is no evidence that he is unfit to do so or court orders to the contrary, consider recommending that he assume custody of the child immediately. If this is not possible in your jurisdiction, ensure the fit father does not have to jump through unnecessary hoops to become the child's caretaker. This could include any service or requirement that is not targeted to a specific need of the father or child, such as drug testing when there have been no allegations of substance abuse, supervised visits when the father was having regular, safe, unsupervised visits before agency involvement, or parenting classes when there is no reason to believe the father is an inexperienced parent. The agency attorney could also consider asking the caseworker to encourage the father to file for custody of the child (in lieu of or in addition to seeking custody through the child protection case).

If support services are necessary, make sure they are tailored to the father's and child's needs. If the father cannot assume immediate custody, make sure the caseworker explores why and offers appropriate supports promptly. The caseworker should also ensure the father has visits with the child, unsupervised when possible and appropriate. If the father is not fit, then the petition should allege why. Encourage the agency to use family group decision making or a similar process to involve the family in decisions about initial placement and services, available family supports, and case permanency options.<sup>12</sup>

*Fathers with barriers to being custodial caregivers.* When a father has not expressed interest in becoming a custodian for his child, ensure the caseworker has discussed the reasons with him. If he is capable, but reluctant, the worker should explore whether his perceived barriers can be overcome and if he has any relatives who may be a resource to the child.

*Fathers who live out of state.*<sup>13</sup> Out-of-state fathers may face barriers with the Interstate Compact on the Placement of Children (ICPC), as several state courts interpret it to apply to out-of-state parents. If your jurisdiction is one of them, the father must submit to a home study before placement. Although the Compact<sup>14</sup> requires completing home studies within 60 days of a sending state's request, many states still take months to complete them. If the child is under

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<sup>12</sup> For more information on family group decision making (FGDM), visit [www.americanhumane.org/fgdm](http://www.americanhumane.org/fgdm).

<sup>13</sup> For more information about applying ICPC's requirements to out-of-state, noncustodial parents, see Sankaran, Vivek S. "Navigating the Interstate Compact on the Placement of Children: Advocacy Tips for Child Welfare Attorneys." *ABA Child Law Practice* 27(3), May 2008, 33; Sankaran, Vivek S. "Out of State and Out of Luck: The Treatment of Non-Custodial Parents under the Interstate Compact on the Placement of Children." *Yale Law & Policy Review* 25, fall 2006, 63; Fiermonte, Cecilia. "Interstate Placements: Applying the ICPC." *ABA Child Law Practice* 21(5), July 2002.

<sup>14</sup> For a list of ICPC state statute citations, see <http://www.aphsa.org/Policy/ICPC-REWRITE/Resource%20Materials/ICPC%20STATE-by-STATE%20STATUTE%20CITATIONS.pdf>

age two, living in an emergency shelter, or has spent substantial time living with the father in the past, you can ask the court to issue a priority placement order to expedite the home study.<sup>15</sup> You also can help speed this process by urging the caseworker or other staff to quickly send all pertinent information to the father's home state and then follow up with the caseworker or your state or agency's designated ICPC representative, asking that person to maintain contact with the ICPC representative in the receiving state to ensure the home study is timely completed. Even before the home study has been completed, the ICPC allows children to have visits with out-of-state parents. Your agency may be able to work with the receiving state's agency to request a less formal courtesy home assessment, as needed, to arrange visitation and offer any needed services or supports. If the father is being considered as a placement option, these visits can be an important step.

*Roles for fathers other than custodial parents.* Sometimes it may not be feasible or appropriate for the father to be the child's custodial parent. This does not mean that he cannot maintain a relationship with and be a resource for the child. Even if the father is incarcerated, he can still write to the child, speak with her by phone, or possibly see her at prison visiting times (particularly if the facility has a family-friendly visiting room). A father struggling with other issues like substance abuse or mental health issues may also be a resource to his child. With guidance from service and therapeutic providers, the father and child can maintain a healthy connection with proper supports and supervision. In all instances, the father can be an important link to his relatives, culture, and family medical and other history.

When making recommendations to the court about the father-child relationship, consider:

- concurrent planning to include reunification/custody with the father;
- visitation for the father in the least-restrictive setting feasible, considering the child's safety (i.e., unsupervised, or monitored<sup>16</sup> by a caseworker or relative) and wishes (when age appropriate);
- increased support (services or other assistance) for a father seeking to gain custody or to be a positive support in the child's life (e.g., housing assistance, child care, or help enrolling the child in school).

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<sup>15</sup> ICPC Regulations, Regulation 7, available at: <http://icpc.aphsa.org/Home/regulations.asp>.

<sup>16</sup> This refers to instances where the father and child will have unsupervised time together but an agency representative or its designee will frequently check in on the visit to ensure things are going well.

## Understanding differences between male and female learning styles/help-seeking behaviors

Men and women interact, learn, and seek help differently from one another. These differences should not cloud your objective assessment of the father's interests, capacity, or the child's best interests. Know the resources in your community. Encourage the caseworker to offer the father services that respond to male learning styles. Doing so will maximize the father's experience, increase learning, and ultimately benefit his relationship with his child. Keep in mind:

- Men are less likely to seek help than women. Even calling a service, or the caseworker's assistance, "help" may deter the father from engaging in the process because he may view seeking help as a sign of weakness.
- Encourage the caseworker to identify services that are informational and provide concrete practical guidance.
- When talking with the father in court or at family team meetings or other meetings, don't dwell on emotional disclosures or how the father is feeling. Discussions should be action oriented and focus on planning for the future and resolving problems.
- Participating in services, such as parenting classes or counseling, should normalize the father's experiences. If the father feels others share his experience he is more likely to engage and seek help.

**Sources:** Rosenberg and Wilcox, citing Parke, R.D. et al. "Fathers' Contributions to Children's Peer Relationships." In Tamis-LeMonda, C.S. and N. Cabrera (Eds.), *Handbook of Father Involvement: Multidisciplinary Perspectives*. Mahwah, NJ: Erlbaum, 2002, 141-167; Parke, R.D. and M.E. Lamb. "Infant-Father Attachments and their Impact on Child Development." In Tamis-LeMonda, C. S. and N. Cabrera (Eds.), *Handbook of Father Involvement: Multidisciplinary Perspectives*. Mahwah, NJ: Erlbaum, 2002, 199.

### *Remember paternal relatives*

Federal law encourages placing children with relatives.<sup>17</sup> In fact, the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) promotes relative involvement in cases by:

- requiring notice to relatives when children first enter care;
- providing federal funding to states that create permanent guardianship programs for relatives; and
- allowing waivers for non-safety related foster home licensing standards for relatives (e.g., if the home doesn't meet strict square footage requirements).<sup>18</sup>

Using relative caregivers preserves the extended family, allows the child to remain connected with siblings, and reduces the trauma that children experience when separated from their parents.<sup>19</sup> It also helps the child navigate the foster care system with a sense of belonging to biological family and a connection to her culture and background. Paternal relatives should always be explored as viable placement resources.

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<sup>17</sup> 42 U.S.C. § 671(a)(19) (2008).

<sup>18</sup> Pub. L. No. 110-351 (2008).

<sup>19</sup> Testa, Mark F. "When Children Cannot Return Home: Adoption and Guardianship." *The Future of Children* 14, winter 2004, 115, 121, available at [www.futureofchildren.org/usr\\_doc/vol\\_14\\_no\\_1\\_no\\_photos.pdf](http://www.futureofchildren.org/usr_doc/vol_14_no_1_no_photos.pdf).

## When fathers cannot or should not have contact

Although children benefit from some contact with their father in most cases, there will be situations where contact will not be in the best interests of the child. Or, the father may be deceased, unwilling to be in touch with the child, or unable to be found despite diligent efforts. In these cases, ask the caseworker to try and gather information about the father and his family and ensure it is included in the child's case file and shared with the child's caregivers and child as appropriate. Relevant information may include:

- **family medical history** (so the child and her caregivers know of any conditions for which she may be at risk);
- **information about benefits** the father might be (or was) entitled to that could pass to the child (e.g., social security, worker's compensation, and inheritance of the father's assets), and any identifying information needed to claim those benefits, such as name, social security number, or birth date. The law varies on whether different benefits survive termination of parental rights, and how they apply to children of unmarried, nonresident fathers, so consult an attorney specializing in this area if necessary;
- **father's contact information**, which may include his address, phone number, cell phone number, workplace, and similar information for his relatives so the child or caretaker can reach him in the future;
- **picture of the father and information** about his work, interests, hobbies, etc. (e.g., in the case of a deceased father whose child might one day want to know more about him).

### *Involve incarcerated fathers*

Incarcerated parents can have a positive impact on their children, safely maintain connections, and offer support in many ways. For example, one study found that when an incarcerated parent maintains contact with their child it supports the parent-child attachment and improves the child's response to incarceration.<sup>20</sup> An October 2007 literature review on children with incarcerated parents noted that "the majority of families participating in research surveys indicate that children want and need to see their incarcerated parents and support the idea of children visiting . . ." <sup>21</sup>

During their incarceration, fathers can provide important information about the child's medical and social history, suggest relatives who can be placement or other resources, and maintain a relationship with the child. This gives the child an additional adult connection, and helps identify people who care about the child. After release, fathers may be able to care for the child, enrich the child's life with frequent visits, or provide financial or emotional support. Upon learning the child's father is incarcerated, make sure that the caseworker:

- learns the father's wishes regarding the child's placement, services, and visitation;
- encourages positive contact between the father and child (whether in person or by phone, videoconferencing, or letters);

<sup>20</sup> LaVigne, N.G. et al. "Examining the Effect of Incarceration and In-Prison Family Contact on Prisoners' Family Relationships." *Journal of Contemporary Criminal Justice* 21(4), 2005.

<sup>21</sup> Hairston, Creasie. *Focus on Children with Incarcerated Parents: An Overview of the Research Literature*. Baltimore, MD: Annie E. Casey Foundation, 2007, available at [www.aecf.org/~media/Pubs/Topics/Special%20Interest%20Areas/Incarceration%20and%20Reentry/FocusonChildrenwithIncarceratedParentsAnOverv/HAIRSTON.pdf](http://www.aecf.org/~media/Pubs/Topics/Special%20Interest%20Areas/Incarceration%20and%20Reentry/FocusonChildrenwithIncarceratedParentsAnOverv/HAIRSTON.pdf).

- includes the father in case planning and decision-making processes; and
- works with the father and/or prison officials to ensure the father has access to services he needs to be a resource for his child during and after incarceration (e.g., phone privileges, parenting classes, vocational training).

Additionally, work with the court and father's attorney (if one has been appointed) to ensure that the father receives notice of and has access to the court proceedings (via writ of habeas corpus or video or phone conferencing).

## **Establishing agency policies and protocols that promote father engagement**

All agency attorneys provide advice and counsel to their client in some capacity, but those whose positions focus on advising agency decision makers and setting agency policy can promote father engagement on a larger scale. You can do this by suggesting or supporting agency policies that require that the agency:

- makes early and ongoing diligent efforts to identify, locate, contact, and involve the father (including out-of-state fathers) in case planning and decision making;
- ensures the court has current contact information for the putative and nonputative fathers so it can send notice of all court hearings;
- provides the father with adequate notice of agency review meetings, family group decision making meetings, and other relevant case developments (e.g., recommendations to change the child's placement or permanency goal);
- considers and supports the father's needs for services and service referrals, not just the mother's;
- references the father in every court petition and explains why he was not a viable resource to the child at the time of petitioning (e.g., mother has legal custody, father's identity or location is unknown, or he's a "perpetrator" or co-perpetrator of the alleged incident(s));
- considers paternal and maternal relatives as potential resources, as identified by both parents, when the child has been removed from her home;
- ensures all paternal relatives are identified, located, and notified of proceedings consistent with the Fostering Connections Act. Clear policies are in place that appropriately address safety concerns for mothers and children, but also ensure fathers with violent backgrounds may act as resources for their children (e.g., by letting them participate in agency meetings separately from the mother, when necessary).

You can also ensure that your agency provides ongoing training to its attorneys and caseworkers on fathers' legal rights and best practices for finding and engaging fathers. Finally, you can encourage the agency to contract with service providers who serve fathers as well as mothers and who understand and incorporate male help-seeking behaviors into their service delivery.

## CONCLUSION

Fathers and their relatives provide important and varied resources and supports to children in the child welfare system. Research shows children whose fathers are engaged experience better outcomes in many facets of their lives and achieve permanency faster. As a government or agency attorney, you play a critical role in engaging fathers in the court process. You can train your agency staff on making diligent efforts to identify, locate, and contact fathers and verify that such efforts are made. You can help ensure fathers participate in court hearings and agency meetings by ensuring they receive notice of these events. You can inform fathers' counsel of key events and encourage agency workers to treat mothers and fathers fairly in decisions about their children. To zealously advocate for the agency and to act in the child's best interest, you must be confident that the agency has made diligent efforts to locate the father and reasonable efforts to engage him and his family at all stages of case planning and decision making.



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