



Engaging Nonresident Fathers in Child Welfare Cases:

A Guide for Court Appointed Special Advocates



Engaging Nonresident Fathers in Child Welfare Cases:

A Guide for Court Appointed Special Advocates

Jessica R. Kendall and Lisa Pilnik

Edited by Claire S. Chiamulera



AMERICAN
HUMANE

Protecting Children & Animals Since 1877



AMERICAN BAR ASSOCIATION

Center on
Children and the Law



NATIONAL QUALITY
IMPROVEMENT CENTER

ON NON-RESIDENT FATHERS AND
THE CHILD WELFARE SYSTEM

This publication was produced by the National Quality Improvement Center on Non-Resident Fathers and the Child Welfare System (QIC NRF), funded by the Children's Bureau of the U.S. Department of Health and Human Services. We are grateful to our Project Officer, Jason Bohn, and to our QIC NRF project partners, the American Humane Association and the National Fatherhood Initiative, for their support and thoughtful feedback on our draft manuscripts.

We also want to thank National CASA, and Sally Erny in particular, for supporting this brief and carefully reviewing it and providing useful input. Special thanks also go to Darlene Ward, program manager of the New York state CASA Program; Christina Tisserat, program manager of the Lincoln County Colorado CASA Advocates Program, and Linda Katz, program manager of the Seattle, Washington CASA. Each thoughtfully reviewed the brief and provided important feedback and support.

Howard Davidson, the ABA Center on Children and the Law's director, and Richard Cozzola and Mark Kiselica, members of the National Advisory Board for the QIC NRF, reviewed drafts of this publication and shared valuable suggestions.

Thank you also to Claire Chiamulera for meticulously editing the manuscript and coordinating its design and printing.

Finally, nearly 100 young people now or formerly in foster care shared their thoughts and feelings about their own fathers with us. Many of their words are included in this document, and all of their contributions informed this publication and our work on this issue. We are grateful to the youth who shared their stories with us, and to the staff at their organizations who helped gather their input: Justin Lee from the Pennsylvania Youth Advisory Board, Kara Sanders from The Mockingbird Society in Washington, and Terri Bailey from Elevate to Inspire in Iowa.

-Jessica R. Kendall and Lisa Pilnik
American Bar Association Center on Children and the Law

ABOUT THIS BRIEF

The National Quality Improvement Center on Non-Resident Fathers and the Child Welfare System (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 CASA volunteers and programs. A successful presentation at the annual National CASA conference in 2009 led to developing this practice brief geared to CASA advocates. It offers another useful tool to advocate on behalf of children.

In addition to this brief, the QIC NRF has other resources that may be useful to CASA programs and volunteers, 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.

Copyright © 2010 American Bar Association and American Humane Association.

This publication was made possible through a cooperative agreement between the U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, the American Humane Association, the American Bar Association Center on Children and the Law, and the National Fatherhood Initiative.

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

INTRODUCTION

“While it may take extra effort to involve a nonresidential father, it is usually in the child’s best interest to do so.”

— *Children’s Bureau, U.S. Department of Health and Human Services¹*

Each year, hundreds of thousands of children become involved with child protective services (CPS) due to suspected or confirmed abuse or neglect. Some of these children were living with both biological parents when CPS got involved, and their mother, father, or both, maltreated them. However, many of these children were living with their mother, mother’s partner, or other relatives, but not their father. For these children, their biological fathers 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.²

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, provide youth meaningful adult connections, 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 once the case reaches the termination of parental rights or adoption stages.

As a nonlawyer court appointed special advocate volunteer or a volunteer guardian ad litem (CASA volunteer*), your advocacy should include efforts to engage fathers in child welfare cases. Many of your child clients’ biological fathers may not live with them when CPS becomes involved with the family. Or, the father may not be accused of abuse or neglect when CPS intervenes.

This guide offers you practice tips to identify and engage these fathers in your child clients’ cases. (If you are an attorney, a version of this brief for lawyers is available at www.fatherhoodqic.org.) Some of this material may also be useful when working with noncustodial mothers or custodial fathers. The information and tips below will help you make informed recommendations about children’s best interests, and promote father engagement that supports those best interests.

* Used in this brief to refer to CASAs and GALs.



WHAT FOSTER YOUTH SAY ABOUT THEIR FATHERS

In developing this brief, the QIC NRF worked with foster youth empowerment groups across the country to learn what youth think about their fathers and their relationships with them.

We found that although the youth's feelings and involvement with their fathers varied greatly, the impact a father can have on his child's life, positive or negative, is profound.

Throughout this brief are the questions we asked, and responses from youth currently or formerly in foster care and involved with the Pennsylvania Youth Advisory Board, The Mockingbird Society (Washington State), or Elevate to Inspire (Iowa).

THE IMPORTANCE OF FATHER INVOLVEMENT

“Having a male as part of your life is a big deal. There is just a connection that father and son have that cannot be replaced. [I think CASA volunteers should] try their best to make sure that there is a connection with son and father.”

– Foster youth

IMPROVES CHILDREN'S QUALITY OF LIFE

Although most children from single-mother households grow up to live healthy and productive lives, 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).³ 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.⁴

Studies of families involved with the child welfare system show:

- Involvement by nonresident fathers is associated with more reunifications and fewer adoptions.
- Higher levels of nonresident father involvement substantially lower the likelihood of later maltreatment allegations.
- Highly involved nonresident fathers' children exited foster care faster.⁵
- Children who had had contact with a noncustodial parent in the last year were 46% less likely to enter foster care.⁶

In addition to social science research, much anecdotal evidence shows that youth in foster care benefit from contact with their fathers; youth often reveal that they value their relationship with their fathers, or wish they had more opportunities to get to know their fathers. As a CASA volunteer, you have likely seen the difference it makes when noncustodial fathers are engaged in their cases and given the opportunity to be a resource for their children. Having the father and his family involved with the child also means there are “more eyes on the child,” which can increase safety and well-being.

PROVIDES CHILDREN WITH ADULT CONNECTIONS

Youth in foster care need adult connections. They need to know who their parents are and to have as much contact with them as is possible and safe. This applies to fathers just as much as mothers, particularly when the father did not abuse or neglect the child. If you have worked with a child who begs to return to a parent who the courts have said cannot care for her, or who connects with his biological family immediately after aging out of foster care, you understand that kids don't just want permanent parents or guardians; they often want their parents.

Although many fathers struggle with inexperience as a parent, substance abuse, incarceration, or poverty, none of those things limits a father's ability to love his child, or a child's ability to feel loved and connected. Children in foster care need that love and connection from their fathers, even when their fathers cannot be placement resources.

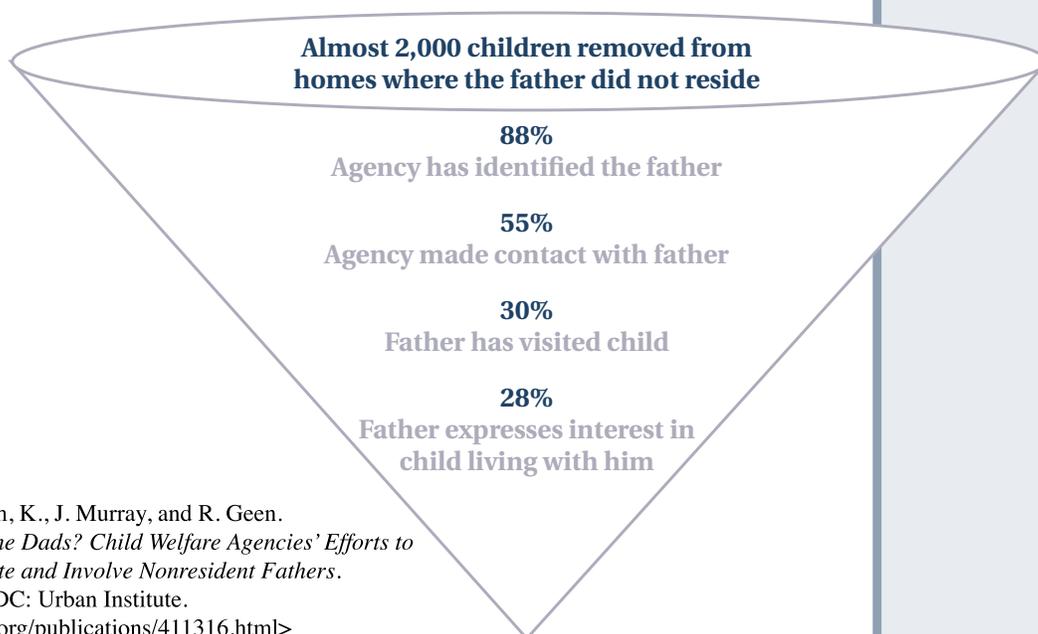
BARRIERS TO FATHER ENGAGEMENT

"I didn't talk to my dad from the time I was 4-14. I lived with him for 6 months while I was 14. Now we talk just about every day."

–Foster youth

FAILURE TO LOCATE/CONTACT

A 2006 Urban Institute report found that although noncustodial fathers had been identified in most cases studied, far fewer of the fathers were contacted by the agency or visited their child.



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>

The federal Child and Family Services Reviews (CFSRs) have also found many states:

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

To read your state's CFSR report, visit http://basis.caliber.com/cwig/ws/cwmd/docs/cb_web/SearchForm.

Although there is sometimes a perception that noncustodial parents are "absent" entirely from their children's lives, this is rarely true. A study of nearly 4,000 families across the country who were involved with CPS found that in 73% of the families where there was a noncustodial parent, that parent had had contact with the child(ren) in the last year.⁷

Failure by child welfare caseworkers and the courts to locate and contact fathers, even when their identity is known, prevents many fathers from engaging in their child's case or, in some situations, from even knowing the child has been abused or neglected. In the Urban Institute report discussed above, only 55% of noncustodial fathers were contacted, compared to 100% of noncustodial mothers. This disparity may have been due to:

- caseworker bias against men;
- fears that involving the father would lead to more work for an already overburdened caseworker;
- fears that the father could be violent; or
- a lack of due diligence in securing adequate contact information for the fathers.

Caseworker bias is viewed as “the most widely researched barrier to fathers’ participation in child welfare case planning.”⁸ In one study, “caseworkers were found to require that fathers demonstrate their connection to the child whereas the mothers’ connection was taken for granted.”⁹

MOTHERS’ RESISTANCE TO SHARE INFORMATION

Mothers often act as “gatekeepers,” withholding information about the father’s identity or location. In some cases, the mother does not want the father to be considered as a placement resource or included in decision making, while in others she may be protecting that father from court involvement (e.g., if he has immigration issues, large child support arrearages, or pending criminal matters), or she may simply be ashamed that she is involved in an abuse or neglect proceeding and not want the father or his family to find out. Some mothers also shield their children from their fathers because of a history, on the father’s part, of past child maltreatment, or violent or criminal behavior. Not all fathers have such histories, however.



A Framework for Involving Fathers in Children's Lives

Despite the potential for positive outcomes when fathers and paternal relatives are involved, roadblocks remain. Overcoming these roadblocks takes an organized framework, such as the following from The National Center on Fathers and Families (NCOFF). It is based on practitioners' experiences serving fathers, mothers, children, and families:

1. Fathers care – even if that caring is not shown in conventional ways.
2. Father presence matters – in terms of economic well-being, social support, and child development.
3. Joblessness and unemployment are major barriers to family formation and family involvement.
4. Systemic barriers – in existing approaches to public benefits, child support enforcement, and paternity establishment – create obstacles and disincentives to father involvement.
5. A growing number of young fathers and mothers need additional support (co-parenting) to develop the skills to share parenting responsibilities.
6. Transitioning from the role of biological father to committed parent significantly affects the father's own development.
7. The behaviors of young parents, both fathers and mothers, are influenced significantly by intergenerational beliefs and practices within their families of origin.

Source: Adapted and reprinted from Merkel-Holguin, Lisa. "Fathers and Their Families: The Untapped Resource for Children Involved in the Child Welfare System." *Child Protection Leader*, September 2003, published by American Humane.



HOW HAS YOUR DAD BEEN INVOLVED IN YOUR LIFE?

“He has been supportive of me and gave me advice when I needed it the most.”

“He was always in my life until he went to prison.”

“He hasn’t been in my life at all.”

“My dad tried to get custody while we were in foster care. My father did not get custody of us because he started drinking again. He called us as much as possible.”

“My dad comes around when he wants something and tells us he loves us and wants to see us more, then leaves at random.”

“He has been involved in my spiritual life by helping me get through the hard times.”

“He is like my best friend! He is so supportive.”

“I don’t know my father.”

“He has not really been a part of my life. He says he cares but he doesn’t show it.”

“My dad has never really been a part of my life. I met him once when I was 12.”

“My dad calls me every Sunday night and he sends me money and I go visit him.”

FATHERS’ PERSONAL ISSUES

Fathers also face other barriers in their lives, including poverty, substance abuse, incarceration, or language or literacy barriers:

- **Poverty** — These men are often extremely poor: 20% of nonresident fathers are believed to have incomes below the poverty line.¹⁰ As a result, they may lack a fixed address or phone number where agency staff and CASA volunteers can reach them, and they may find it difficult to afford transportation to meetings, visits, or court appearances.
- **Low literacy** — Many fathers do not understand what is happening to their child because they cannot read or understand notices sent to them by the agency or court, due to illiteracy or lack of fluency in English. Even those who can read and write in English may be intimidated or confused by the unfamiliar legal or child welfare terms in letters or documents they receive.
- **Substance abuse/Criminal history**—Many struggle with current or past substance abuse, or have been charged with misdemeanors or felonies in the past and are afraid of becoming involved with the courts again.
- **Incarceration**—Incarcerated fathers are frequently left out of child welfare cases. Like other nonresident fathers, they can contribute greatly to their children’s lives.
- **Uncertain parenting skills**—Fathers who have not been primary caregivers for children before may not feel confident about their parenting skills.
- **Unawareness of children/fatherhood**—Fathers may be unaware that they have children or unsure they are the fathers of particular children.

Each of these challenges can be overcome, however, by services the agency should be providing as part of its reasonable efforts requirements (such as an interpreter, vocational training, or housing assistance).

PRACTICE TIPS FOR CASA VOLUNTEERS

“I think that once the state gets involved with children, fathers tend to stay away, so CASA volunteers or some other service providers should work on keeping fathers involved with their kids.”

—Foster youth

As a CASA volunteer, you can ensure fathers engage in the child welfare process and with their children. You are charged with conducting your own investigation and making recommendations to the court about the child’s best interests. You can interview and meet with the child’s father and paternal relatives to assess their interest in and ability to participate in the child’s life. With fewer cases to manage than the child’s caseworker or attorney, you can develop relationships with the child and relatives that other parties may not. Your child-centric focus may also be less intimidating to the father and his family, making them more apt to work with you. Your role in encouraging a positive father-child relationship should begin early in the case and carry through permanency.

HELP IDENTIFY AND LOCATE THE FATHER.

Often the agency and court only try 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 these ongoing efforts. Failing to make ongoing diligent efforts to locate the missing parent is not in the child's best interest:

- It prevents the child from maintaining or establishing an important connection with a parent.
- It may prevent the child from maintaining or establishing connections with paternal relatives.
- It deprives the child, court, and parties of important information about the father's and his relatives' capacity to parent or be involved in the child's life.
- It may delay permanency for the child if adoption is the goal if the father is found late or not diligently searched for until the termination stage.

You can help ensure the agency makes reasonable efforts to locate unknown or missing fathers, and that the court fulfills its oversight responsibilities by taking these steps:

- Remind the agency to continue efforts to find the father.
- Ask the judge to inquire about the father's whereabouts at every review or status hearing.
- Ask the child (if age appropriate) whether she knows her father and where he may be.
- Ask the mother and other known relatives about the father's whereabouts.
- Work with the child's attorney (if there is one) to search for the missing father and/or advocate in court verbally or by motion that search efforts continue.
- Report your findings to the agency and court to help them locate the missing parent.

ENCOURAGE THE AGENCY TO FIND MISSING PARENTS.

Child welfare agencies use various tools to locate missing parents. You can ask the caseworker which avenues were explored and suggest she use new ones to locate the parent, such as:

- Consult the state Department of Revenue or child support agency files.
- Hire a private investigator.
- Check the Federal Bureau of Prisons and any state inmate locators.
- Search public records (DMV, social security, courts) through Westlaw or LexisNexis.
- Check the Federal Parent Locator Service (see www.acf.hhs.gov/programs/cse/newhire/).

- Ask the court to require the agency to use family-finding strategies.¹¹
- Use online people search engines, such as:
 - » Peopleprofileusa.com
 - » usatrace.com (search by name and social security number)
 - » People-data.com
 - » Social Security Death Index
 - » Reunitetonight.com
 - » Myfamily.com
 - » Intelius.com

If appropriate, you may choose to do some searches yourself. These may include:

- Ask the mother, other relatives, and the child about the father’s identity and location.¹²
- Consult the phone book.
- Review the agency’s file for details that could lead to the father or other information sources.
- Send a letter to the father’s last known address and to any of his relatives.

When an alleged or putative father is found, encourage swift resolution of paternity questions. Paternity testing can take a long time and delay case progress. Reminding the court, agency, and alleged father to request expedited results will help the child maintain or establish contact with his father and speed permanency. Asking the court to have the agency pay for the testing, rather than requiring the father to pay, particularly if he is indigent, also helps speed the process.

ASSESS WHETHER THE FATHER COULD BE A PLACEMENT OR OTHER RESOURCE FOR THE CHILD.

“The people around children play a very significant part in their life. If the father is stable and willing to have a relationship with their child then [CASA volunteers should] push visitation or placement forward.”

–Foster youth

You may speak with the father directly (or with the assistance of his counsel) about his interest in visitation or custody. If the father has counsel, tell his attorney that you intend to contact him. Be clear about your role in the case and how it differs from the agency caseworker’s, and explain the reason for meeting. In any direct interactions you have with the father, be clear that you are not (and cannot) provide legal advice, and be careful not to promise anything you will not be able to deliver.

Attempt contact with the father as early as possible to move the case along and limit the time the child remains in out-of-home care. If the father can’t take or doesn’t want custody, assess how he can still be a resource and provide support to his child. In cases involving children with multiple fathers, assess each father’s capacity to parent, and ensure the agency is including each father in case planning and offering him appropriate services.



The Dimensions of Effective Fathering

According to a 2006 U.S. Children's Bureau report, "research suggests seven dimensions of effective fathering:

- Fostering a positive relationship with the children's mother
- Spending time with children
- Nurturing children
- Disciplining children appropriately
- Serving as a guide to the outside world
- Protecting and providing
- Serving as a positive role model."

The report goes on to say that a good father does not necessarily achieve all of these things, but succeeding in many of these categories will help fathers serve their children well. Fathers whose children are involved in the child welfare system can meet all of these criteria for effective fathering, but may need additional services or resources.

Source: Rosenberg J. and W.B. Wilcox. "The Importance of Fathers in the Healthy Development of Children." Washington, DC: Office on Child Abuse Neglect, Children's Bureau/ACYF, 2006. Available at www.childwelfare.gov/pubs/usermanuals/fatherhood/.

Fathers who want to be custodial caregivers. When assessing the father's interest and capacity to be the child's **caregiver**, you may want to:

- Discuss what he wants for his child's future and how he fits into that picture.
- Discuss with the child, when age appropriate, how she feels about living with her father.
- Meet the father in his home to get a sense for where the child may live and if you believe it is in the child's best interest. Respect the father's cultural background and economic status.
- Ask the father whether he currently or previously cared for the child or other children.
- Ask the father about his daily routine, employment, and family and friend resources.
- Ask the father about child care options and his plans for the child's education, and physical and mental health care.
- Document how the father provides support to the child (e.g., gifts, phone calls, letters, recreational activities, involvement in school or medical appointments, etc.).
- Observe a visit between the father and child or ask the monitor (when they are supervised) how visits have gone.

IF YOUR FATHER WASN'T INVOLVED IN YOUR LIFE, DID YOU WANT TO KNOW HIM BETTER OR SEE HIM MORE?

Of the youth who answered this question, 41 said "yes," 40 said "no," and 9 said "maybe" or "I don't know." Some of their explanations appear below.

"Yes – Because I still love him."

"No – I turned out fine without him."

"Yes – The system continued to schedule visits with my mom but would not let us have visits with my dad."

"Yes – Because it's kinda hard being without a dad and so many things are going wrong."

"Yes – I want to feel like I have an actual father. I want to feel like he cares. I want to know my father."

"Maybe – I sort of want to see him more and find out how he's been doing."

"Yes – I would have liked to have known what he does and the background of his family that way I could better understand my father and that way I could have had a relationship with him."

"Yes – Because I would like to have that relationship and NO – because he always cared at the wrong moments."

"No, not seeing me was his choice. If he had no desire to see me then his loss."

"Yes, he could have taught me things a man needs to know from his father."

You can also assess what services and assistance would help the father obtain custody of his child, if desired. If he has not parented before, it may help him to voluntarily participate in a parenting class or fathers support group. You can help ensure the father is enrolled in a class or group that matches his needs and will help him parent his child. For example, if the child is a teenager, the father should participate in a class targeted toward parenting adolescents rather than infants. The class or group should also be gender-specific and help the father address the child's history of abuse or neglect. The father may gain less from the experience if it is geared toward mothers and female learning styles. (For more on male help-seeking behavior, see "Recognize that fathers learn and seek help differently than mothers," p. 21.)

Fathers who have not expressed interest in 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 perceived barriers can be overcome. In some instances, these barriers are outside his control (e.g., agency failure to include him in permanency planning, inadequate housing) and may be overcome through advocacy by his attorney or you, particularly when you are arguing for a continued father-child relationship. For fathers who have never been custodial parents, or who suffered family traumas when they were children, a lack of confidence in their parenting ability may need to be addressed through counseling, mentorship, and/or parenting classes.

Parenting Abused or Neglected Children

A nonresident father who seeks custody or a continued relationship with his child should know how to respond to an abused or neglected child. A parenting class or fatherhood group that provides individualized assistance can be effective in preparing fathers.

If the child has been sexually abused, the father will need to be modest around the child and respect the child's privacy, particularly when bathing.

If the child was neglected, the father should create a reliable schedule with frequent adult attention.

If the mother was the perpetrator, the father should also be prepared to address the child's feelings of abandonment and betrayal towards the father.

If the child feels the father did not protect her from the abuse, the father should be prepared to address this concern appropriately.

Source: Rosenberg, J. and W.B. Wilcox. "The Importance of Fathers in the Healthy Development of Children." Washington, DC: Office on Child Abuse and Neglect, U.S. Children's Bureau, 2006.

Unlike other parties to the case, the father may not have counsel. If an attorney is not appointed for fathers, be vigilant about ensuring the court and agency properly involve the father in the case, notify him of meetings and hearings, offer him needed services, and make his position known so informed decisions can be made about the child's best interest. As discussed above, be clear that you do not represent the father and cannot give him legal advice. Follow your CASA program's guidelines for dealing with unrepresented parents and/or parties.

Fathers who live out of state. If the father lives out of state, he may face another barrier to reunification with his child. Many states interpret the Interstate Compact on the Placement of Children (ICPC) to apply to out-of-state parents. If your jurisdiction is one of them, the father must submit to a home study before placement, which may take months to complete. If your CASA program's policy allows, you can help speed this process by urging the child welfare agency to quickly send all pertinent information to the father's home state, and then contacting the ICPC representative in the receiving state to request an immediate home study be conducted. Consider also recommending that the court order an expedited ICPC. Even before the home study has been completed, the ICPC allows children to have extended visits with out-of-state parents. If the father is being considered as a placement option, these visits can be an important step.

Services Checklist for Fathers

Become familiar with available services for children and parents in your area. You can recommend these services as part of your court report, verbally in a hearing, or in your discussions with the caseworker between hearings. When researching service options, keep in mind where the father lives, whether he will be able to access the service by public transportation, and whether services are offered at times that do not conflict with the father's work schedule or other court-ordered appointments. Services that may benefit a father include:

- job training
- housing assistance
- parenting classes (basic skills and skills specific to the needs of the child)
- help procuring state and/or federal benefits for himself and/or the child, including food stamps

Other fathers may need:

- » substance abuse counseling, including Alcoholics Anonymous or Narcotics Anonymous
- » mental health services, including counseling and psychiatric assistance
- » referrals to low-cost or pro bono legal services for matters other than the dependency proceeding, such as housing or immigration
- » health education (e.g., training from a public health nurse) regarding caring for a child's medical conditions
- » a translator, if he is not fluent in English, or help reading or filling out forms or documents if he has literacy challenges

Source: Cohen, Andrew L. "Representing Nonresident Fathers in Dependency Cases." In Ch. 4, *Advocating for Nonresident Fathers in Child Welfare Court Cases*, Washington, DC: ABA Center on Children and the Law, 2009. Available at www.fatherhoodqic.org/chapter4.pdf.



WHAT DO YOU WISH HAD BEEN DONE DIFFERENTLY BY YOUR CASA, LAWYER, OR JUDGE SO YOU COULD HAVE HAD A BETTER RELATIONSHIP WITH YOUR FATHER?

“Let him be involved in my life.”

“Worked harder to keep contact.”

“I wish that my lawyer and worker would have explained to me about why he left.”

“I wish they’d made him come to my court dates and made us have visits.”

“Just to ask him what he did as a child with his parents.”

“More unsupervised visits and overnight visits.”

“I wish my lawyer would have done a background check and done a thorough search so I could have known my dad.”

“Try to find him.”

“Contact me more with him and allow visitation.”

Roles for fathers who are not seeking to become custodial parents. Sometimes it may not be feasible or appropriate for the father to be the child’s custodial parent. This does not mean, however, 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 assessing the father’s willingness and ability to be a **nonplacement resource**, you may want to:

- ask the father about his relatives and what support they may offer;
- discuss with the child, if age appropriate, what type of relationship she would like with her father;
- discuss with the father other ways he can stay connected, such as:
 - » calling the child
 - » writing letters
 - » participating in recreational activities
 - » attending school or medical appointments
 - » sending gifts or cards
 - » sending e-mail

The father may lack counsel during the court process, so you can be an important link to ensure the father is engaged. When making recommendations to the court about promoting and maintaining a healthy father-child relationship, consider advocating for:

- concurrent planning to include reunification with the father;
- increased visitation for the father in the least-restrictive setting feasible, taking into account the child’s safety (i.e., unsupervised or monitored¹³ by a caseworker or relative);
- increased support (services or other assistance) for the father seeking 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).

Fathers' Legal Rights in Child Welfare Cases

Assuming the father has established himself as the legal father of the child, according to your state's requirements, during the child welfare court process he has the right to:

- notice of proceedings;
- attend and be heard at court proceedings;
- admit or deny allegations made against him;
- an interpreter if he doesn't understand English or is hearing impaired;
- visit his child, unless there are safety concerns or it would harm the child;
- have the child welfare agency make reasonable efforts to reunify him with his child.

Many states also give nonresident fathers the right to a court-appointed attorney, if he cannot afford one.

REMEMBER PATERNAL RELATIVES.

A child's father and his relatives represent half of her family. Federal law encourages placing children with relatives.¹⁴ In fact, the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) promotes relative involvement in cases by:¹⁵

- 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).

Relative caregivers provide homes for hundreds of thousands of children every year. Reports reveal increases in formal and informal use of relative caregivers for all types of families.¹⁶ Social science research shows the use of relative caregivers is especially prevalent among racial and ethnic minority families who are more likely to engage in relative care arrangements, including legal guardianships, but less likely to adopt children related to them.¹⁷ Legal guardianship can be attractive to a family because it provides the child a permanent placement while avoiding termination of parental rights.¹⁸

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.¹⁹ 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. Knowing about family on both sides can also help you understand family health history, which may be useful in assessing the child's physical and mental health issues.

Therefore, when trying to locate a missing father, ensure the caseworker also searches for the father's relatives and asks the mother, child, and maternal relatives about the paternal family. When the father is located, the caseworker should ask about his family resources and assess the child's relationships with them. If you are not satisfied with the caseworker's investigation or disagree with her findings, consider contacting paternal relatives directly as part of your independent fact finding. You may want to assess relatives':

- relationship to the child or their interest in having a relationship with the child (if no relationship or contact, ask why and help overcome barriers, where appropriate);
- ability to be a placement resource (explore their child care options, parenting experiences, employment, other children or adults in the home, and contact and relationship with biological parents);
- ability to be a nonplacement resource (explore their ability to visit with the child regularly, participate in planning meetings, spend time with or host the child on holidays and other family celebrations, provide regular child care or respite care, maintain contact with the child by phone or e-mail, coordinate recreational events for the child, etc.).

Based on your independent fact finding, you may recommend in court that paternal relatives:

- regularly visit the child;
- be notified of and participate in court hearings (citing the Fostering Connections Act);
- participate in agency case meetings and family group decision-making conferences;
- become a kinship caregiver/guardian for the child under a concurrent goal of reunification and guardianship or as a sole permanency option as guardian;
- receive supportive services (such as child care vouchers or housing assistance) to become a kinship caregiver for the child;
- host the child during holidays or family gatherings/celebrations or provide regular child care or respite care.

YOUR ROLE 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 cannot be found despite diligent efforts. In these cases, you should still 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 could include:

Family medical history (so the child and her caregivers know of any conditions she may be at risk for);

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 your local legal services organization (e.g., Legal Aid) or 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).



TALK TO THE CHILD.

Often child welfare caseworkers, attorneys, and others working in the system hesitate to ask the child about his family history and connections, fearing it will be emotionally difficult for the child to discuss his past and therefore his family. Many times, however, these fears are exaggerated, and what children and youth have experienced before entering the system does not affect their ability to have general conversations about their family, particularly about family members who were not a part of the abuse or neglect history, such as cousins, aunts, uncles, grandparents, and often the nonresident father.

If the child is old enough to carry on a conversation, meet with him and ask him about his extended family. It may surprise you how much the child knows and is able to share about family that will inform decisions about placement and resources. When meeting with the child, ask the child questions in an age-appropriate way.

- **Ask about his father:**

- » How often do you see your father?
- » Do you speak on the phone?
- » Does he send you mail?
- » What do you do together?
- » Have you stayed at your father's house before?
- » Have you lived with him before?
- » Would you like to see him now? Why or why not?
- » (If the father is missing) When did you see him last? Do you know where he lives or have his phone number? Can you describe what he looks like? Do you know where he works or spends time?

If the child says she does not want to see or contact her father, ask why and try to find out the source of any negative information (e.g., if she says her father does not want to see her, find out who told her that). It may help dispel any misconceptions she may have about him. The child may not know why she hasn't heard from or seen her father, or may have been told things about him that are not true. Providing as much accurate information about her father's situation as possible can help her make an informed decision about contact.

If a child is adamant that she not maintain contact with her father and you agree it is not in her best interest, tell the child you would still like to contact the father for information that may be useful to the child later in life or if she chooses to resume contact. (For a youth who is seeing a therapist, counselor, or other mental health professional, the decision to resume contact should be made in consultation with that professional.) Obtaining medical histories from the father and his relatives may be useful later if the child has any medical problems. Obtaining the father's contact information will also allow the child to reach him in the future and get information from him about his relatives to explore all support and placement options for her.

- **Ask about his maternal and paternal relatives:**

- » Do you know your grandmother/grandfather, aunts/uncles, cousins, etc. on your father's side of the family?
- » How often do you see them?
- » Do you talk on the phone or do they send you mail?

- » What do you do with them?
- » Have you ever lived with them or stayed at their houses before?
- » Would you like to see them now? Why or why not?
- » Do you know their full names and do you have their contact information?

The child should know why information is being gathered about her relatives, and you should be careful not to set up false expectations. The child has a right to know you are gathering information about her family to assess their abilities to participate in the case, but be clear that you do not know where the information will lead.

If age appropriate, consider learning about family members by drawing a family tree with the child. Bring two copies of a family tree to your meeting and fill them out together. Let the child keep one tree and you keep the other to continue your investigation. There are many genealogy programs on the Internet. For examples, visit:

- http://genealogy.about.com/od/free_charts/ig/genealogy_charts/family_tree.htm
- www.genopro.com

RECOGNIZE THAT FATHERS LEARN AND SEEK HELP DIFFERENTLY THAN MOTHERS.²⁰

“Our research really bashes the stereotype of the low-income father. These fathers care about their kids, but may not show their love in conventional ways and sometimes a lack of a job, poor communication with the mom, or even their own childhood experiences can prevent them from getting involved.”

-Dr. Michael Lamb²¹

Historically, the child welfare system has worked more with mothers than fathers. More caseworkers and CASA volunteers are women than men. Services are often geared towards women’s learning styles, using group therapeutic interventions that stress emotional discovery. They often overlook how men seek assistance or learn; in fact, they may isolate and inhibit male participants.

Follow these tips when interacting with fathers and male paternal relatives:

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 your assistance “help” may deter the father from engaging in the process because he may view seeking help as a sign of weakness.
- Identify services that are informational and provide concrete, practical guidance.
- Don’t dwell on emotional disclosures or how the father is feeling when you meet with him. Discussions should be action oriented and focus on planning for the future and resolving problems.



WHAT DO YOU THINK CHILD ADVOCATES NEED TO KNOW ABOUT KIDS IN FOSTER CARE AND THEIR FATHERS?

“If possible let them see them so they don’t think that they don’t love them anymore.”

“Help them be the best they can on an individual basis.”

“That every father deserves to be involved in their child’s life.”

“We have just as much of a bond with our fathers as we do our mothers. My father wanted to be in our lives but was not given very many opportunities.”

“Judge one by one – not all together.”

“Every kid has a right to know their father.”

“Sometimes the father doesn’t know what’s best.”

“That it’s not always as it seems.”

“Some are good, some are bad – there just needs to be more of an investigation.”

“That a real father can never be replaced no matter what—meaning kids long for their father.”

How and When Fathers Want Help: What the Research Says

by Mark Kiselica, Ph.D., Vice Provost and Professor of Counselor Education, The College of New Jersey and National Advisory Board Member, QIC NRF

Little research focuses on how and when fathers involved with the child welfare system seek help. However, a body of research shows adolescent and young adult fathers – a population that is separate from, but overlaps with fathers in the child welfare system – want assistance and would use it if offered in a male-friendly manner.

Teen fathers want emotional support during the transition to fatherhood. They also seek information, practical help, and counseling to address problems with their partners, families, and communities.¹ The most frequently requested services include:

- job referrals
- vocational education
- job readiness
- parenting education
- GED classes
- legal advice about paternity establishment and child support orders
- medical treatment
- mental health counseling
- relationship counseling
- child care assistance²

Furthermore, they believe a good father provides for his children in a consistent, dedicated manner. They emphasize that being a caring father involves focusing on one's family, being there for one's child and partner, taking care of responsibilities, and showing love.³

You can help fathers be better parents to their children by connecting them to the services and supports discussed above, and ensuring their attempts to be good fathers are recognized by caseworkers and the courts, and shared with their children.

Sources:

¹ Hendricks, L.E. "Outreach with Teenage Fathers: A Preliminary Report on Three Ethnic Groups." *Adolescence* 23(91), 1988, 711-720; Kost, K.A. "The Effects of Support on the Economic Well-being of Young Fathers." *Families in Society* 78, 1997, 370-382.

² Rhein, L.H. et al. "Teen Father Participation in Child Rearing: Family Perspectives." *Journal of Adolescent Health* 21, 1997, 244-252; see also Weinman, M., R.S. Buzi, and P.B. Smith. "Addressing Risk Behaviors, Service Needs, and Mental Health Issues in Programs for Young Fathers." *Families in Society: The Journal of Contemporary Social Services* 86(2), 2005, 261-266.

³ Allen, W.D. and W.J. Doherty. "Being There: The Perception of Fatherhood among a Group of African-American Adolescent Fathers." In McCubbin, H.I. et al. (Eds.). *Resiliency in African-American Families*. Thousand Oaks, CA: Sage, 1998, 207-244; see also Hernandez, R. *Fatherwork in the Crossfire: Chicano Teen Fathers Struggling to Take Care of Business*, (Report No. JSRI-WP-58). East Lansing, MI: Michigan State University, Julian Samora Research Institute, 2002.



- 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.

Explain your role.

Explain your responsibilities in the case and for whom you advocate. Stress that your job is to advocate for the child's best interests and that your role is separate from the attorneys' or the agency representatives' roles. Be conscious of and allay the father's concerns about being involved in the "system" and his possible (often untrue) fear of criminal prosecution. Some fathers may equate any court involvement as being in trouble with the law.

However, this is not likely true for fathers who were not living with the child when the abuse or neglect occurred. (How involvement in the abuse/neglect court case will affect the father's other legal issues will vary. Avoid advising him on how the different cases will impact each other.) Explain that you will base your recommendations about what should happen to his child on your own independent investigations and discussions with the parties—you do not automatically have to support anyone else's position. Emphasize that you want to hear his side of the story and his thoughts about what is best for his child, but be aware that his hesitancy towards the "system" may prevent him from opening up at first.

Avoid negative biases about fathers.

Avoid the knee-jerk reaction that if the father is absent, he is irresponsible or neglectful.²² Do not assume that he doesn't care about his child if he misses court or agency meetings. Continue to conduct a thorough fact finding of all the child's potential placement and resource options, gathering information about the father and his relatives, and meeting him and his family to discuss their positions. You may learn the father does not fit the stereotype of a man unconcerned about his child, but other barriers or fears have prevented him from being involved in his child's life or court case. You may learn he has the capacity to be a strong support for his child. Being open minded when you meet the father and affirming his desire to play a role in his child's life can lead to a positive outcome.

Recognize gender differences.

The father may hesitate to engage with a female CASA volunteer more than with a male CASA volunteer. Create a more comfortable environment by validating the father's involvement and experiences with the child. Consider sharing a little about your life and experiences. Recognize the father may also be strongly influenced by traditional gender roles and feel his duty is to protect and provide. Support these notions by helping him identify and implement approaches to support the child.

Sit side-by-side and limit open-ended questioning.

Sitting face-to-face and disclosing emotions are techniques that often succeed with females, but not with males. When meeting with a father, it is best to have side-by-side conversations that focus on solutions and active problem-solving.

Focus on strengths.

While the case file, mother, or caseworker may be quick to highlight the father's shortcomings, getting a true picture of his strengths may require more independent fact finding. Ask the father how he thinks he can benefit his child, and share any positive observations (e.g., "Working on getting your GED sets a good example for your son" or "Your daughter seemed so happy when she got to tell you how she's doing in school"). Inform the court of efforts or progress he is making, from large accomplishments, like completing a substance abuse program, to smaller involvement, like attending doctor appointments or a basketball game with the child

LEARNING STYLES/HELP-SEEKING DIFFERENCES

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 and capacity, or the child's best interests. Remember this when observing visits, interviewing the father, identifying services, or assessing his compliance with services. 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 helps children regulate feelings and behaviors better, and teaches them self-control);
- sensitive to power and respect issues (i.e., make sure he understands your role as advocating for what is best for his child).

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.

TRY TO ENGAGE INCARCERATED FATHERS.

"...maintaining relationships with their parents during incarceration can improve the lives of children, and yet too often our policies have failed to support these relationships."

—Attorney General Eric Holder, Atlanta, GA, December 15, 2009

"While 'use a gun, go to prison' may well be an appropriate legal maxim, 'go to prison, lose your child' is not."

—*In re Brittany S.*, 17 Cal. App. 4th 1399, 1402 (Ct. App. 1993).

More than 1.5 million American children have parents in prison, and many of these children are also in the foster care system.²³ One study found as many as one in five foster children have a parent in prison.²⁴ Foster children often struggle with mental and physical health problems, learning disabilities, and aggression. Children of incarcerated parents face similar obstacles. When combined, these experiences decrease the likelihood of a child's future successes. The child welfare system often ignores incarcerated fathers or the value they may add to their children's lives.

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.²⁵ Anecdotal studies also show the frequency of phone calls between parent and child significantly predicts the quality of their relationship.²⁶ An October 2007 literature review on children with incarcerated parents found "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 . . ."²⁷

Most incarcerated fathers leave prison and reintegrate into their families and society. In fact, approximately 700,000 people return to their communities from prison every year. CASA volunteers should not let the child welfare system or court ignore incarcerated fathers. 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 placement resources, enrich the child's life with frequent visits, or provide financial or emotional support. Learn about the father's situation and his relationship to his child before incarceration, and find out how much contact he has had with his child from the correctional facility. Identify positive ways the father can continue to interact with his child.

Upon learning the child's father is incarcerated, take the following steps:

Learn the father's position. Contact the father directly (or through his counsel). Discuss what he hopes will happen for his child through the child welfare case. Ask the father about his relatives, his relationship with the child, and how or whether he would like to maintain contact with her. Contacting incarcerated fathers can be difficult. The father's attorney may help foster communication, or the prison may have a caseworker, chaplain, or other person who may be able to help. Recognize the father's ability to make outgoing phone calls may be limited, so do not take unreturned calls as a sign that the father is not interested. Setting a specific time for a phone call with the prison in advance may help. If phone contact is not possible (or for ongoing contact throughout the case), consider writing the father letters and including self-addressed, stamped envelopes for his replies. (Try to confirm in advance that the father is able to read and write.)

Encourage positive contact between the father and child. If age appropriate, ask the child if she would like to maintain contact with her father, which may include writing or receiving phone calls or letters. Also encourage the caseworker to contact the prison to learn if visiting facilities are available and whether they offer touch visits that are child-friendly. The caseworker should ask whether the prison uses new technologies, such as videoconferencing, to aid contact between inmates and family (as some locales have started to do), or if the facility will allow the father to have a tape recorder so he can read books to the child via tape or speak to the child. These may be good solutions for maintaining contact if the father is in prison out of state or the prison restricts child visits.

The caseworker can also ask whether the father can communicate by phone or mail, and if anything can be done to address barriers to such communication. This may include talking with the child's caretaker about accepting collect calls

from the prison. If the caseworker has not done these things, contact the prison directly to inquire about its capacity to host visits. If concerns remain about in-person contact, discuss them with the caseworker and mental health provider to determine whether visits should occur and under what circumstances.

Ensure the court includes the father in court proceedings. Incarcerated fathers are often not present at or included in court proceedings. Yet the father may have valuable information about the child and her relatives and may want to participate in the child's life and court case. Encourage the court to allow the father to participate by phone or make arrangements to have him appear in person. For many incarcerated fathers, distance and transportation are the primary barriers to appearing in court. The judge should set clear guidelines for the agency about its responsibility to facilitate or fund transportation for the father (what is required may vary by jurisdiction). This advocacy is critical when the father is not represented by counsel. If the father lacks an attorney, keep up-to-date on the father's goals and progress with services, and include these in your court reports.

Ask the agency to develop case plan goals for the father. Even if the father is incarcerated, the agency must assess his capacity to parent his child and offer him assistance to gain custody or support his child. Many correctional facilities offer classes to help fathers become better resources for their children, such as parenting classes, literacy assistance, or vocational training. Remind the agency to work with the prison to set realistic goals and offer case-appropriate supports to the father so he has tools to engage with his child while incarcerated and after. CASA volunteers and agency caseworkers must also be sensitive to restrictions that may prevent fathers from participating in services or court hearings (such as the father having a conflicting work assignment at his facility or lacking necessary "privileges"). Encourage the agency to work with the father and correctional staff to address these issues.

Fathers in other types of residential facilities (e.g., an inpatient mental health center) should also be engaged in the case, to the extent possible. Modify the steps outlined above to fit his situation.

UNDERSTAND HOW SUBSTANCE ABUSE AFFECTS FATHERING.

Many child abuse and neglect cases involve substance abuse allegations.²⁸ If the case file shows the father has or had substance abuse issues, several things must be determined to understand how this will impact the child's best interests. First, is the problem current? A father who is currently drug-free and committed to staying drug-free is as able to care for his child as any other parent. Determining how long the father has been in recovery and what steps he is taking to maintain his sobriety (e.g., attending support group meetings, keeping in touch with a sponsor or counselor) can help you determine if the agency should be providing additional support or services to the father.

For fathers with current substance abuse problems, appropriate services should be offered as part of the case plan. Recognize that chronic substance abuse can take a year or more to truly address. It is essential that the father receive services that meet his needs immediately. Also understand that relapse is part of recovery and does not mean the father is not trying or does not want to overcome his problem. Timelines in federal law may lead the agency to move for termination of parental rights even if the father is doing all he can to complete a recovery program promptly.²⁹ Placing the child with a relative caregiver early in the case can ease this time pressure and preserve the father-child relationship. Fathers working through substance abuse issues should still have contact with their children (as appropriate and recommended by

the recovery program), as this can increase their motivation to overcome their issues. It also helps the children feel connected to their fathers and maintain that important parental relationship.

Finally, if the father denies having a substance abuse problem and there is no evidence to the contrary (e.g., drug-related criminal convictions, failed drug screenings), find out why the caseworker or other parties believe he has a problem. Sometimes speculation or allegations by people involved with a family (including those with competing interests) make it into a case file without much context. As time goes on and caseworkers change, incorrect information can end up as longstanding fact.

Substance Abuse Resources

Sanders, Mark. "Fatherhood and Recovery." *The Source* 19(1), spring 2009, 14-16, available at <http://aia.berkeley.edu/media/pdf/TheSourceSpring09.pdf>.

Breshears, E.M., S. Yeh, and N.K. Young. "Understanding Substance Abuse and Facilitating Recovery: A Guide for Child Welfare Workers." Rockville, MD: U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration, 2004, available at www.ncsacw.samhsa.gov/files/UnderstandingSAGuide.pdf.

Young, N.K. et al. "Screening and Assessment for Family Engagement, Retention, and Recovery (SAFERR)." DHHS Pub. No. (SMA) 07-4261. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2007, available at www.ncsacw.samhsa.gov/files/SAFERR.pdf.

ADVOCATE FOR INCLUDING THE FATHER AND PATERNAL RELATIVES IN CASE PLANNING AND FAMILY GROUP DECISION-MAKING CONFERENCES.

Critical decisions are made about service delivery and permanency options for children and families at agency case planning meetings and family group decision making conferences (FGDM).³⁰ These informal settings allow parties to have an in-depth dialogue about the family's needs and how to overcome barriers.

FGDM is a promising practice that is being used throughout the country. One of its core principles is including extended family in decision-making processes that affect children and families in the child welfare system.³¹ It can also be used to help locate and engage fathers and paternal relatives. If the father or his family is not at the case-planning meeting or FGDM, encourage the agency to solicit information from participants about the father's and paternal relatives' whereabouts to assure they are found and can participate in future meetings. Maternal relatives, who may not have been previously interviewed, may have useful identifying information about the child's paternal kin.

By allowing the family private time to develop a plan for the child and family, FGDM gives fathers and their relatives a chance to make meaningful commitments and contributions to their child's life. The process also helps parties identify the child's potential formal and informal support systems.

Excluding the father and his family from these meetings limits options and supports for the child.³² When participating in case-planning meetings or FGDM conferences, advocate that:

- fathers and paternal relatives be invited to participate;
- fathers and paternal relatives be given an opportunity to share their positions;
- safety measures or other plans are put in place before meetings start if there are conflicts between the participants;
- case plans address services or needs that help both parents successfully reunify with the child or be positively involved in the child's life in other ways.

If your jurisdiction uses other meetings, such as family group conferences, permanency mediation, or family team meetings, ensure the father can participate when appropriate.

CONCLUSION

Fathers and their relatives provide important and varied 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 CASA volunteer, you play a critical role by promoting positive and sustained relationships between fathers and children. You can remind other professionals and volunteers on your cases of the importance of engaging fathers. This includes diligent efforts to help fathers participate in court hearings and agency meetings. In the end, to fully and completely advocate for the child's best interests, you must always consider the father and his family, and how they fit into the child's universe of family resources and support as the case moves towards permanency.

ENDNOTES

¹ Rosenberg, J. and W.B. Wilcox. "The Importance of Fathers in the Healthy Development of Children." Washington, DC: Office on Child Abuse Neglect, Children's Bureau/ACYF, 2006. Available at www.childwelfare.gov/pubs/usermanuals/fatherhood/.

² 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, D.C.: The U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, 2006.

³ Horn, W. and T. Sylvester. *Father Facts: Fifth Edition*. Gaithersburg, MD: National Fatherhood Initiative, 2007.

⁴ Ibid.

⁵ 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>.

⁶ Bellamy, Jennifer L. "A National Study of Male Involvement among Families in Contact With the Child Welfare System." *Child Maltreatment* 14, 2009, 255-262.

⁷ Ibid.

⁸ Rosenberg and Wilcox, 2006.

⁹ Ibid., citing Sonenstien, E, 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>; 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.

¹⁰ Sorensen, Elaine and Laura Wheaton. *Income and Demographic Characteristics of Nonresident Fathers in 1993*. Washington DC: Office of the Assistant Secretary for Planning and Evaluation Department of Health and Human Services, June 2000. The poverty threshold was \$7,518 for a single person and \$11,522 for a family of three in 1993.

¹¹ To learn more about family finding, visit the Center for Family Finding and Youth Connectedness's Web site: www.senecacenter.org/familyfinding.

¹² To learn more about finding fathers through mothers, see Thompson, Kenneth. *A Tool for Reducing Barriers to Finding Fathers through Mothers*. Englewood, CO: Quality Improvement Center on Nonresident Fathers and the Child Welfare System, 2009. Available at www.fatherhoodqc.org/mothersvoices.pdf.

¹³ 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.

¹⁴ 42 U.S.C. § 671(a)(19) (2008).

¹⁵ Pub. L. No. 110-351 (2008).

¹⁶ 42 U.S.C. § 671(a)(19) (2008); *Report to the Congress on Kinship Foster Care*. Washington, D.C.: U.S. Department of Health & Human Services, Administration for Children and Families, Children's Bureau, 2000.

¹⁷ Freundlich, Madelyn et al. "Kinship Care: Meeting the Needs of Families of Color." Position paper. Chicago, IL: The Race Matters Consortium, 2003, 2. Available at www.racemattersconsortium.org/docs/whopaper5.pdf.

¹⁸ Geen, Rob. "Finding Permanent Homes for Foster Children: Issues Raised by Kinship Care." Urban Institute Paper No. A-60. Washington D.C.: The Urban Institute 2003.

¹⁹ 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.

²⁰ Information from this section is adapted from Kiselica, Mark. "Understanding Male Help-Seeking Behavior." In *Advocating for Nonresident Fathers in Child Welfare Court Cases*. Washington, DC: ABA Center on Children and the Law, 2009.

²¹ Rosenberg and Wilcox, citing Marsiglio, W. et al. *Social Fatherhood and Paternal Involvement: Conceptual, Data, and Policymaking Issues*, 1998. Available at <http://fatherhood.hhs.gov/CFSForum/c4.htm>.

²² Schmid, Jeanette. "The Business of Engaging Fathers (and Other Male Relatives) in the FGC Process." *Protecting Children* 21(1), 2006.

²³ Mauer, M., A. Nellis and S. Schirmer. *Incarcerated Parents and their Children—Trends 1991-2007*. Washington, DC: The Sentencing Project, February 2009. Available at www.sentencingproject.org/doc/publications/publications/inc_incarceratedparents.pdf.

²⁴ Enos, Sandra. "Incarcerated Parents: Interrupted Childhood." In *CW 360: A Comprehensive Look at a Prevalent Child Welfare Issue - Children of Incarcerated Parents*. St. Paul: University of Minnesota, Center for Advanced Studies in Child Welfare, spring 2008. Available at <http://cehd.umn.edu/SSW/cascw/attributes/PDF/publications/CW360.pdf>. (citing Mumola, C. "Incarcerated Parents and Children." *Bureau of Justice Statistics Special Report*. Washington, DC: Bureau of Justice Statistics, 2000).

²⁵ LaVigne, N.G. et al. "Examining the Effect of Incarceration and In-Prison Family Contact on Prisoner's Family Relationships." *Journal of Contemporary Criminal Justice* 21(4), 2005.

²⁶ Poehlmann, J. "Incarcerated Mothers' Contact with Children, Perceived Family Relationships, and Depressive Symptoms." *Journal of Family Psychology* 19(3), 2005, 350-57.

²⁷ 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.

²⁸ Breshears, E.M., S. Yeh. and N.K. Young. *Understanding Substance Abuse and Facilitating Recovery: A Guide for Child Welfare Workers*. Rockville, MD: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 2004.

²⁹ See Adoption and Safe Families Act of 1997, P.L. No. 105-89. For more information on the ASFA timelines, see www.abanet.org/child/rclji/asfa_timeline.pdf.

³⁰ FGDM may also be referred to as family group conferences or family team meetings.

³¹ For more information about FGDM, visit www.americanhumane.org/protecting-children/programs/family-group-decision-making/.

³² Kinney, Ellen and Molly Jenkins. "Dads and Paternal Relatives: Using Family Group Decision Making to Refocus the Child Welfare System on the Entire Family Constellation." In *The Judge's Page*, National CASA newsletter, November 2009. Available at www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5332551/k.D500/Current_Newsletter.htm.

ABOUT THE AUTHORS

Jessica R. Kendall, JD, is an attorney with the American Bar Association Center on Children and the Law. She manages grants for the Center relating to father involvement in the child welfare system, juvenile status offenders, child abuse/neglect registries and differential response. She also represents children in the Washington, DC, dependency system as a GAL attorney. Before law school, Jessica was a volunteer and intern at the Miami-Dade GAL program and later a volunteer supervisor at the Philadelphia CASA Program. She has written a book and several articles on juvenile status offenders, as well as materials on father engagement in child welfare.

Lisa Pilnik, JD, MS, is an attorney with the American Bar Association Center on Children and the Law. Her work at the Center focuses on father involvement in the child welfare system and health issues related to court-involved children and adolescents. Before attending law school, she was a volunteer Court Appointed Special Advocate in Queens, New York. She has written several articles on legal and health issues related to children in the child welfare system.

