

Kids Need Their Dads!

Addressing the Issues of Non-Resident Fathers in the Child Dependency System

A Preliminary Report to
the Pennsylvania State Roundtable
May 2010



May 24, 2010

Dear Statewide Roundtable Members:

At your recommendation, the Fatherhood Workgroup was created to examine how fathers are engaged in dependency proceedings, the lack of fatherhood engagement, and to develop recommendations to improve fatherhood engagement in Pennsylvania. The Fatherhood Workgroup met three times between March and May of 2010 and in this report, we present our recommendations for improving participation of the nonresident father in the lives of their children and in the dependency process.

We began with a look at *What about the Dads? Child Welfare Agencies' Efforts to Identify, Locate & Involve Non-resident Fathers*, a 2006 HHS study of nonresident fathers. From this study we learned that the involvement of nonresident fathers results in a higher likelihood of reunification, a lower likelihood of adoption, a quicker discharge from foster care, and a lower likelihood of subsequent maltreatment. Conversely, the data shows that children with unknown fathers are more likely to be adopted and less likely to be reunified.

The data collected from the 2007 National Fatherhood Initiative proves that children with involved fathers display better cognitive outcomes, better self-esteem as teens, less depression as teens, greater academic achievement, lower levels of substance abuse, and higher levels of pro-social behaviors.

We identified the following as barriers to fatherhood engagement: failure to notify the nonresident father, mothers' refusal to cooperate with efforts to identify and locate the fathers, caseworkers' lack of experience in engaging fathers, judicial preference for reunification with mothers, focus by the court and the agency on the custodial parent, and lack of good parent advocacy.

With this information in hand, the Fatherhood Workgroup created vision and mission statements that were modeled after the "Families 4 Children"—the Mission Statement for dependent children in this Commonwealth. The Workgroup chose to focus on the following areas:

- establishment of paternity and locating fathers,
- engaging fathers in case planning, services and visitation, and
- engaging incarcerated fathers.

Although the Workgroup only met three times, the members were energized and focused and developed this exciting plan for fatherhood engagement in Pennsylvania. We are proud to present our report to you. It was a privilege to serve in this capacity.

Sincerely,



Kim Berkeley Clark, Chair
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**Kids Need Their Dads:
Addressing the Issues of Non-Resident Fathers in the Child Dependency System**

A Preliminary Report to the State Roundtable of Pennsylvania

Background:

The issue of non-resident fathers has come to the forefront of national attention within the last few years. Disparities within the child dependency system in the engagement, inclusion and treatment of fathers, especially non-resident fathers, have been noted and there is an effort underway to raise awareness of the issues of these fathers and effectuate change within the system, both in culture and in practice.

To this end, the American Humane Association together with the American Bar Association Center on Children and Law and the National Fatherhood Initiative have been awarded a grant through the federal Children's Bureau to create a national resource center for research and information dissemination called the National Quality Improvement Center on Non-Resident Fathers and the Child Welfare System (<http://www.abanet.org/child/fathers/>). Their work is providing outcome data on the impact of fathers in the child dependency system and working to address areas where fathers have great impact, such as truancy and delinquency rates for juveniles, or where they and their families are an untapped resource that could provide safe and timely permanence for children.

At the Pennsylvania State Roundtable in May of 2009, Karen Jenkins from the American Humane Association and Mimi Laver from the American Bar Association provided a dinner presentation for roundtable members on the issues surrounding fatherhood involvement and the non-resident father. They offered preliminary findings on the impact of fathers and the costs associated with them being absentee from the lives of their children as well as practice points on engaging fathers. They spoke about ways that fathers may be different than mothers and the practices that can be put into place to provide for better inclusion of fathers within the child dependency system. Finally, they offered a "Father Friendly Check-Up" that local children's roundtables could use to gauge their effectiveness in being sensitive to the issues of fathers.

At that same meeting, the State Roundtable set fatherhood as one of the priorities for 2010 and authorized the creation of a workgroup to explore the issues of non-resident fathers and to make recommendations regarding practice and culture changes to make Pennsylvania a more father-friendly child dependency system. The fatherhood workgroup was convened in the fall of 2009 and began meeting in spring of 2010. The group's task was to identify the challenges with engaging nonresident fathers in the dependency process and to develop solutions and best practices for better fatherhood engagement. It was felt that a common understanding was needed to address such a complicated endeavor and began with group consensus on the following definition of "nonresident" father:

Nonresident fathers are men whose children are involved in the child welfare system, but who did not live with their children when the suspected abuse or neglect occurred. They are also often referred to as non-custodial fathers.¹

¹ *Advocating for Nonresident Fathers in Child Welfare Court Cases*, ABA Center on Children and the Law, National Quality Improvement Center. Copyright 2009.

Mission and Vision Statement

To further a common understanding and provide a comprehensive and coherent message to the dependency system players throughout Pennsylvania, it was decided that a mission and vision statement was needed. These statements would clearly define the importance of positive father involvement in the lives of children. The group then formalized their objectives by identifying the following four areas of focus: protocols to establish paternity and locate fathers, visitation, engaging fathers in case planning and services, and the special issues of incarcerated fathers.

The group worked diligently to create mission and vision statements that captured the urgency and essence of how important fathers are in the lives of their children. It was felt that these statements needed to also encompass the Mission and Guiding Principles that have been developed for Pennsylvania's child dependency system. After much debate, the group offers the following mission and vision statements.

FATHERHOOD MISSION STATEMENT

KIDS NEED DADS: Pennsylvania endorses the positive involvement of fathers and paternal family to protect children, promote strong families, promote child well-being, and provide timely permanence for children.

FATHERHOOD VISION STATEMENT

Positive connections between children and their fathers are achieved and nurtured by prompt identification, outreach, and engagement in services that recognize fathers' unique strengths and are tailored to meet each father's individual needs.

Fatherhood Survey

In order to have a better understanding of specific practices and areas of improvement that pertain to Pennsylvania, the group has devised a comprehensive survey that will be sent to all sixty-seven jurisdictions. The survey will gather information in areas that predominately mirror the four focus areas identified as priorities by the workgroup. This information will assist in focusing the workgroup's effort on those areas most likely to positively impact well-being and safe, timely permanence for children. The survey will include categories for assessing practice in:

- ✓ Establishing paternity
- ✓ Locating fathers
- ✓ Engaging fathers in case planning and services, including incarcerated fathers
- ✓ Visits for fathers, including incarcerated fathers
- ✓ Perceived barriers to non-resident fathers full engagement and participation

Survey results will be synthesized and provided to the state roundtable in a 2011 report. They will also be used to guide the development of practice recommendations in the focus areas.

Establishing Paternity Protocol

When considering the issue of timely permanence for children involved in the child dependency system, one of the first issues to consider is the identity of the father of the child. The intersection of the legality of the system and the social aspects of the system can be complicated to navigate. The child welfare agency has a recognition that family systems are unique and the role of father may be played by one, more than one, or no one. The court system recognizes one father only and with that recognition comes certain rights and responsibilities. As such, the group created a protocol for the early establishment of paternity so there could be a clear focus on the father for efforts of engagement and inclusion.

PROTOCOL FOR ESTABLISHING PATERNITY

ONE FATHER PER CHILD!

Protocol for the Agency

- a) Check with the Bureau of Child Support Enforcement (BCSE) paternity tracking system for acknowledgements of paternity.
- b) Check Pennsylvania Child Support Enforcement System (PACSES) for orders of support.
- c) Ask/interview the mother.
- d) Ask/interview the child.
- e) Ask/interview the maternal relatives or close friends
- f) Check all collateral sources (including birth certificates, schools, medical records, neighbors)

Protocol for the Court

- a) Establish a legal father (only one father per child).
- b) Question mother and/or the child under oath.
- c) Explain to mother the importance of establishing paternity.
- d) In cases where there is no legal father, and an alleged father appears, the judge should do a colloquy on the record about his obligations (child support, etc) and then ask him to sign an acknowledgement of paternity or order genetic testing.
- e) In cases with a legal father, and there is a question as to who the biological father is, require the party seeking a paternity test to file a motion or petition seeking genetic testing with service upon and notice to the legal father.
- f) Never order genetic testing in a case with a legal father, without first disestablishing paternity.
- g) Ensure the court order reflects that paternity has been established and, if not, the reason(s) paternity has not been established and what efforts, if any, are being made to establish paternity.
- h) If paternity has not been established before the adjudication of dependency, but is subsequently established through either acknowledgement or genetic testing, the court should enter an order establishing paternity.
- i) If paternity has not been established, at every court hearing, the court should inquire as to the efforts that have been made to establish paternity.

Further, the group recommends that individual counties consider taking the following action steps to effectuate the implementation of the protocols and utilize them most efficiently:

- a) Work with BCSE to have access to the paternity tracking system. This should be available to all sixty-seven Children and Youth agencies after August 2010.
- b) Create an agreement or memorandum of understanding (MOU) between the court Domestic Relations Section (DRS) and Children and Youth agencies that would permit DRS to provide PACSES information to Children and Youth.
- c) Establish procedures for disputes over paternity in child welfare cases like creating user-friendly proceedings, form petitions, and other measures.

Protocol for Locating Fathers

Once paternity has been established, county Children and Youth agencies and the courts should make every effort to locate the legal father if his location is unknown. The early location of fathers will enable that father to take part in the proceedings from the beginning stages and for agencies to make their reasonable efforts in a complete and timely manner. As such, the group offers the following protocol for locating fathers.

PROTOCOL FOR LOCATING FATHERS

Protocol for the Agency

- a) Ask/interview the mother, the child, and other relatives. Caseworkers should be trained on how to properly engage mother, the child, and others.
- b) Check PACSES. If the father is paying support to this child or other children through a wage attachment or through the court, PACSES will have a record of address, employment and other possibly useful information.
- c) Check with the Armed Forces.
- d) Caseworkers should complete a diligent search for the whereabouts of the father and check jails, prisons, Department of Public Welfare records, PennDot records, voter registration rolls, and utilize Family Finding.
- e) Go to the last known address for the father and knock on the door. Father may still be residing there or the current resident may be able to provide information such as forwarding address or other contacts.

Protocol for the Court

- a) If father has not been located, at every hearing the judge or master should ask/interview mother, the child, and others under oath on the record. Judges and masters should be trained on how to properly engage mother, the child, and others.
- b) The court should, when appropriate, require the agency to take affirmative steps to locate the father.
- c) At every hearing, the judge or master should ask the agency to place on the record the efforts made to locate the father.
- d) The court order should reflect the efforts made or needed to locate the father.

The group felt it was important for the following steps to be taken to ensure the most successful outcomes in locating fathers and recommends the following:

- a) Agencies should be encouraged to employ staff who are trained and dedicated to locating fathers. Family services caseworkers are often too busy working with the families and attending court hearing to make a complete search.
- b) Agencies should be encouraged to fully utilize the Legal Services Initiative Paralegals to assist in identifying and locating fathers.
- c) Training specific to searching, locating, and engaging fathers should be provided so as to increase the likelihood of success.
- d) The agency should update the diligent search every 3 months and do a complete search yearly, until the father is located.

Engaging Fathers in Case Planning and Services

Engagement with a non-custodial father is an ongoing, strength-based, solution focused process. It takes more than sending him a letter!

Engagement of fathers requires a cultural change. The court and agency must recognize and acknowledge the value of fathers in the lives of their children. Leadership from the top is needed to accomplish this. Mandatory cross-systems training is needed and should include gender specific communication. Without the awareness and skills necessary to approach and engage fathers in ways that will be productive and positive, systems will continue to find barriers and lack of engagement. A good resource for this, as well as some national data, can be found in the 2006 Health and Human Services study of non-resident fathers: *What about the Dads? Child Welfare Agencies' Efforts to Identify, Locate & Involve Non-resident Fathers*. Documented findings in this study are that involvement of non-resident fathers leads to a higher likelihood of reunification, a lower likelihood of adoption, quicker discharge from foster care and lower likelihood of subsequent maltreatment. The complete study can be found on the website of the Urban Institute, who was commissioned to complete the study. It can be found at <http://www.urban.org/publications/411316.html>

The group makes the following preliminary recommendations in regards to **engaging fathers in the case planning process**:

- a) In most cases, the caseworker should visit the father in his home. In almost every dependency case, the mother's home is visited and assessed. Why should the father be treated differently?
- b) The father should be included in all permanency planning and other team meetings.
- c) If paternity was not established at the onset or if the father was not located at the onset, once he is located, the family service plan should be revised to include him.
- d) Good legal representation should result in better engagement. Parent attorneys should be trained on engaging fathers.
- e) The caseworker and the judge should engage the mother as to the importance of having father involved in the case planning.

- f) Agencies should utilize practices such as Family Group Decision Making, which is designed to engage the family, making sure that the father and paternal relatives are invited to the family conference and assisting him/them in getting there.
- g) If the father is located, but does not attend court hearings, the court should require him to be subpoenaed so that the court can compel his appearance.
- h) At every hearing, the judge or master should inquire about how the father has been included in the case planning.
- i) The court order should reflect that the father is required to participate in case planning and that the agency is required to include him in the case planning.

The group makes the following preliminary recommendations in regards to **engaging fathers in services**:

- a) The agency and the court should identify the services that are currently available to fathers and assess the "father-friendliness" of those services.
- b) Fathers should have equal access to services.
- c) The agency and the court should partner with community providers and organizations to create and develop father-focused services.
- d) The agency should fully assess a father's needs and create a family service plan with goals specifically tailored to each father's needs and issues.
- e) At every review, the court should examine the family service plan to ensure that it includes the father and that it is not a boilerplate family service plan.

The Incarcerated Father

The issue of engaging and including the incarcerated father is complex and requires the collaboration of several different entities to ensure that this can be done. A collaborative group that shares the same vision in regards to fathers is one that can see obstacles as opportunities and focus on what can be done rather than what can't be done. At the very root of the issue is a simple value that captures the essence of the vision of this workgroup, that kids need their dads. Children who have an incarcerated parent find themselves at risk in numerous areas but these can be offset to some degree by having a positive relationship with their father and having his participation during the life of the dependency proceedings. To that end, the group has some preliminary recommendations that counties can use as guidelines to raise their level of practice with incarcerated fathers or, for those that are at the very beginning of this process with incarcerated fathers, can form the basis for discussions at local children's roundtables.

The group makes the following preliminary recommendations in regards to **incarcerated fathers**:

- a) Incarcerated fathers have a right to participate in the case planning.
- b) Incarcerated fathers should be included in the family service plan and have goals tailored to their needs. Video conferencing or conference calling may make this achievable.
- c) Incarcerated fathers have the right, in most cases, to visit their children and to maintain contact with their children while they are incarcerated. *A father's right to visit is equal to a mother's right to visit, under the same circumstances.*
- d) The court and the agency should recognize that in most cases, it is in the child's best interest to visit a parent that is incarcerated.

- e) The caseworker should visit the incarcerated father to assess his needs for services and to determine whether any services are available in the jail or prison.
- f) Fathers should participate in court hearings. With incarcerated fathers this can be accomplished through videoconferencing, teleconferencing, or having the father transported to the hearing.

Engaging Fathers in Visitation

Visitation within the child dependency system is the strongest way to maintain and/or foster relationships between children and parents. It is the context within which the parent-child bond can grow stronger or be healed. Positive and meaningful visitation can provide the child welfare worker with observation information about the increasing abilities of parents and can provide a useful guide in planning safe case closure. The following four visitation topic areas have been identified by the group for further exploration: it is in the best interest of a child to have regular visitation with his/her father; that those visits should be quality visits; that if supervision is necessary, it should not interfere with the quality of the visits; and that specific issues regarding the visitation of incarcerated fathers with their children exist.

The group makes the following preliminary recommendations in regards to **engaging fathers in visitation**:

1. It is in the best interest of a child to have regular visits and contact with his/her father.
 - a) The agency or the court should determine what the level of contact has been prior to the initiation of the dependency proceeding, what the child's needs and wishes are, and whether visitation should be increased or decreased.
 - b) At the very least, absent safety considerations, a child's visits or contact *after* the initiation of a dependency proceeding should be the same or similar as the child's visits or contact with father *prior* to the dependency proceeding.
 - c) The agency and the court must recognize that every family system is not the same and visitation needs to be planned within that context. It is crucial to respect the family system.
 - d) Fathers should be encouraged to utilize all forms of contact, not just visitation. Children also enjoy letters, cards and telephone calls. Cards and letters can become important keepsakes for children.
 - e) Family Group Decision Making can be effective in developing the visitation plan.
 - f) Transportation to visits can be difficult, if the child is placed far from where father resides. Therefore, this should be taken into consideration before a child is placed.
2. The agency should ensure that visits with the father are quality visits.
 - a) The "atmosphere" during the visits should reflect engagement and mutual respect.
 - b) Dads engage differently than moms. The visits should be structured so that fathers can be active participants and can accommodate the different ways in which parents interact with their children. This is especially important with active children and teens.
 - c) Consider having visits in places other than the agency office. Visits in the office may restrict a father's ability to engage and interact in a meaningful way. Father's don't always do well sitting down with the child and reading a book or playing a board game. Consider non-traditional spaces for visitation, like a basketball court or a playground.

Other structured outings such as a movie and lunch might also facilitate more natural contact between the father and child.

3. It is important to have supervision when necessary, but the supervision should not affect the quality of the visit.
 - a) Assume the least amount of supervision is best.
 - b) The need for supervision should be clearly identified and re-examined as circumstances change.
 - c) Mentoring or coaching might address supervision in a more productive but less intimidating way.
 - d) Where safety is not an issue, consider having only part of the visit supervised. This would provide the agency and the court with a report of the visit (interaction, bond, parenting skills, etc.), but would allow the father and child to interact and engage in a more natural way.
4. There are special issues with incarcerated fathers that need to be addressed.
 - a) If a child had regular contact with the father prior to incarceration, it is in the best interest of a child to continue contact with father after incarceration.
 - b) Contact visits with an incarcerated parent are preferred.
 - c) "Virtual visits" by videoconference can be utilized to increase the frequency of contacts between the father and child.

Members of the Fatherhood Workgroup respectfully recommend the following:

1. The State Roundtable approve and adopt the Fatherhood Mission and Vision Statements contained within this report.
2. Training for judges, lawyers, caseworkers, and others is crucial to the successful engagement of fathers. To that extent:
 - a) In 2011, regional training should be held to focus on fatherhood engagement, including establishing paternity, locating fathers, and gender specific communication.
 - b) Children and Youth staff should receive training on locating fathers. Training should focus upon how to complete a diligent search, document review, use all search engines and databases. We strongly recommend that agencies consider hiring and/or assigning dedicated staff to locate fathers.
 - c) Caseworkers, judges and masters should receive training on how to properly engage mothers and others with respect to the inclusion of father in the dependency process.
 - d) Mandatory cross-systems trainings focusing on aspects of fatherhood engagement should be held on a regular basis.
 - e) Utilization of *Advocating for Nonresident Fathers in Child Welfare Court Cases*, as a training tool for parent attorneys.
3. Because the issues with visitation are not limited to fathers, we propose that the workgroup continue and be expanded to thoroughly examine and identify the issues surrounding visits; to develop best practices; and make recommendations with respect to the frequency of visits for

both parents, the quality of the visits for both parents (including incarcerated parents), the location of visits, sibling visits, grandparents' visits, visits with others, and supervision of visits.

4. The workgroup move towards working with the Department of Corrections and Wardens to develop a visitation protocol for incarcerated parents.

5. The creation of a parent handbook (for mothers and fathers) to assist parents in understanding their rights.

6. The State Roundtable approve and adopt the protocols for establishing paternity and locating fathers contained within this report.

7. The State Roundtable approve the concepts and recommendations for engaging fathers in case planning and services contained within this report.

8. The CPCMS orders be revised to include a check box that would require the court to find that paternity has been established and how paternity was established or to establish paternity and, if paternity has not or cannot be established, the reason(s) that paternity has not been established and what efforts, if any, are being made to establish paternity. This should be referred to the Juvenile Procedure Rules Committee.

9. CPCMS or some other database should collect data to measure outcomes with respect to father engagement.

*Respectfully submitted to the State Roundtable of Pennsylvania by the Fatherhood Workgroup,
May 2010*

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