

## The Fatherhood Factor in Permanency Planning

This edition of *Practice Notes* is intended to reinforce the policy of providing permanency for children by strengthening the relationship between father and child (Minn. Stat. 260.181. Subd. 3).

The identification and involvement of unmarried fathers who are not residing with their children has long been a challenge for social workers. Indeed, one 24-year veteran of a child protection unit made this observation: "Fathers are excluded from all levels of child welfare practice; the system is mother focused." It is not known whether this is a widespread observation. However, challenges to working with fathers have been identified in many studies. For instance, locating fathers is perceived as a time-consuming burden. Further, the transition from biological father to committed parent is often a pathway that is incomplete and complex and may require staff time that is not always available. Despite these challenges, considering the role of the father is an urgent matter for permanency decisions that must be made within a brief time span. Several federal laws, among them the Adoption and Safe Families Act (ASFA, 1997, P.L. 105-89), have mandated the inclusion of fathers in case planning, as a way of broadening the options for children for a safe and nurturing placement. In sum, assessing the father's capacity to parent is an indispensable component in strengthening the child welfare system.

It should be noted that the deficiencies in the data have, to some extent, limited our understanding of the complexities in father involvement in permanency decisions. We do not know the number of fathers who have been awarded custody in child protection cases. Data on the extent to which services are provided to custodial fathers are not easily available. The living arrangements of fathers, as single parents, are not clearly documented, although small studies reveal that the paternal grandparents are known to play a major role in caretaking. Moreover, while the father's race and ethnicity are of interest reliable findings as a guide to practice are sparse. What has been clearly established, however, is that a large cohort of children are detached from benefits that could flow from fathers.

### Predictive Factors in Father-Child Involvement

The father's relationship with the mother is the single greatest determinant of significant and successful father involvement.

Further,

Father's presence at the birth of his child, visitation after birth, and providing caregiving activities are positive clues for his continuing involvement.

And

Earnings capacity will affect the role the father assumes. "The dead-beat dad may be just a penniless dad."

Source: Sorensen, E., Halpern, A., & Mincy, R.B. (2000). *Redirecting welfare policy toward building strong families*. The Urban Institute. *Strengthening families*. Policy Brief No.3. Retrieved September 2003 from <http://www.urban.org/url.cmf?ID=310263>.

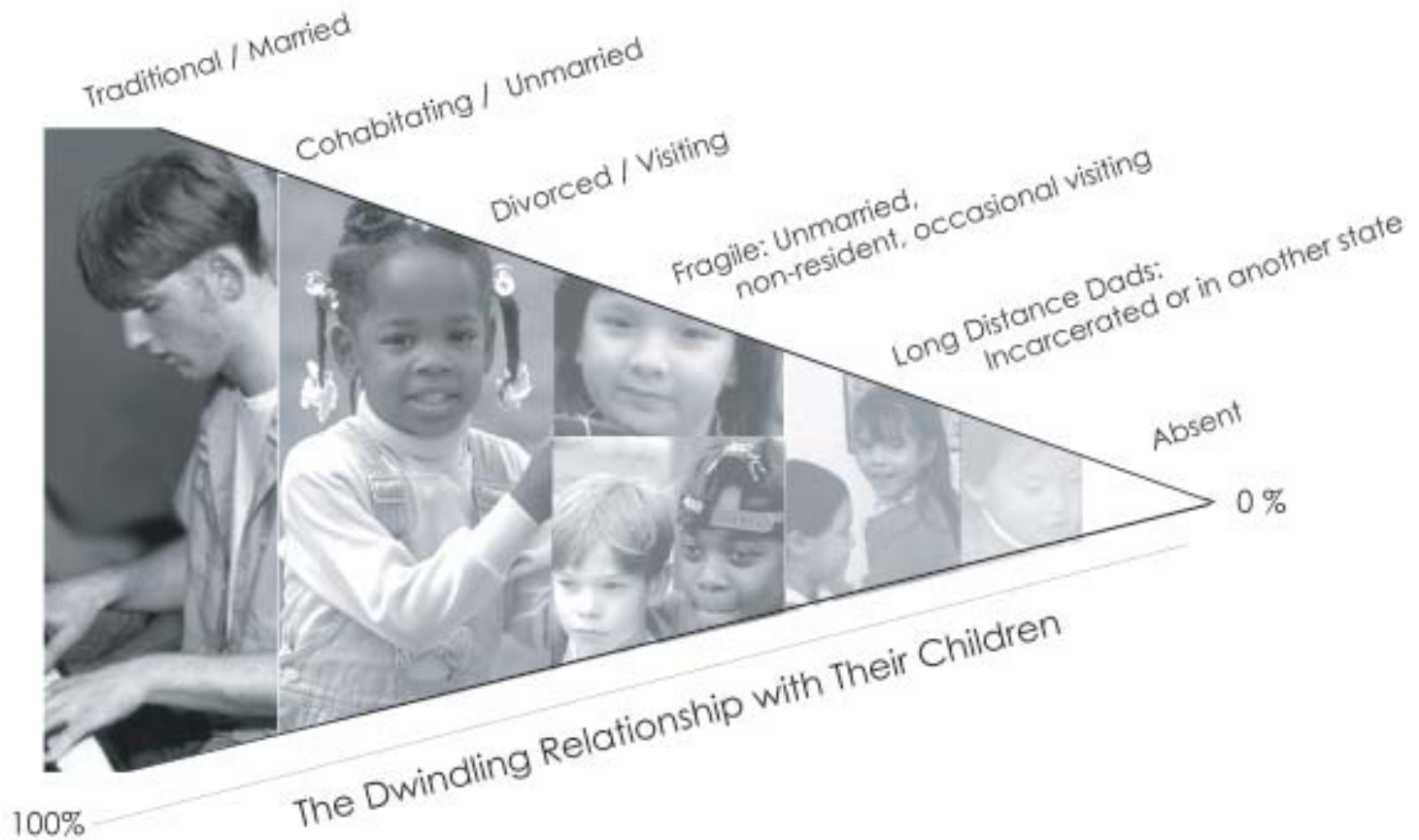
Johnson, W.E. (2003). The Fatherhood Factor in Permanency Planning. *A Forum for Child Protection Supervisors*, CASCW.

Our emphasis on fathers in this edition of *Practice Notes* does not imply that single-parent families and other family formations cannot provide long-term benefits for their children. Rather, the emphasis on fathers is yet another factor that might enhance the permanency options for children in fragile families.

Father involvement to assure the best interests of the child is our inescapable responsibility.

E.W.

# The Broad Spectrum of Living Arrangements of Fathers



## Five Important Questions to Assess Paternity Status\*:

- Was the father married to the mother at the time of birth?
- If unmarried, did parents sign a Recognition of Parentage?
- Is the father living with his child and letting it be known that the child is his?
- Has a blood test established paternity?
- Does the father object to a relative search? Is so, why?

\*These data may be recorded in SSIS 41, the Relative Kinship Search and Placement Consideration Form.

## Establishing Paternity: A Gift Provided by the Father to His Child

Establishing the paternity of a child born to unmarried parents gives the child the same legal rights as a child born to married parents. Once paternity is established these children are entitled to a range of benefits, including, Social Security and Veterans benefits, and inheritance rights. The identity of a father on a birth certificate is a lifetime gift.

**Q:** How is paternity for a child of unmarried parents established?

**A:** Paternity can be established in two ways:

(1)Recognition of Parentage (ROP): if the parents agree, both the mother and father can sign the ROP in front of a notary public. It must be filed with the Minnesota State Registrar of Vital Statistics to be effective.

(2)Court Order: If the parents do not agree, a court order is necessary to establish paternity. This is done by a formal paternity action in family court. Paternity actions are often brought by the county child support agency, as a precursor to establishing child support. However, a mother, alleged father, or child can also bring a paternity action.

**Q:** What is the legitimacy of a Recognition of Parentage (ROP)?

**A:** Once filed with the State Registrar of Vital Statistics, the ROP has the equivalency of a court order determining paternity. It is conclusive. No further court order is required on the questions of paternity. ROP is entitled to “full faith and credit” in all other states.

**Q:** Where can the ROP be signed?

**A:** Unmarried parents may sign the form at the hospital following the birth of their child. Most hospitals are prepared to facilitate the Recognition of Parentage. County social services may also facilitate ROP by having the form and a notary public available. The form may be signed anywhere, as long as both signatures are notarized. The ROP is not valid until it is formally filed with the State Registrar of Vital Statistics. The form is available from the Minnesota Department of Human Services. The ROP can establish paternity until a child turns 19 years of age.

Note: A booklet and videotape are available for assistance with the ROP form, along with translational help for languages other than English. It can be obtained by calling toll free at 800-657-3854.

Source: Froehle, M., attorney with the Minneapolis Father Project, Central Legal Services (personal communication, September, 2003)

## Issues to Consider

### Who is the Biological Dad?

Genetic Testing (establishing DNA) identifies the father with certainty. The cost of the test ranges from \$200 to \$450. This cost is borne by the Child Support Enforcement system that then attempts reimbursement from the father. A statute of limitations allows three years for a challenge.

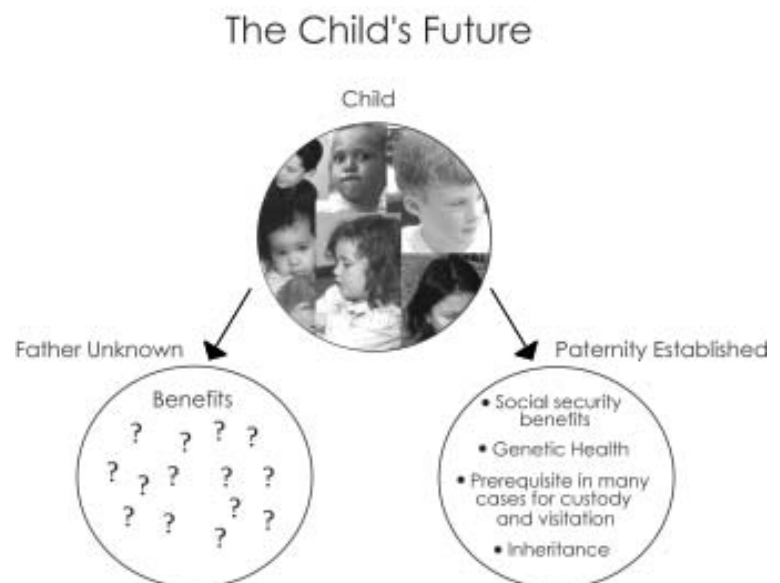
### What makes a Dad?:

#### Biology Trumps Best Interests

The Minnesota Supreme Court (N.A.K., 649 N.W. 2d 166, Minn 2002) reversed a lower court decision awarding custody of a child whose mother had died to the maternal family that had cared for the child for over a year. The father, living in a different state, sued for custody, and the Supreme Court ruled in his favor. Although the “best interests” of the child was invoked on behalf of the maternal family, the court ruled that a surviving biological parent has preeminent rights unless there are “extraordinary circumstances of a grave and weighty nature”. Mark Toogood, Judicial Court Services Manager, attributes this decision to the growing strength of the fatherhood movement.

## The Birth Certificate

The birth certificate is the documentation of parentage. It is used over a lifetime for proof of age and place of birth under a variety of circumstances. While submitting a birth certificate may be the essential document for eligibility to a host of programs (from auto license to zoo employment) documentation of birth has special significance for child welfare (see below).



**The birth certificate documenting “father unknown” carries the weight of tangible and incalculable loss.**

## Mother as Gatekeeper: Overcoming Reservations

- Stress the importance of accurate information on fathers' whereabouts on behalf of the best interests of the child.
- Encourage resisting mothers to go beyond immediate issues of turbulent personal relationships and consider all the lifetime benefits to a child that might be derived from the father connection (eg. survivors and disability benefits, inheritance, health history, emotional support).
- Use mediation skills to encourage mothers and fathers to collaborate around the needs of their children over a lifetime. Provide illustrations such as the observation that mothers frequently request fathers to re-enter the family picture and share parenting, when young adolescents are enmeshed in high-risk behaviors.
- Remind the mother that unless her refusal to give information is in the child's best interests, the court may order her to provide necessary information to search and identify the father. [Source: Child Protection, MN Statute 260c.212 sub. B (2003)]

## Working With Fathers: Overcoming Reservations

- Engage father in an exchange on how he sees his role: provider, caregiver, protector? Who is his role model of a good father?
- Consider father's age, developmental status, education, training, physical and mental health, couple relationship status, relationship with family of origin. If he shares his past involvement with the criminal justice system and/or his domestic violence history, deal with this in a straight forward way. Acknowledge the court's interest in his past and ask if there are now mitigating factors.
- Gauge his emotional involvement with his child; (birthday celebrations? school conferences? caregiving activities?)
- Plan with fathers around job training, employment, housing, transportation (have a referral process for these services).
- Explore the assistance the father could provide to help mother regain custody; encourage father to maximize all funding sources on behalf of the child.
- Encourage his involvement and that of his family in a Family Group Decision plan.

Source: Johnson, W.E. (2003). Father roles among men in low income families. *Proceedings from A Forum for Child Protection Supervisors.*

## Involving Fathers in Case Planning

- Allow a choice of male or female worker for his caseworker
- Provide information on voluntary paternity acknowledgement
- Create a resource list for legal help in child support, parenting time and custody issues; identify community resources for education, employment and housing services
- Increase availability of male guardian ad litem
- Explore his capacity to provide respite care and mobilize resources from his paternal line
- Introduce father to the importance of the Father's Adoption Registry\*
- In case planning, inform the father that the child may be placed with him but if paternity is still not established, the court may order paternity establishment as one of the conditions if the child is to continue in his home
- Assure father that a plan for supportive services can be developed if awarded custody
- Explain procedures in Termination of Parental Rights and Adoption

\* The Registry administered by the State Department of Health permits the father to be notified in the event of TPR and adoption.

Note: Further information can be obtained by calling the Fathers' Adoption Registry Minnesota Department of Health toll free at 888-345-1726.

Source: Minnesota Department of Health. *Minnesota Father's Adoption Registry Questions and Facts*. Found at <http://www.health.state.mn.us/divs/chs/registry/faq.htm>

## Conditions for Father's Award of Temporary Custody

Court decisions are based on:

- Mother's incapacity to care for the child (substance abuse/mental illness)
- Father's capacity to provide a stable, nurturing family environment
- Parent's voluntary agreement for joint custody
- Mother's request for father to become primary caretaker in the best interest of the child.

Source: Froehle, M., attorney with the Minneapolis Father Project, Central Legal Services (personal communication, September, 2003)

## Promising Practices

- Review all cases of children in long term care to determine paternity status.
- Encourage father's involvement and that of his family in a Family Group Decision Plan.
- Support a policy of forgiveness of unpaid child support (arrearages) for time spent with the children.
- For long distance dads (incarcerated or living in another state) encourage fathers to participate in a book project . . . father reads on tape a chapter from a book and sends tape and book to the child.

## The Teen Father: A Commentary

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The practice issues in engaging the teen father in a case plan are somewhat invisible in published studies. Occasionally there are references to the extent to which the teen father can provide financial and support resources, noting that this depends on his family and their relationship to the mother of their grandchild.

Often cases are shared with delinquency programs and probation. In this connection, it is observed that teen fatherhood has been empirically associated with boys who come from impoverished families and troubled neighborhoods with a cluster of problem behaviors.

Does becoming a teenage father encourage responsibility? Not necessarily. According to longitudinal studies, teen fatherhood exacerbates an already troubled and stressful life, at least for the early years of his child's life.

While there is a broad-based community emphasis on the importance for teenage boys and girls to postpone parenthood, specific interventions for those youngsters at highest risk are scattered. An encouraging trend can be noted: While teenage fatherhood increased from the 1980's to the early 90's, the rate has been declining.

In the range of concerns with a teen father, the paternity issue should not be overlooked. Although the teen father can sign the Recognition of Parentage, this document only confirms a **presumption** of paternity. The ROP becomes a legal recognition of paternity when the father and mother both come of age, which is considered to be 18.6 years.

Source: Thornberry, T.P., Wei, E.H., Stouthamer-Loeber, M., & Van Dyke, J. (2000, January). Teenage fatherhood and delinquent behavior. *Juvenile Justice Bulletin*, Office of Justice Programs, U.S. Department of Justice.

### An Issue Yet to Be Solved

For the non-custodial, unmarried parent, father's access to legal advice is very limited if he is destitute. It is only at the termination stage that a lawyer must be appointed, on his request, to represent his interests. The county is obligated to bear the cost.

Source: Froehle, M., attorney with the Minneapolis Father Project, Central Legal Services (personal communication, September, 2003)

## For Further Reading:

Princeton University, Center for Research on Child Wellbeing (CRCW) & Columbia University, School of Social Work, Social Indicators Survey (SIS) Center. *The Fragile Families and Child Wellbeing Study*. From the Fragile Families and Child Wellbeing Study Web site: <http://crcw.princeton.edu/fragilefamilies/index.asp>

Johnson, W. (2001a). Paternal involvement among unwed fathers. *Children and Youth Services Review*. 23(4/5), 459-482.

Minnesota Department of Human Services, *Being a Legal Father: parentage information for mothers and fathers* [Brochure - electronic version]. (Publication No. DHS-3159) St. Paul: MN.

\*This is available in English, Hmong, Spanish and Somali and can be obtained by calling 651-296-2542 or at <http://www.dhs.state.mn.us/ecs/ChildSupport/Documents.htm#Brochures>

The National Child Welfare Resources Center for Family Centered Practice. (n.d.). *Fatherhood Involvement*. Found at <http://www.cwresource.org/hotTopics/fatherInv/fatherInv.htm>

The National Family Preservation Network. (n.d.). *Articles*. Found at <http://nfpn.org/tools/articles/>

Sonenstein, F., Malm, K., & Billing A. (2002). Study of father's involvement in permanency planning and child welfare casework. Abstract found on the Urban Institute web site at <http://www.urban.org/urlprint.cfm?ID7986>. Full review submitted to U.S. Department of Health and Human Services, Washington, DC and found at <http://aspe.hhs.gov/hsp/CW-dads02/>

## Practice Notes is moving on-line.

Beginning with this issue, *Practice Notes* will only be available on-line. Future *Practice Notes* will also have a new look to complement the redesigned CASCW Web site (Summer 2004).



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