

IDENTIFYING AND LOCATING NONCUSTODIAL FATHERS IN CHILD PROTECTION CASES

JUDICIAL BENCH CARD¹

Identifying and locating fathers early helps children establish or maintain important connections with their fathers and paternal relatives. It also reduces delays in permanency, if the goal is adoption. Establishing paternity quickly after a putative father is located is critical to ensuring the case moves quickly and the father can assert and protect his constitutional rights to the care and custody of his child. Judicial officers can:

Identify noncustodial fathers early and make ongoing attempts to locate them.

- Explain to the mother and other relatives the importance of identifying and locating the father early.
- Ask the mother and other relatives about the father's identity and location at the first hearing. Obtain information under oath or via an affidavit establishing parentage.
- If possible, ask the child about the father's identity and location and names of paternal kin.
- Ensure the child welfare agency has a policy on identifying and locating absent parents, including fathers and alleged fathers, and that it follows the policy in a timely manner.
- Require the agency to promptly obtain, through their local child support office, Parent Locator information which now can help find not only fathers but also paternal relatives.
- Order the child welfare agency to follow up on information gained from court hearings.
- Request, at every subsequent hearing, information about progress in identifying and locating the father.
- Consider imposing deadlines for searches or for filing affidavits detailing search efforts.
- Ask whether the agency has:
 - Asked the mother, child or other relatives about the father's whereabouts
 - Used federal, state or other parent locator systems
 - Checked with local jails, prison or correctional departments, probation or parole agencies, and immigration authorities
 - Checked public benefits information (e.g., social security or public assistance)
 - Checked with the child support enforcement agency
- Tried to locate the father through his driving and vehicle registration records
- Used family-finding technology or services to locate the father
- Make sure court orders and the record reflects efforts to identify and locate the father.

Establish paternity quickly.

- If paternity and dependency are being handled as separate cases, arrange for the paternity case to be expedited so the father can be engaged and supported in the dependency actions.
- Question the putative father directly about his:
 - Relationship to the mother
 - Desire to be a father
 - Efforts to have or maintain a relationship with his child, which may include questions about:
 - How often he sees the child
 - How often he speaks with the child
 - Whether he provides formal or informal financial or other support to the child (e.g., pays child support; buys food, clothes, gifts, etc.)
 - If his name is on the birth certificate
 - If he has filed with a putative father registry
 - If he was living with or married to the mother when she was pregnant or when the child was born
 - If he has been prevented from contact with the child
- Tell the putative father that once paternity is established, he will be treated as a parent at all court hearings.

¹ Some information in this bench card is adapted from Edwards, L. (2009). Engaging fathers in the child protection process: The judicial role. In *Advocating for Nonresident Fathers in Child Welfare Cases*. Washington, DC: ABA Center on Children and the Law.

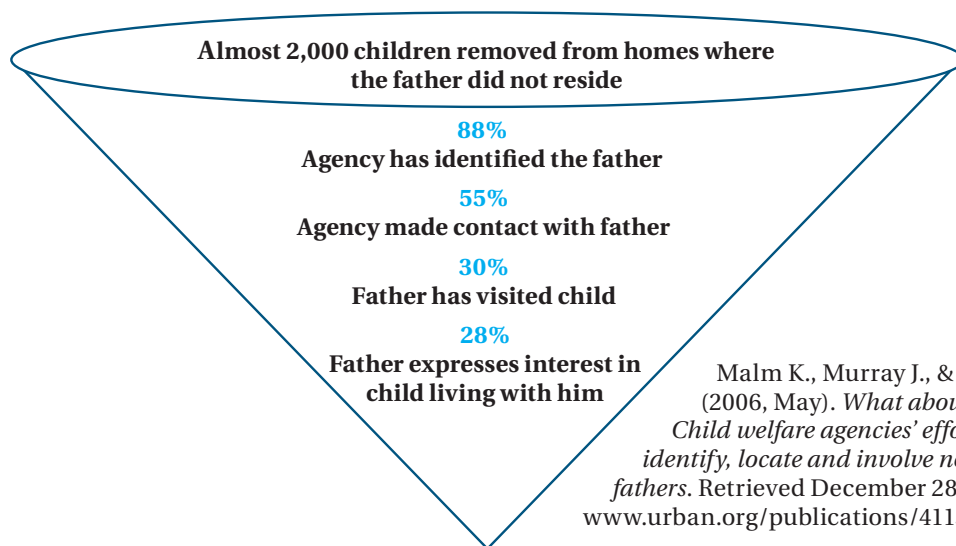
- Require paternity testing if there is a question about who the biological father is and ensure the child welfare agency pays for it.
- Request, at every hearing, information about progress being made to establish paternity.
- Be clear in the court order once paternity and “legal” fatherhood is established.
- Appoint counsel when paternity is established (if not before for the putative father), at government expense based on the father’s financial capacity.

BARRIERS TO FATHER ENGAGEMENT

Studies show that, even when the agency knows who the father is, it infrequently contacts him, even though he often wants contact with his child.

The federal Child and Family Services Reviews 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
- Do not adequately involve fathers in any aspect of their child’s case



THE IMPORTANCE OF FATHER INVOLVEMENT

Studies of families involved with the child welfare system have found that greater involvement by noncustodial fathers is associated with:

- More reunifications and fewer adoptions
- A substantially lower likelihood of later maltreatment allegations
- Faster exits of children from foster care
- Fewer children entering foster care -- children who had had contact with a noncustodial parent in the last year were 46% less likely to enter foster care.

Bellamy, J. L. (2009). A national study of male involvement among families in contact with the child welfare system. *Child Maltreatment*, 14, 255-262.

Chen, H., Malm, K., & Zielewski, E. (2008). *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. Available at <http://aspe.hhs.gov/hsp/08/moreaboutdads/report.pdf>.