

## Fathers and Public Policy

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*Until recently, policy makers viewed fathers' provision of child support as the most policy-relevant form of father involvement. In contrast, other policy initiatives have not been as widely explored. This article identifies current fatherhood policies and considers the mixed implications of these policy and practice interventions for father involvement and child well-being. We conclude with suggestions for future fatherhood policies and initiatives.*

### Current Policy Initiatives: Implications for Fathers and Families

#### Paternal Policy

In 1984, Congress first required the use of paternity actions, that is, a court suit filed to have a man declared the father of a child. Currently, most paternity actions are initiated by welfare officials who are required by law to seek reimbursement from the father for TANF payments for their children. In the mid-1990s, Congress required states to offer in-hospital paternity acknowledgment programs so that parents could establish their children's paternity at birth (Roberts, 2004). Paternity establishment ensures a child's right to a range of public benefits, including survivors' insurance, education, health care, and workers' compensation (Curran, 2003).

#### Implications for Fathers and Families

While the benefits of paternity establishment are widely recognized, research indicates that mothers who receive public benefits or face harsher financial circumstances are less likely to establish paternity voluntarily at the hospital. This is best explained by the fact that a mother who expects to receive welfare does not push for establishing paternity, knowing that much of the child support the father might pay would go to the state rather than to the child (Curran, 2003).

#### Child Support Policy

Child support legislation has focused on fostering responsible behaviors toward children by parents,

contributing to the well-being of families, and reducing welfare costs (Laakso, 2000). In the post-welfare reform era that has emphasized work and self-sufficiency, child support is seen by many policymakers as a key income support (Curran, 2003) and families must assign the right to any child support owed before or during their period of TANF receipt to the state (Miller, Farrell, Cancian, Meyer, 2005).

#### Implications for Fathers and Families

Some studies (Miller et al., 2005) indicate that there has been a steady improvement in the amount of child support collected, yet the amount that is due continues to be much greater than the amount received. Therefore, some worry that child support policies may in some cases result in a reduced number of child support awards made. Some studies have found that the state's retention of all child support but \$50 discouraged men from paying through formal channels (Furstenberg, Sherwood, & Sullivan, 1992) and other studies have also found that welfare recipients believed that the father of their children had an obligation to help but it was much better for the father to pay voluntarily rather than turning the issue over to authorities (Edin & Kefalas, 2005). Child support policy runs counter to the practice in most low-income communities of accepting food, clothing, toys, child care, or other assistance in lieu of financial contributions. Many mothers value fathers' in-kind contributions and consider their sharing of child care and other living expenses as a demonstration of genuine father involvement. Some studies have found that income from child support is more beneficial to children than income from other resources (Knox & Bane, 1994), while other studies have found that child support may have little or no enduring effects on child development (Peters & Mullis, 1997).

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## Welfare Policy

The welfare reform law of 1996 gave new emphasis to two primary categories of programmatic intervention to promote father involvement: (1) to discourage nonmarital fertility and thus decrease the formation of “father-absent” families; and (2) programs intended to increase nonresident father support for and involvement with children.

### Implications for Fathers and Families

Despite the goal of encouraging the formation and maintenance of healthy two-parent families and responsible fatherhood, some argue that the welfare reform act included no guidelines, supports, sanctions or incentives to help states actually achieve these goals (Mangum, 2000). As a result, few public policies have been designed since 1996 to help poor families stay together (Sorensen, Mincy, & Halpern, 2000). Arguably, a welfare system that helps single mothers become employed, but ignores the need to support fatherhood and marriage, may only lead to more single parenting by mothers (Horn & Bush, 1997).

### Policies Geared Toward Low-Income Noncustodial Parents

Some research indicates that noncustodial fathers of children on welfare are often unemployed or underemployed with few resources. Nonresident fathers are more likely to be young, to be in poor health, to have a history with the criminal justice system, to have lower hourly wages, and to work fewer hours per week (The Future of Children, 2004). Despite their low incomes, relatively few receive public assistance and fewer receive employment-related services. This lack of jobs or access to employment-related services constrains their ability to pay child support (Sorensen & Lerman, 1998).<sup>1</sup>

### Implications for Fathers and Families

Several studies indicate that, while some noncustodial parents do not make child support payments because they are unwilling to do so, the majority of low-income noncustodial parents do not meet their child support obligations because they do not earn enough to pay what is ordered and often work irregularly (National Women's Law Center, 2004). Faced with this mismatch, low-income parents often prefer private, informal arrangements to full compliance with regulations they regard as unfair or counterproductive

(Roberts, 2000). Thus many noncustodial parents do not make regular child support payments because they are “dead broke” rather than “deadbeat” (Miller et al., 2005).

## Domestic Violence Policy

The Violence Against Women Act of 1994 (VAWA) was designed to reduce violence against women. The Act sought to improve criminal justice and community-based responses to domestic violence, dating, violence, sexual assault, and stalking in the United States (Family Violence Prevention Fund, 2005). While the VAWA of 1994 was a step forward, many argue (Brown & Fancher, 2005) that the Act did not comprehensively address the needs of domestic violence victims. Subsequently, Congress reauthorized the Act in 2000. The 2000 reauthorization also addressed the problem of violence against children and youth by including programs for college campuses and offering assistance to youth who were themselves victims of violence (Family Violence Prevention Fund, 2005).

### Implications for Fathers and Families

Though many laud the accomplishments of VAWA, others believe that work still remains to protect men's rights with their children. In some states, a father who has ever had a restraining order filed against him may be automatically rendered ineligible for joint custody of his children (Kelly, 1994). Some argue that many claims of abuse (typically against fathers) are not investigated before restraining orders are issued and custody decisions are made (Baskerville, 2004). This is especially problematic since domestic violence policy is written into the statutes in most states (Levin & Mills, 2003).

## Criminal Justice Experience and Policy

Parents with criminal justice experience face custody, employment, housing, and educational barriers as they reenter mainstream society. Fathers with criminal justice experience often have problems obtaining custody of children. The Adoption and Safe Families Act of 1997, enacted with the intent to achieve more permanent households for children, may, some believe, lead to increased parental rights terminations for incarcerated parents (Johnston, 2001). In many states, children are taken from their parents on convictions not directly related to their ability to care for their children, without a case-by-case consideration of individual circumstances (Western & McLanahan, 2000). Parents with criminal histories

<sup>1</sup>([http://www.findarticles.com/p/articles/mi\\_m1093/is\\_n4\\_v41/ai\\_20974810](http://www.findarticles.com/p/articles/mi_m1093/is_n4_v41/ai_20974810)).

face employment barriers for the rest of their lives (Center for Law and Social Policy, 2002). Recently released parents also struggle to access safe housing and public benefits. Due to the federal Department of Housing and Urban Development's "one strike and you're out" enacted law, family members with criminal records make it difficult for other members to rent a federally subsidized apartment (Human Rights Watch, 2004). Moreover, entire families already living in subsidized housing can be evicted for the criminal behavior of any household member or guest, often without consideration of mitigating circumstances (HUD Notice, 1996). Unstable and unaffordable housing make it difficult for parents to find work and for children to be raised in stable family environments (Center for Law and Social Policy, 2002). Parents who have been previously incarcerated also encounter legal barriers if they attempt to further their education. Under the 1998 reauthorization of the Higher Education Act of 1965, students who have prior convictions for possession or sale of controlled substances cannot obtain Pell grants or student loans (United States Government Accountability Office, 2005).

#### **Implications for Fathers and Families**

Incarceration affects fathers' ability to form and maintain social bonds with their children (Edin et al., 2001). While prisons remove men from families, the effects of incarceration continue well after release from prison (Hamilton, 2005). The inability to find employment also damages the relationship that men have with their children because they are unable to make a material contribution to the children (Nurse, 2000). On average, parents owe more than \$10,000 in arrears when they go to prison and leave prison owing \$23,000 or more. More than half of these arrears are owed to the state to repay welfare costs (Center for Law and Social Policy, 2002).

#### **Marriage/Divorce/Child Custody Policy**

Prior to 1970, judicial practice gave preference to the mother in custody hearings. The Uniform Marriage and Divorce Act of 1970 first established a gender-neutral "best interests" standard, although a commentary following the act held that when the two parents appeared equal, giving preference to the mother ensured the best interests of the child (Hall, Pulver, & Cooley, 1996). Best interest standards, though gender-neutral in most instances, are often vague and difficult to apply uniformly, so family court judges have a considerable amount of latitude (Baskerville, 2004). Even after gender-neutral language was adopted by

most states, fathers' rights advocates argued that court decisions still favored maternal custody and fathers pushed for joint custody legislation (Fineman & Opie, 1987). The trend over the past two decades has been an increasing likelihood of joint legal custody. Although new studies in California have found that 80–90 percent of decisions are for joint legal custody (Kelly, 1994), the majority of cases result in physical custody being granted to the mother.

#### **Implications for Fathers and Families**

Custody arrangements clearly differ for fathers and mothers. While self-selection is a concern in drawing causal conclusions, custody arrangements can affect levels of involvement. Most custody orders state that the nonresident parent will have "reasonable visitation" with the children, but do not specify further (Kelly, 1994). The custodial parent, who is usually the mother, has considerable control to block or limit visitation (Levin & Mills, 2003).

#### **Direct Service Fatherhood Programs**

In 2002, President George W. Bush unveiled a \$320 million package of initiatives geared to promote "responsible fatherhood." A number of fatherhood programs were established to increase father involvement (Curran, 2003). More recently, 2006 welfare legislation provided \$50 million annually for fatherhood activities each year for 5 years.

#### **Programs to Reduce Nonmarital Childbearing**

The federal government has funded family planning, teen programs, and male involvement programs, all with a principal goal of preventing unwanted pregnancies among unmarried women, especially teenage girls (The Future of Children, 2002). Federal funding has been used to provide contraceptives to low-income women in hospitals, community-based clinics and private organizations such as Planned Parenthood (Breslin, 1998). Current efforts aim to enhance male responsibility with regard to family planning by expanding services for men, as well as, women. Teen programs that target both females and males strive to delay adolescent pregnancies by promoting abstinence and, among sexually active couples safe sex through sex education and contraceptive availability (U.S. Department of Health and Human Services, 2002).

#### **Father Involvement Programs**

Some programs designed to encourage greater father involvement have also received federal

funding. Some are designed to increase low-income noncustodial parents' opportunities for employment, higher earnings, and ability to pay child support (Johnson, Levine, & Doolittle, 1999), while others focus specifically on parenting skills and ensuring that fathers have access to their children (The Future of Children, 2002) as well as improving opportunities for young, unmarried fathers to support their children financially and emotionally (US Department of Health and Human Services, 2002).

### **Implications for Fathers and Families**

Programs that discourage the formation of father-absent families and increase father involvement have had mixed results (The Future of Children, 2002). In addition, a number of pregnancy prevention programs have been successful among teens but not among young female adults (Manlove et al., 2004). Evaluations of father involvement programs have also had mixed results (The Future of Children, 2002).

Some studies suggest that fatherhood programs will make the most difference if fathers are specifically targeted and if programs are introduced when children are young. Fatherhood programs that begin as early as in the hospital will most likely yield greater results than programs that target fathers after the relationship with the mother has been tarnished (The Future of Children, 2002).

### **Workplace Policies**

For fathers, workplace policies may hinder their ability to fulfill parental obligations. The Pregnancy Discrimination Act (PDA) passed in 1978 and the Family & Medical Leave Act (FMLA) passed in 1993 are the two federal laws that protect new and expecting parents (The Network News, 2005). The Pregnancy Discrimination Act makes it illegal for employers to fire, refuse to hire, or deny any woman a promotion because she is pregnant. The act, however, does not guarantee job protection but only guarantees a pregnant employee's right to be treated the same as any other employee with a medical condition (Meyers & Gornick, 2001). The Family & Medical Leave Act provides both mothers and fathers time off after the birth or adoption of a child, or during an illness without fear of losing their jobs (Jutta, 1997).

### **Implications for Fathers and Families**

Despite the existence of parental leave legislation, paid parental leave is unavailable to most Americans, regardless of their income.

Low-income families are often adversely affected by current parental leave policies because their jobs are often in jeopardy when they are forced to care for infants due to unaffordable or unavailable infant childcare (Phillips, 2004). Some research also suggests that some men on the "daddy track" (those who take time off to care for or be with children) may hurt their careers (Levine & Pittinsky, 1997).

### **Key Policy Options**

Based on our review of current policy, several options for encouraging policy reforms for fathers in the U.S. warrant consideration.

- Employers and policymakers should begin to think about the benefits, strategies, and long-term savings of paid leave programs.
- The extension of the earned income tax credit to noncustodial fathers who pay child support along with a raise in the minimum wage could assist fathers in meeting their economic obligations. By the same token, fathers may benefit from government-subsidized job training and employment programs that build skills and are responsive to the unique needs of children with only one parent in the home.
- Legal barriers to arrears reduction also call for attention. Modifying the federal Bradley amendment that prohibits arrears reduction is a possible solution. With federal revisions, states can choose to set low or no arrearage payments from men with low incomes (Roberts, 2000). Another method of reducing the large child support debt is to establish an amnesty program that forgives this debt under certain circumstances such as unemployment and incarceration, as long as noncustodial fathers keep up with current child support obligations.
- Additional efforts should be made to develop standards for in-hospital paternity establishment and to require hospitals to adhere to uniform state procedures so that parents can receive staff cooperation and support. In addition, lower fees and waiting times, improved parent outreach, and more information or assistance provided to parents may increase paternity establishment rates, and increase the likelihood of father involvement.
- Allegations of substance abuse or domestic violence made during custody disputes must always be thoroughly evaluated (Miller & Veltkamp, 1995). Judges should make an effort to gather more information rather than ruling in a case based on unsubstantiated claims.

- Congressional bodies and state legislatures should consider the preservation of father-child relationships when setting policies about sentencing, family programs and services, and the prison environment (Hairston, 2002). Laws and policies must change so that incarcerated parents receive education and job skills and are in better positions to maintain ties to their children.

While there is no single definition of a “successful” father, there is a growing appreciation for the diversity of fathers and their influence on child well-being. Policy makers will need to respond to societal developments by implementing policies that can empower all fathers to become active participants in their children’s lives.

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## FATHERS AND PUBLIC POLICY

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