

# ENGAGING FATHERS IN CHILD PROTECTION COURT HEARINGS AND CASE PLANNING

## JUDICIAL BENCH CARD<sup>1</sup>

Judicial officers can take several steps to help fathers participate in the child protection court process and case planning.

### Create a culture of inclusion.

- Set expectations for father involvement with the child welfare agency and directly with fathers.
- When a father or putative father attends his first court hearing:
  - Stress the importance of his involvement in the proceedings and in his child's life.
  - Explain the proceedings, timelines and permanency options.
  - Encourage him to take pride in his role in his child's life.
  - Encourage his ongoing involvement by explaining how it can result in better outcomes for his child.

### Involve the father in hearings.

- If the father is not attending proceedings, find out why and try to overcome barriers. Encourage him to speak with his attorney about resolving them or if he doesn't have one to write a letter to the court.
  - If the father is incarcerated, let him participate by telephone or request to have him transported to hearings.
  - If the father lacks transportation to hearings, encourage the social worker to help arrange it.
  - If the father's work does not enable him to attend, schedule hearings at more convenient times, or allow participation by phone.
- Allow a putative or alleged father to participate in hearings before and until paternity is established. Encourage efforts to establish paternity as soon as possible.
- If domestic violence has been alleged, ensure assessments are conducted to determine whether and to what degree danger exists. If founded, require that a safety plan be created with the victim(s).

### Consider the father as a placement option.

- Absent a finding of unfitness, place the child with the father unless a safety threat exists.
- Assess whether there is a need for an ongoing child protection case if there is a fit, able parent willing to care for the child.

### Allow visitation.

- As soon as paternity is established, order visitation between the child and father (unless it would harm the child), including incarcerated fathers.
- If the father is unable to visit, allow other forms of contact, such as letters or phone calls.
- Allow the father and child to have at least as much contact as they had before court involvement, and more if possible.
- Consider allowing other family, mentors, friends to be present during visitation (particularly if the father has limited experience with the child or parenting).
- Consider asking the social worker to report on how visits have gone and the connection between father and child.
- Unless there is a documented reasonable safety concern, move to unsupervised visits as quickly as possible.
- Ensure the timing and frequency of visits meet the developmental needs of the child and support father-child attachment (e.g., younger children should visit more often and for shorter periods).
- If a history of domestic violence is established, consider supervised visitation that can be eased if required services are met, behaviors change, and safety allows.

<sup>1</sup> 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.

## Encourage the father's involvement in case planning.

- Ensure the agency includes the father (and paternal relatives/support persons) in case planning meetings, family group conferences and similar sessions.
- Use the “no reasonable efforts” finding when necessary to ensure the father and, where appropriate, paternal kin are engaged and considered potential placement options.
- Require a service plan that includes both parents. Encourage and insist on equal access/referral to services for father and mother.
- Examine whether services required in the service plan are “father-friendly” and address documented safety concerns.
- Encourage developing community-based services to meet the father's needs, like male-inclusive parenting classes, father mentoring programs, father engagement education groups and other gender-specific programs.
- Ensure each party has separate case plans that protects confidential information and that promotes safe and respectful parenting.

## Address family violence.

- Carefully and thoroughly explore allegations of domestic violence, by reviewing information from multiple sources including, but not solely, the parent (and/or child) alleging abuse.

- Violence exists in different forms and to varying degrees in many relationships, yet often does not result in a report to authorities or a conviction of the perpetrator, even if there is a pattern of coercive control or physical violence. A single act or allegation of domestic violence should not become a barrier to a father safely engaging with his child. Absent proof of domestic violence, fathers should be allowed to safely connect with their children while balancing the reality that an absence of proof does not mean domestic violence is not present.
- In cases where family violence exists, ensure services are targeted to the specific family dynamics, and the agency is not referring all families to the same “one-size-fits-all” services.
- Ensure case planning, alternative dispute resolution and family group decision-making meetings consider family violence issues.

## Involve the father's relatives.

- Identify paternal family members early and encourage the caseworker to assess their willingness/capacity to care for or be involved in the child's life.
- Permit extended family, where appropriate, to participate in court hearings, decision-making and visitation.

## SERVICES FOR FATHERS

Understand what services are available in your community to help you determine whether the agency is offering both parents appropriate services and making reasonable efforts to reunify them with their children. Services should take into account men's learning styles, 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 his work schedule or other court-ordered appointments. Examples of 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 federal benefits for himself and the child, including food stamps

### Other fathers may need:

- Parent-child counseling to establish or strengthen the relationship and overcome barriers to bonding
- Substance abuse counseling, including Alcoholics Anonymous or Narcotics Anonymous
- Mental health services, including counseling, therapy or psychiatric assistance
- Referrals to low-cost or pro bono legal services programs for matters other than the dependency proceeding, such as housing or immigration issues
- Health education (e.g., training from a public health nurse) regarding caring for a child's specific medical conditions
- Help understanding the traumatic impact on a child of being exposed to violence in the home or community
- An interpreter, if he is not fluent in English, or help in reading or filling out forms or documents if he has literacy challenges

Cohen, A. L. (2009). Representing nonresident fathers in dependency cases. In *Advocating for nonresident fathers in child welfare court cases*. Washington, DC: ABA Center on Children and the Law. Available at [www.fatherhoodqic.org/chapter4.pdf](http://www.fatherhoodqic.org/chapter4.pdf)