



NATIONAL QUALITY IMPROVEMENT CENTER  
ON NON-RESIDENT FATHERS AND THE CHILD WELFARE SYSTEM

# *Father Friendly Check-Up*<sup>TM</sup> For Child Protective Courts

## Introduction<sup>1</sup>

The National Quality Improvement Center on Nonresident Fathers and the Child Welfare System, National Fatherhood Initiative, American Humane Association, and American Bar Association Center on Children and the Law welcome you to the *Father Friendly Check-Up*<sup>TM</sup> (FFCU) for Child Protective Courts.<sup>2</sup> This tool is an adaptation of the FFCU created by the National Fatherhood Initiative.

This will help you assess the degree to which your court's operations **encourage father involvement in the courtroom and through the court's administrative functions**. You may also wish to encourage your jurisdiction's child welfare agency to complete the *Father Friendly Check-Up*<sup>TM</sup> for Child Welfare Agencies and Organizations, available at [http://www.fatherhoodqic.org/ffcuchildwelfareagencyorg\\_msco\\_100108final.doc](http://www.fatherhoodqic.org/ffcuchildwelfareagencyorg_msco_100108final.doc).

Most foster children were not living with their fathers when they were removed from their home and placed in care. In these instances, the system must identify and locate non-custodial, or what we call "nonresident fathers."<sup>3</sup> Nonresident fathers should be located early, ideally before a child's placement or shortly thereafter to avoid unnecessary delays in permanency. Reasonable efforts requirements should include a fair consideration of the father's home as a placement option to avoid foster care.<sup>4</sup> In some cases, courts must also balance safety concerns for the mother and child with encouraging positive involvement of the father. Courts are critical to helping locate the father and his relatives quickly and encouraging his positive involvement in his child's life and the child's case.

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<sup>1</sup> The National Quality Improvement Center on Nonresident Fathers and the Child Welfare System would like to thank the National Council of Juvenile and Family Court Judges and the Model Courts who pilot tested this tool for their time and assistance, and their thoughtful and valuable input.

<sup>2</sup> This term applies to any court that assumes civil jurisdiction over cases involving child abuse, neglect or abandonment by a parent, guardian or caretaker.

<sup>3</sup> For the purposes of this checklist, "nonresident father" means a father who did not live with his child at the time the alleged abuse or neglect occurred.

<sup>4</sup> See Edwards, Judge Leonard P. (ret.). "The Judge's Role in Engaging Fathers in Child Welfare Court Cases." In *Engaging Nonresident Fathers in Child Welfare Court Cases*, Washington, DC: American Bar Association and American Humane Association, 2009, available at [www.fatherhoodqic.org/chapter5.pdf](http://www.fatherhoodqic.org/chapter5.pdf); Lewis, Judge J. Dean. "Identifying, Locating and Engaging Fathers in Dependency Court Cases," available at [www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5545435/k.90DD/Editors\\_Message.htm](http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5545435/k.90DD/Editors_Message.htm). (stating that "timely permanency necessitates early identification of, and legal notice to, both parents—not just the mother. It also requires that courts engage both parents in case planning and offer appropriate reasonable efforts services to both parents."). However, state cases are split on whether the reasonable efforts to reunify requirement applies equally to custodial and noncustodial parents. Compare *In re J.M.D.*, \_\_\_ N.C. App. \_\_\_, 708 S.E.2d 167 (2011) (holding that in relation to permanency planning hearings, "return home" refers only to return to the home from which the child was removed) with *In re MCW, Jr.*, 2010 WL 1986624 (Mich. Ct. App. 2010) (finding that the state's obligation to make reasonable efforts at reunification extends to the non-custodial parent, particularly when it becomes clear that reunification with the custodial parent is unlikely.)

A 2008 Urban Institute report showed that:<sup>5</sup>

- Nonresident father involvement was associated with more reunifications and fewer adoptions.
- High levels of nonresident father involvement resulted in a substantially lower likelihood of later maltreatment allegations.
- Children of highly involved nonresident fathers<sup>6</sup> exited foster care faster.

Despite this, the Federal Child and Family Services Reviews (CFSTRs) have found that many states do not adequately involve fathers in any aspect of their child's case.

All parties that come before the Child Protective Court deserve and need individual attention. The purpose of this assessment is to help courts take an active, positive approach in creating an environment that involves fathers and fosters the healthy development of children.

## **The Assessment Instrument**

You are being asked to complete a short series of assessment checklists designed specifically for Child Protective Courts (the types of cases these courts hear are referred to as “dependency” proceedings in some jurisdictions). There is one checklist for each assessment category:

- Case Management and Courtroom Operations
- Organizational Philosophy and Court Administration
- Hiring, Training and Performance Reviews

The checklists consist of statements about your court: **Place a checkmark only in the boxes next to the statements that are *true* of your court.**

By honestly assessing your court, you may discover that you can check only a few boxes in each category. If that's the case, don't worry: a low score is not an indication that your court is unfriendly toward fathers. You might find that your court includes fathers to a high degree in certain areas, but not in others. Use this assessment to identify areas for improvement, no matter what you discover.

### **Who Should Complete this Assessment?**

Depending on how your child protective court is organized it may be appropriate to have your administrative head (or his/her designee) complete this entire assessment. In some jurisdictions, it may be best to have the chief judge of the child protective court fill out all or part of the assessment. Depending on the number of judicial officers in your court and how involved administration is in guiding individual courtroom practice, it also may be appropriate to ask individual judicial officers to complete those sections of the instrument that relate to **Case**

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<sup>5</sup> Chen, Henry, Karin Malm and Erica Zielewski. *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, 2008. Available at <http://aspe.hhs.gov/hsp/08/moreaboutdads/report.pdf>.

<sup>6</sup> For purposes of this study, “highly involved” means the father had visited his child at least once, and provided financial and nonfinancial support, according to the child's case worker.

**Management and Courtroom Operations.** In jurisdictions that use a courtroom team model (where attorneys are assigned to one judge), the judge, attorneys and case workers could each take the assessment and compare responses with each other and other courtroom teams. This would give each judge (and team) an opportunity to assess their courtroom practices as well as give the court administrator a clearer sense of the overall “father friendliness” of the court.

### **Your Father Friendly Score**

After completing the assessment, you will receive a score for each category together with suggestions that the National Quality Improvement Center on Nonresident Fathers and the Child Welfare System has identified as best practices to increase the father friendliness of your Child Protective Court. You will then have the opportunity to use the score from the *Father Friendly Check-Up*<sup>™</sup> to set goals and identify priorities that are unique to your court’s way of serving children and families.

## Case Management and Courtroom Operations

Consider how your courtroom practices promote father engagement throughout the life of a case. **Check each box only if the statement is true of the judges and judicial officers in your court.**

### Judges and Judicial Officers:

<input type="checkbox"/>	Often communicate to caseworkers, all attorneys, and courtroom staff that fathers and paternal family members <i>are an important resource</i> for the child (e.g., as a potential placement option or in other ways to provide care and support for the child).
<input type="checkbox"/>	Routinely ask in court, <u>early in the case</u> , what steps caseworkers and government (agency) attorneys are taking to <i>identify and locate</i> fathers.
<input type="checkbox"/>	Routinely ask in court, <u>throughout the life of the case</u> , what steps caseworkers and government (agency) attorneys are taking to <i>identify and locate</i> fathers.
<input type="checkbox"/>	Usually ask in court, <u>early in the case</u> , what steps caseworkers and government (agency) attorneys are taking to <i>contact</i> fathers.
<input type="checkbox"/>	Routinely ask in court, <u>throughout the life of the case</u> , what steps caseworkers and government (agency) attorneys are taking to <i>contact</i> fathers.
<input type="checkbox"/>	Regularly encourage caseworkers and government (agency) attorneys, to utilize <i>child support enforcement resources and parent locator technologies</i> to identify and locate fathers.
<input type="checkbox"/>	Frequently ask in court, <u>during the early stages of each case</u> , what steps caseworkers and government (agency) attorneys are taking to <i>involve paternal relatives</i> .
<input type="checkbox"/>	Routinely ask in court, <u>throughout the life of the case</u> , what steps caseworkers and government (agency) attorneys are taking to <i>involve paternal relatives</i> .
<input type="checkbox"/>	Routinely ask and encourage mothers to provide <i>accurate information about the father and his relatives</i> .
<input type="checkbox"/>	If there is current or past evidence of domestic violence, routinely encourage the agency to utilize screening mechanisms to assess whether safety issues exist.
<input type="checkbox"/>	Always support the early and consistent appointment of <i>quality legal representation</i> for noncustodial fathers (e.g., by attorneys who receive adequate training and pay, and who have reasonable caseloads).
<input type="checkbox"/>	Are <i>always respectful of and positive about</i> fathers and men when interacting in the courtroom with family members.
<input type="checkbox"/>	Encourage fathers to play an active role in court proceedings.
<input type="checkbox"/>	Regularly ask whether caseworkers have made all relevant and appropriate case information <i>available to</i> the father (e.g., case plans, changes in child's placement, court hearing dates).
<input type="checkbox"/>	Routinely ask what <i>services are being provided</i> to fathers.

<input type="checkbox"/>	Always ensure that paternal and maternal relatives receive equal consideration as placements and as other resources for children, including equal services and support to help them remain involved in their children's lives.
<input type="checkbox"/>	When safety concerns are present, regularly make accommodations for the mother that still allows the father to be part of the proceedings (e.g., allow them to appear separately before the court or in pre-trial settlements or mediations).
<input type="checkbox"/>	Always ensure that the services the agency provides are <i>specifically directed at fathers</i> (e.g., parenting classes or support groups for fathers, rather than parents generally), where appropriate.
<input type="checkbox"/>	Expect all judges, courtroom staff, and attorneys to interact with fathers in a <i>gender-appropriate, non-blaming manner</i> . Men often respond better to informational, problem-solving and practical conversations than discussions of emotion and how they are feeling. <sup>7</sup>
<input type="checkbox"/>	Expect everyone in the courtroom to avoid using language that <i>stereotypes</i> men/fathers and women/mothers.
<input type="checkbox"/>	Always explain to fathers, in court, <i>their rights and responsibilities</i> .
<input type="checkbox"/>	Constantly emphasize the importance of fathers' involvement in the court process and in the child welfare agency's case planning.
<input type="checkbox"/>	Communicate in every case to family members that fathers <i>are just as important</i> as mothers in raising healthy children.
<input type="checkbox"/>	Routinely encourage caseworkers, attorneys and court staff to connect fathers with individuals, organizations and peer support groups that can help them become <i>more involved, responsible, and committed fathers</i> .
<input type="checkbox"/>	Whenever a history of domestic violence is revealed, encourage the caseworker to assess how the father can be engaged while keeping the mother and child(ren) safe.
<input type="checkbox"/>	Ensure in all cases that a father seeking custody, who has not abused/neglected his child, is <i>treated exactly as a mother would be</i> in the same situation (and not subjected to additional requirements or procedures).
<input type="checkbox"/>	Ensure that, in all appropriate cases, noncustodial fathers receive reunification services.
<input type="checkbox"/>	Ensure that in all appropriate cases the father receives a case plan.
<input type="checkbox"/>	Ensure that whenever the father receives a case plan, he is told in court what is expected of him under the plan and the resources he needs to meet those expectations.
<input type="checkbox"/>	Regularly help fathers <i>overcome barriers</i> to case participation (e.g., by providing transportation to hearings or scheduling hearings and visitations when the father is available)

\_\_\_\_\_ **Total Score**

<sup>7</sup> Kiselica, M. (2009). Understanding male help-seeking behaviors. In *Advocating for nonresident fathers in child welfare court cases*. Washington, DC: ABA Center on Children and the Law.

## Organizational Philosophy and Administrative Activities

Think about your court’s overall philosophy regarding fathers, and its rules, forms, policies, and standards of practice. Do they promote equal treatment and opportunities for fathers in child protection cases? **Check each box only if the statement is true of your court.**

### Does Your Child Protective Court:

<input type="checkbox"/>	Have court forms and orders that are gender neutral (use “he/she” “his/her” and “mother/father” instead of using only male or female pronouns or terms) except where gender-specific information is necessary to the case.
<input type="checkbox"/>	Use intake and case adjudication/disposition forms or court order forms that have spaces for listing specific identifying information about fathers.
<input type="checkbox"/>	Use intake and case adjudication/disposition forms or court orders that have spaces for listing whether paternity/legal fatherhood has been established.
<input type="checkbox"/>	Have written court rules or other formal protocols that encourage both early and ongoing efforts to identify and locate fathers.
<input type="checkbox"/>	Have written court rules or other formal protocols requiring prompt notification of noncustodial parents regarding hearings relating to their children.
<input type="checkbox"/>	Have access to adequate funding to support high quality court-appointed legal representation for all indigent fathers in child protection cases.
<input type="checkbox"/>	Have, for distribution, parent guides, brochures, handbooks or other educational materials about the dependency child protective court process, that includes content on the involvement of fathers, available for distribution to litigants.
<input type="checkbox"/>	Provide a physical courthouse environment that is inclusive of fathers (e.g., having “family restrooms” or diaper decks in the men’s restrooms, brochures in waiting areas from local fathers’ programs, or guides for parents that have information for both custodial and non-custodial parents).
<input type="checkbox"/>	Encourage judges, judicial officers and attorneys to work with fatherhood programs and organizations that serve fathers and families (e.g., by serving on workgroups or speaking at each other’s events).
<input type="checkbox"/>	Implement court personnel policies that value fathers who are employees of the court (e.g., by having a paternity leave policy or quality of life programming that appeals to dads as well as moms).
<input type="checkbox"/>	Encourage judges, judicial officers and attorneys to use national father-involvement resources and successful practice examples from other states to engage fathers.

\_\_\_\_\_ **Total Score**

## Training

Think about how your court hires, trains and assesses the performance of your judges, judicial officers other courtroom staff, and attorneys and other advocates. **Check each box only if the statement is true of your court.**

### Your child protective court:

<input type="checkbox"/>	Provides materials on father involvement in child protective cases to <i>new judges, judicial officers and other professionals</i> working in or with the court.
<input type="checkbox"/>	Provides training for <i>judges and judicial officers</i> on different aspects of engaging and involving fathers in child protection cases.
<input type="checkbox"/>	Provides training for <i>attorneys and other advocates</i> on different aspects of engaging and involving fathers in child protection cases.
<input type="checkbox"/>	Provides training for <i>judges and judicial officers</i> that specifically covers cultural and practical barriers fathers in child protective cases face and how they can be overcome and how the “learning styles <sup>8</sup> ” of men differ from those of women.
<input type="checkbox"/>	Provides training for <i>attorneys and other advocates</i> that specifically covers cultural and practical barriers fathers in child protective cases face and how they can be overcome and how the “learning styles” of men differ from those of women.

Total Score \_\_\_\_\_

<sup>8</sup> For more information about male learning styles or help seeking behaviors, see Kiselica, Mark, “Understanding Male Help Seeking Behavior” in *Representing Nonresident Fathers in Child Welfare Court Cases*, Chapter 2 (2009).

## Assessment Category Analysis Worksheet

How to use this worksheet:

1. Transfer your scores from each checklist to the corresponding row on this worksheet.
2. Don't combine the scores from all categories to arrive at a total score, because that score can mislead you.
3. Focus on the scores within each category, because the goal is to make your court father friendly holistically. Determine whether your score in each category rates low, medium or high on father friendliness.
4. You should first target categories in which your score is low or medium on father friendliness. Then, revisit the statements that were not true of your court within those categories and use them as specific target areas to work on. In addition, you can use the specific tips below to improve your performance in categories where you received an unsatisfactory score.
5. After some period of time and the implementation of new policies, protocols or programs relating to father engagement, consider completing this assessment again to see how your court's score has changed over time.

Checklist	Score	Legend
Case Management and Courtroom Operations		Low (0-10); Med. (11-20); High (21-30)
Organizational Philosophy and Administrative Activities		Low (0-3); Med. (4-7); High (8-11)
Training		Low (0-2); Med. (3); High (4-5)

## Case Management and Courtroom Operations

If your court received a low score on the Case Management and Courtroom Operations section, consider taking the following steps to increase your court's father-friendliness:

- Encourage judges and judicial officers to develop a checklist or list of questions to ensure that the importance of father involvement is emphasized at each hearing.

Items to be covered could include:

- Steps the agency has taken to identify, locate, or contact the father
  - What, if any, notice of hearings has been provided to the father
  - Services that have been offered to the father
  - How visits between the father and child have been going
- Ensure that judges interact directly and respectfully with fathers in the courtroom in a manner that sets a standard for how all parties should do so. Sample dialogues between judicial officers and fathers are available in *The Judge's Role in Engaging Fathers in Child Welfare Court Cases* by Judge Leonard P. Edwards (ret.) available at [www.fatherhoodqic.org](http://www.fatherhoodqic.org), and video clips for judges (also from Judge Edwards) on how to engage fathers are available at [www.fatherhoodqic.org](http://www.fatherhoodqic.org).
  - Provide each judge who hears child protective cases with judicial bench cards on identifying, locating and engaging fathers, available from the American Bar Association Center on Children and the Law or the National Council of Juvenile and Family Court Judges, or at [www.fatherhoodqic.org](http://www.fatherhoodqic.org).
  - Make information on local fatherhood programs and services targeted to fathers available to judges and judicial officers so they can ensure the fathers in their cases are receiving the most appropriate services. To find such programs, contact your local or state Department of Social Services or the National Fatherhood Initiative ([www.fatherhood.org](http://www.fatherhood.org)). The federal government's fatherhood website, [www.fatherhood.gov](http://www.fatherhood.gov), is also a good resource.
  - Develop an affidavit to be completed and signed by the mother in any case where there is an unidentified nonresident father, with specific questions designed to jog the mother's memory and help the agency find the father.
  - For mothers who have been victims of domestic violence, make sure their (and their children's) safety are taken into account at every step of the case.<sup>9</sup>

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<sup>9</sup> For more information see the National Council of Juvenile and Family Court Judges' "Reasonable Efforts Checklist for Dependency Cases Involving Domestic Violence" (2009) and "Checklist to Promote Perpetrator Accountability in Dependency Cases Involving Domestic Violence (2011)," both available at <http://www.ncjfcj.org/content/blogcategory/256/302/>.

## Organizational Philosophy and Court Administration

If your court received a low score on the Organizational Philosophy and Court Administration section, the tips below may increase your father-friendliness:

- Introduce resources and policies that will allow more fathers to participate in hearings, despite work obligations, incarceration or other barriers, such as having the court or agency provide interpreters, transportation vouchers and court participation by phone/webcam.
- Work with your counterparts in domestic relations court to develop a system for expediting paternity determinations in child protective-involved cases and to ensure the costs of paternity testing for indigent fathers are paid by the agency or court.
- Develop court policies to require that counsel be appointed for indigent fathers at the earliest possible court hearing.
- Make materials for fathers available in the courthouse, such as a list of local father programs or a guide to the child welfare system targeted to fathers. See [www.fatherhoodqic.org](http://www.fatherhoodqic.org) for a series of guides for fathers titled *Finding Your Way: Guides for Fathers in Child Protection Cases*.

## Training

If your court received a low score on the Training section, the tips below may increase your father-friendliness:

- Share materials on male help-seeking behavior and learning styles with judges and attorneys who practice in your court, such as *Understanding Male Help Seeking Behavior* by Mark S. Kiselica, available at [www.fatherhoodqic.org](http://www.fatherhoodqic.org), and the judicial bench card *Engaging Fathers in Child Protection Cases by Understanding Male Help-Seeking and Learning Styles*, available at [www.fatherhoodqic.org](http://www.fatherhoodqic.org).
- Offer training for attorneys who represent fathers, using the training curriculum and companion book *Advocating for Fathers in Child Welfare Court Cases*, available from the American Bar Association Center on Children and the Law or at [www.fatherhoodqic.org](http://www.fatherhoodqic.org)
- Educate judges, attorneys, and other advocates about the resources the child welfare agency should be using to find fathers so they can determine if the agency is fulfilling its obligation to perform a diligent search for the father. These include internet search engines, family finding strategies,<sup>10</sup> federal and state prison databases, the federal parent locator service,<sup>11</sup> and child support or custody court files.

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<sup>10</sup> To learn more about family finding, visit the Center for Family Finding and Youth Connectedness's Web site: [www.senecacenter.org/familyfinding](http://www.senecacenter.org/familyfinding).

<sup>11</sup> On December 29, 2010 the federal Office of Child Support Enforcement issued a rule (75 Fed. Reg. 81894) that indicates that child welfare agencies must have access to Parent Locator information to help find parents, relatives, and siblings of children in foster care, to help fulfill agency obligations pursuant to Titles IV-B and IV-E (amending 45 CFR §§303.70 and 307.13). To best accomplish this, every child welfare agency should develop a close working relationship with their child support enforcement (IV-D) agency.