

Navigating the Child Welfare System as a Father

Being a father involved with child welfare can be challenging. It may be overwhelming, difficult to understand, and filled with uncertainty. At times, it may also feel like the system focuses more on mothers than fathers or minimizes their input. But **fathers have the same rights as other parents**, and children can benefit greatly from having their fathers in their lives. The child welfare system can provide you with access to services and supports that can help you work toward your goals and overcome challenges. This factsheet provides details about those services and supports, an overview of child welfare processes, information about your rights as a father, tips for building a support network, advice for overcoming adversity, and more.

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Acknowledgment

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WHAT IS FATHERHOOD?

Fatherhood can take many forms, and there are many ways to be a supportive and involved father. Think about what fatherhood means to you. Does it mean caring for and playing with your children? Does it mean reading a book together, coaching a little league team, helping with homework, or teaching them how to drive? Does it mean making sure your family has food, clothing, and housing? Does it mean being a grandfather, a stepfather, or another type of father figure? Fatherhood might have other meanings and traditions based on your individual family, culture, and background. Even if you do not live with your children, you can still form strong bonds with them and be active in their lives. Having an involved father can [benefit children](#) at all stages of their lives and help them develop healthy self-esteem, perform better in school, and have fewer behavior issues.

Part of being a responsible father is learning about parenting, including child development and stages, social-emotional learning, healthy discipline, the importance of play, and more. Many online resources are available to support fathers parenting children of all ages. A good place to start is the [For Dads web section](#) on [Fatherhood.gov](#). It features articles and resources about creating strong families and healthy relationships, supporting

your child in school, having fun together, and working on personal resilience.

Being a father involved with the child welfare system can be challenging, but it doesn't mean you are a bad father. Navigating the child welfare system can be an overwhelming and complex process filled with uncertainty. However, it can also be a time to commit or recommit to embracing fatherhood. When you are involved with child welfare, you have the right to access services and supports designed to strengthen your family and help you be the best father you can be. This may include any of the following:

- Education or employment support
- Help applying for financial support and other benefit programs
- Treatment for any substance use disorders, mental health issues, or physical health challenges
- Assistance with a child support order or case
- Fatherhood and parenting programs
- Support groups and mentorship programs

Regardless of what you have been through, it is not too late to embrace fatherhood or become more involved in your child's life.

UNDERSTANDING THE CHILD WELFARE SYSTEM

The goal of the child welfare system is to promote child and family safety, permanency, and well-being. The system works to prevent child maltreatment and responds to incidents of alleged abuse or neglect. Many families become involved with the child welfare system because of a report of child abuse or neglect. It is important to know that a report does not mean that maltreatment has occurred. Child welfare involvement can stem from factors outside of a family's control, such as poverty and underlying or unmet needs related to a lack of access to support and services. After a registered report of potential maltreatment is made, child protective service (CPS) workers investigate whether the report is substantiated (founded) or unsubstantiated (unfounded). In substantiated cases, CPS workers or the court system will determine the next steps based on the perceived risk to the child's safety. This may include the child being placed in out-of-

home care with relatives or foster parents when safety concerns cannot be addressed. In unsubstantiated cases, the next steps may include services or monitoring to improve home safety and address family challenges.

If your child has been removed from your care, you can work with the child welfare system to resolve the safety issues that led to the removal. In most cases, your goal will be **reunification, or bringing your child home from foster care**. To achieve this goal, you may need to participate in services, receive treatment for mental and physical health issues, improve the safety of your home, or make lifestyle or habit changes. Another goal could be helping your child find permanency with a relative or another family.

The child welfare system can be confusing, especially since each State or locality can have its own processes and timelines. To learn more, explore Child Welfare Information Gateway's [How the Child Welfare System Works](#).

Fathers Who Do Not Live With Their Children

Fathers who do not live with their children can also come into contact with the child welfare system. For example, caseworkers may contact fathers who do not live with their children (sometimes called nonresident fathers) when children are removed from the home of another caregiver. Fathers can be a great source of support for their children regardless of whether they live together. **Unless otherwise determined by a court, fathers who do not live with their children still have the right to care for them.** They can also support child welfare processes by providing information about their family and background and helping connect children with other relatives. If you do not live with your child and have been contacted by a child welfare professional, know that you have rights. Ask your caseworker about your rights in your State. In addition, Information Gateway has State statute publications about [the rights of unmarried parents](#) and [grounds for involuntary termination of parental rights](#) (also known as TPRs).

NAVIGATING CASE PLANNING

Every family is different, so there is no "cookie cutter" outline of what your child welfare experience will look like. In most situations, your main point of contact will be a **caseworker**. He or she may have another title, such as case manager or social worker. As soon as you are assigned a caseworker, take the following steps:

- Collect your caseworker's contact information.
- Collect your caseworker's supervisor's contact information.
- Ask how often you will see your caseworker.
- Ask what hours you can contact your caseworker.
- Ask who you should contact in case of an emergency outside of regular business hours.

You and your caseworker will work with legal, judicial, and child welfare professionals to create a **case plan**, which will include goals and tasks to address the safety issues that led to child welfare involvement. For example, your case plan may identify reunification as your primary goal and list steps you need to take to reach that goal, such as improving the safety of your home, seeking counseling, or attending parenting classes. It will also include logistical details, including how often you will see your child and when court hearings will occur.

Your caseworker will hold regular meetings with you to discuss your case plan and your progress toward goals. Don't be afraid to voice your needs, questions, or challenges. Participating during meetings and keeping open lines of communication with your

caseworker can help you reach your goals. If there is something you don't understand, ask. If you run into a problem, such as being unable to participate in a specific program because you don't have a way to get there, tell your caseworker. He or she can help you navigate the system and overcome barriers.

There are Federal laws designed to reduce the amount of time a child spends in temporary housing. Because of this, your case plan may include concurrent planning. Essentially, this means there will be a "Plan A" and "Plan B" for your child. For example, Plan A may be reunification with a parent, and Plan B may be a guardianship arrangement where the child lives with a grandparent or another relative. That way, if Plan A is not successful, there is another permanency plan in place for the child.

GOING TO COURT

Usually, when children are living in out-of-home care, families will have a case go before a judge in juvenile or family court. The purpose of these hearings is to determine whether the home environment is safe, not to prosecute caregivers. There are different types of hearings, including preliminary protective hearings, fact-finding hearings, and permanency planning hearings. Learn about the different types of hearings, who attends them, legal representation for parents and children, and more in Information Gateway's [Understanding Child Welfare and the Courts](#).

KNOWING YOUR RIGHTS

Knowing your rights can help you advocate for yourself and your children as you move through the child welfare system. It is important to remember that fathers have the same rights as any other parent unless a

court says otherwise. The following are some key rights that apply to all parents, including those who are incarcerated:

- **You have the right to quality legal representation.** You have a right to be represented by an attorney during court proceedings. If you cannot afford to hire an attorney, you may be able to have one appointed to you by the court or receive assistance from a legal aid organization. Your attorney should also be a member of your case planning team. Through communication with your caseworker and other child welfare professionals, your attorney can better advocate for you in court by sharing milestones you have reached and steps you have taken to achieve case plan goals.
- **You have a right to visit your child.** Agencies are required—except in extreme cases—to arrange visits between children in foster care and their parents. The length and frequency of this family time depends on various factors. Visits may be supervised by a child welfare professional, relative, or other responsible adult in situations where there is a safety concern. If visits begin supervised, parents may be able to work toward unsupervised visits.
- **You have the right to be kept informed.** Your caseworker should keep you informed of what is happening in your case, including timelines, details about court hearings, steps you need to take to reach reunification or other goals, and any changes to your case plan.

- **The child welfare agency is required to make reasonable efforts for reunification.** This means the agency must provide accessible and appropriate services to help you create a safe and stable home for your child. It is your right to ask for services you believe will improve the safety of your home or your family's well-being.
- **If you are a parent who was not the subject of the CPS investigation, you have the right to care for your children.** See the "Fathers Who Do Not Live With Their Children" text box in this publication for more information.

Some parental rights vary depending on the State where you live. The American Bar Association has State-specific [guides on rights](#) for parents whose children have been removed from their home.

It is important to know that a court can make a decision to [terminate a parent's rights](#). To do so—in most cases—States are required to determine by clear evidence that a parent is unfit and that it is in the child's best interest to sever the parent-child relationship.

If you feel that you are being mistreated or that your rights are being violated, there are steps you can take. First, talk to your caseworker about the problem and see if he or she can help resolve it. If your caseworker is the one mistreating you, you can contact his or her supervisor or your attorney. If you have tried voicing your concerns and still feel unheard, there are other options, such as filing a complaint. More information is available in Information Gateway's [From Complaint to Resolution: Understanding the Child Welfare Grievance Process](#).

Fathers Who Are Incarcerated

Parents who are incarcerated have many of the same rights as parents who are not, including the right to have regular contact and visits with their children and to participate in case planning and court processes. That being said, it can be difficult for fathers who are incarcerated to actively participate in case planning and other child welfare activities. It can also be difficult to meet case plan goals because of a lack of services available in prison. If you are incarcerated, keep regular, open communication with your caseworker and attorney and ask for additional support in accessing services and reaching goals.

Fathers who are incarcerated can still be sources of support for their children, regardless of whether they plan to pursue reunification. It is important to maintain regular communication with children through phone calls, visits, and letters.

Having an incarcerated parent can be tough on children and lead to stress, behavioral issues, and other challenges. Children might also ask questions about incarceration that can be uncomfortable to answer. What you share depends on your individual situation, your child's age, the length of time away, and other factors. In general, it's good to let your child know how much you care about him or her and be as truthful as possible. When you talk to your child, ask about his or her hobbies, school, and friendships. You can also share details about your life. Small steps, like telling your child about your daily activities, can help him or her feel close despite the physical distance.

The Prison Fellowship is a good online resource for people who are incarcerated and their friends and families. Their collection of articles includes ["10 Parenting Tips for Dads Behind Bars"](#) and ["Four Ways Incarcerated Fathers Can Help With Their Children's Education."](#)

BUILDING A SUPPORT NETWORK

When you are navigating the child welfare system, one of the best things you can do is surround yourself with people who support you and lift you up. Friends and family can help you meet basic needs, such as transportation or child care. They can also offer encouragement as you face challenges and help you feel less alone. A support network can include both existing relationships and new ones.

Nurture existing connections. Think about the strong relationships you have. Are there friends, relatives, neighbors, or others that you can turn to in times of need? Do you have positive role models whom you can turn to for advice or guidance? Once you've identified these strong supporters, commit to maintaining connections with them.

Explore coparenting. Everyone's situation is different, but for some families, coparenting—or sharing parenting responsibilities with the

child's other parent or another responsible adult, such as a grandparent, aunt, or uncle—can be a great source of support. Coparenting involves sharing information with one another, establishing respectful communication, and working together in the best interest of the child. In families where a child is placed in out-of-home care, fathers can also find support in coparenting relationships with foster parents or kin caregivers. In these situations, foster or kin caregivers can offer updates about your children, arrange or supervise visits, and provide support as you work toward your goals.

Find new connections. You may need to seek out new social connections if the existing ones in your life do not offer enough support or are not positive influences. For example, if one of your goals is to get sober, spending time with people who use substances is going to make it more difficult for you to reach that goal. Try to surround yourself with people you want to be like, such as someone you meet at a support group who has successfully overcome a similar obstacle or a member of your faith community.

Join mentorship and peer support programs. There are specific programs designed to connect fathers involved with child welfare with others who are (or have been) in similar situations. Being around people who understand what you are going through can be a great source of support. It also can be helpful to talk about child welfare services and requirements with someone outside of your case planning team. Mentorships are usually one-on-one relationships, and peer support

programs usually take place in a group setting. Talk to your caseworker about mentorship and peer support programs available in your community. You can also use the National Responsible Fatherhood Clearinghouse's [program map](#).

Use your experience to help others.

Participating in parent leadership programs and other advocacy programs can be a great way to use your child welfare experience to help others going through a similar situation. It can be rewarding to share the lessons you've learned to guide and support others. If you are involved in a fatherhood program, you can talk to staff about becoming a mentor or taking on a leadership role. You can also explore national parent and family organizations, such as the [Birth and Foster Parent Partnership](#), [Birth Parent National Network](#), and [Parents Anonymous](#).

OVERCOMING ADVERSITY

The child welfare system should treat all parents fairly, but the reality is that sometimes fathers are unfairly judged. You cannot change the way that others perceive you, but you can develop strategies for responding to negative actions, words, and attitudes. Fathers may be unfairly labeled as absent, disengaged, aggressive, unaffectionate, and many other things. They may also be treated as secondary caregivers or providers only, while mothers may be treated as the primary caregivers and nurturers. These perceptions can be unfounded and unfair, and they do not define a person. This section features strategies for overcoming adversity and knowing what to do when you feel that you've been treated unfairly.

Knowing how to use your voice is essential in child welfare. You need to be able to communicate with your caseworker to share steps you've taken toward your goals, ask questions, vocalize what you need, and express your concerns. The way you communicate can impact how others respond to you. For example, it can be natural for someone to withdraw and not say a lot during child welfare meetings and hearings. There could be many reasons for silence, such as discomfort, worry about being misunderstood, or unfamiliarity with child welfare processes. However, silence can negatively impact decision-making in a case, since others may perceive it as disengagement or disinterest. If you are someone who tends to withdraw and does not speak a lot, try to prepare what you want to say before hearings or meetings. You can also write down questions as you think of them at hearings or meetings and ask your caseworker about them privately at another time.

When faced with adversity, you can be your own advocate. Your caseworker, attorney, and other team members should advocate for you, but there are still things you can do to help yourself and increase your chances of reaching your desired outcome.

The judge, your caseworker, and other team members want to see that you are willing to work with them, that you care about your children, and that you are committed to your children's safety and well-being. Find ways to demonstrate that throughout the life of your case. Some strategies to do so include the following:

- **Keep a record of everything you have attended.** This may include parenting classes, therapy sessions, substance use

treatment sessions, court hearings, visits with your child, and more. Also, keep track of the decisions that were made.

- **Send updates to your caseworker and attorney.** Keep ongoing contact with your team, even between case planning meetings and hearings. This shows that you are taking initiative. It also keeps your team in the loop on your progress toward goals. For example, if you are looking for a job, you can let them know when you land an interview.
- **Come prepared to case planning meetings and court hearings.** Write down questions you plan to ask, topics you want to discuss, and a record of what you have done to comply with case plan requirements.

CONCLUSION

The child welfare system can be difficult to navigate, but you do not need to do it alone. Use the information and resources in this factsheet to learn more about child welfare processes and your rights as a father. Explore the additional resources that follow and talk to your caseworker, mentors, and other supports about how they can help and what is available in your community. Together, you and your support network can take steps to prioritize your children's safety and well-being.

ADDITIONAL RESOURCES

- [**Finding Your Way: Guides for Fathers in Child Protection Cases**](#) is an extensive toolkit featuring individual guides about fathers' rights and responsibilities, how to work with lawyers, fathers' roles in court and outside of court, child support, and information for incarcerated fathers.
- The [**government benefits webpage**](#) has information about benefits for which fathers may be eligible.
- The [**National Responsible Fatherhood Clearinghouse**](#) is a national resource for fathers. It offers activities for dads and kids, a map of fatherhood programs across the country, videos of real-life stories, a *Dadtalk* blog, and more.
- The [**Office of Child Support Services web section for parents**](#) features assistance related to child support.

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