

Unwed Fathers and Foster Care Children

By Margaret A. Burt, Esq.

It is always the responsibility of caseworkers to attempt to identify, locate and offer services to the fathers of children in foster care. To fail to do this is to fail to avail children of their right to have a relationship with their parent. If a caseworker ignores the issue of an unwed father's potential rights, the child is very likely to remain in foster care longer than he would otherwise.

When foster care is a possibility or occurs, a significant and primary responsibility for the caseworker is to identify the child's father. This includes asking those involved who the father is, asking if the mother has ever been married, asking if anyone visits the child or supports the child or has tried to do either. If the caseworker does not know who the father is, there must be a specific and clear plan for remedying that situation by methodically attempting to identify and seek out the father. This would include using the CSEU services as well as the type of processes used for diligent searches. This would include approaching in person and/or by mail persons who may be the father. The caseworker should be prepared to assist the potential father in establishing paternity.

The caseworker must include the father as part of a service plan for the child and must attempt at all times to remain in contact with the father. Depending on the situation, the service plan for the father might include offering him services that would put him in a position to care for the child himself, asking about any relatives of his that may be resources for the child, offering him visitation, keeping him in the planning and information loop - in short whatever a caseworker would do for a mother! To fail to have such a plan means the caseworker is not engaged in diligent efforts and is therefore ignoring a possible permanency plan for the child as well as making it virtually impossible to timely free the child for adoption.

When a mother wishes to surrender her child or the agency is contemplating a termination of parental rights petition, there must be a specific discussion with the legal unit to agree upon a course of action regarding the father. This discussion must take place before any action is begun regarding the mother. Permanency must be resolved for both parents. The goal should be to provide clear legal resolution of the parental rights of both at approximately the same time.