

CHECKLIST

Representing Nonresident Fathers in Dependency Cases

Fight for custody if your client wishes.

- Inform the agency of the father's interest in custody promptly.
- Remind the agency of the father's interest in custody throughout the case.
- Request a concurrent goal of custody with the father.

Ensure successful visits.

- If necessary, seek court-ordered visitation based on the agency's "reasonable efforts" obligations.
- Encourage the father to:
 - accept every visit offered;
 - avoid arriving late or leaving early;
 - confirm visits in advance;
 - call the caseworker if an emergency prevents him from attending; and
 - alert you if transportation to visits is an issue.
- Press the agency for a more accessible visit location or schedule if necessary.
- Request longer, more frequent visits as the case progresses.
- Work with the caseworker, father and (when appropriate) a counselor if visits go poorly.

Prove the father's fitness to parent at trial.

- Offer evidence of your client's *physical capacity* to parent by showing he:
 - has safe and appropriate housing;
 - has sufficient financial resources;

- has access to child care or school for the child, if necessary; and
- will be able to access services he and the child need once the case closes.
- Show your client understands and can meet the child's physical and emotional needs (e.g., his *parenting capacity*). Evidence could include:
 - competent full- or part-time caretaking of other children;
 - progress on a case plan;
 - a responsive attitude to the child at visitation and/or before the case.

Help fathers who do not want custody achieve their other goals.

- If the father wants his child placed with a relative:
 - Ensure the agency knows the client's wishes.
 - Urge the placement resource to contact the social worker.
 - File appropriate petitions on behalf of the resource (if appropriate).
- If the father supports the mother's efforts to regain custody:
 - Work closely with mother's counsel.
 - Urge the father to maintain a positive relationship with the mother.
- If the father wants contact with his child once the case ends:
 - Try to obtain a written agreement or court order for visitation or other contact.
 - If your jurisdiction allows, advocate for an open adoption or postadoption visitation order.
 - Explain the fragility of informal arrangements and postadoption orders.

Download this and other checklists at www.fatherhoodqic.org/checklists