

CHECKLIST

Representing Incarcerated Nonresident Fathers in Child Welfare Cases

Know the Adoption and Safe Families Act's timeframes and how they may impact your client.

- Be aware of the requirement to terminate parental rights if children have been in foster care for 15 of the last 22 months *and the relevant exceptions*.

Learn laws regarding the father's rights to participate in hearings and visitation, and incarceration as a basis to terminate parental rights.

By regular in-person and written communication, guide the father through the process, ensuring he has established goals and understands the steps he can take to accomplish them. Encourage your client to:

- Take part in programming offered at the correctional facility that will help him fulfill his case plan and reach his goals (e.g., parenting classes; job training; drug, alcohol or mental health services).
- Communicate regularly with the child welfare agency. (Determine if the father has a social worker in his facility who can help him communicate with the agency.)
- Help your client reach out to his children in any way possible. (Ensure your client has access to pens, papers, envelopes, and stamps and learn the facility's rules about phone use.)

Work with the child welfare agency to involve the father in permanency planning and to establish case plan goals for him.

File written motions, if necessary, to ensure your client can appear in person (or by phone or video conferencing) at hearings. Ensure he can appear in plainclothes and unshackled.

Ensure visitation occurs in some form.

- Consider virtual visits through teleconferencing or by videotape when in-person contact is not possible.
- Work with the jail to arrange appropriate visitation.
- Present evidence about the visitation conditions at the father's facility as part of your advocacy for visitation (Is it possible to visit in a family visitation room or outside? Can the father not be shackled?)

If reunification cannot be achieved due to time constraints or the father does not desire it, counsel the father on other permanency options and their legal effects.

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

