INTRODUCTION

Fueled by the growing number of children born outside of marriage, high rates of divorce, a growing focus on multiple partner fertility, the growth of female-headed households, changing gender norms, and concerns about father involvement, the debate about the role of men in families has become a central policy focus (Curran, 2003). These varied developments have implications not only for fathers, but for families and children. Until recently, policy makers viewed fathers’ provision of child support as the most policy-relevant form of father involvement. In contrast, other policy initiatives have not been as widely explored. This chapter identifies current fatherhood policies and considers the mixed implications of these policy and practice interventions for father involvement and child well-being. We conclude with suggestions for future fatherhood policies and initiatives.

CURRENT POLICY INITIATIVES: IMPLICATIONS FOR FATHERS AND FAMILIES

Current policy affecting fathers has focused on paternity establishment, child support, welfare policy, policies targeted toward low-income non-custodial fathers, domestic violence, fathers with criminal justice experience, marriage/divorce/child custody, and direct service fatherhood programs, all of which can influence fathering behaviors and economic support.

**Paternity Policy.** Policy makers seek to ensure that all children have a legally-recognized father. In 1984, Congress first required the use of paternity actions, that is, a court suit filed to have a man declared the father of a child. Currently, most paternity actions are initiated by welfare officials who are required by law to seek reimbursement from the father for TANF payments for their children. In the mid 1990’s, Congress required states to offer in-hospital paternity acknowledgment programs so that parents could establish their children’s paternity at birth (Roberts, 2004). Paternity establishment ensures a child’s right to a range of
public benefits, including survivors’ insurance, education, health care, and workers’ compensation (Fragile Families, 2005).

*Implications for Fathers and Families.* While the benefits of paternity establishment are widely recognized, research indicates that, mothers who receive public benefits or face harsher financial circumstances are less likely to establish paternity voluntarily at the hospital. This is best explained by the fact that a mother who expects to receive welfare does not push for establishing paternity, knowing that much of the child support the father might pay would go to the state rather than to the child (Fragile Families, 2005).

**Child Support Policy.** Child support legislation has focused on fostering responsible behaviors toward children by parents, contributing to the well-being of families, and reducing welfare costs (Laakso, 2000). In the post-welfare reform era that has emphasized work and self-sufficiency, child support is seen by many policymakers as a key income support (Curran, 2003) and families must assign the right to any child support owed before or during their period of TANF receipt to the state (Miller et al., 2005).

*Implications for Fathers and Families.* Some studies (Miller et al., 2005) indicate that there has been a steady improvement in the amount of child support collected, yet the amount that is due continues to be much greater than the amount received. Therefore, some worry that child support policies, may in some cases have the reduced the number of child support awards made. Some studies have found that the state’s retention of all child support but $50 discouraged men from paying through formal channels (Furstenberg, Sherwood, and Sullivan, 1992) and other studies have also found that welfare recipients believed that the father of their children had an obligation to help but it was much better for the father to pay voluntarily rather than turning the issue over to authorities (Edin and Lein, 1997). Child support policy runs counter to the
practice in most low-income communities of accepting food, clothing, toys, child care, or other assistance in lieu of financial contributions. Many mothers value fathers’ in-kind contributions and consider their sharing of child care and other living expenses as a demonstration of genuine father involvement. Some studies have found that income from child support is more beneficial to children than income from other resources (Knox and Bane, 1994), while other studies have found that child support may have little or no enduring effects on child development (Peters and Mullis, 1997).

**Welfare Policy.** The welfare reform law of 1996 gave new emphasis to two primary categories of programmatic intervention to promote father involvement. The first seeks to discourage non-marital fertility and thus decrease the formation of “father-absent” families. The second includes programs intended to increase nonresident father support for and involvement with children.

**Implications for Fathers and Families.** Despite the goal of encouraging the formation and maintenance of healthy two-parent families and responsible fatherhood, some argue that the welfare reform act included no guidelines, supports, sanctions or incentives to help states actually achieve these goals (Coon and Mangum, 2000). As a result, few public policies have been designed since 1996 to help poor families stay together (Sorensen, Mincy & Halpern, 2000). Arguably, a welfare system that helps single mothers become employed, but ignores the need to support fatherhood and marriage, may only lead to more single parenting by mothers (Horn and Bush, 1997). Horn and Bush (1997) argue that welfare must advance policies that aim to strengthen two-parent families and to make single parenting less frequent. States can also expand participation in welfare-to-work employment programs to include males, which will improve their livelihoods and increase their marriage prospects (Horn and Bush, 1997).
**Policies Geared Toward Low-Income Non-custodial Parents.** Some research indicates that non-custodial fathers of children on welfare are often unemployed or underemployed with few resources. Nonresident fathers are more likely to be young, to be in poor health, to have a history with the criminal justice system, to have lower hourly wages, and to work fewer hours per week (McLanahan and Carlson, 2002). Most are in their twenties and early thirties, nearly half of them have dropped out of high school, and around 40 percent of them are African-American. Despite their low incomes, relatively few receive public assistance and fewer receive employment-related services. This lack of jobs or access to employment-related services constrains their ability to pay child support (Sorensen and Lerman, 1998).

*Implications for Fathers and Families.* Several studies find that, while some non-custodial parents do not make child support payments because they are unwilling to do so, the majority of low-income non-custodial parents do not meet their child support obligations because they do not earn enough to pay what is ordered and often work irregularly (National Women’s Law Center, 2004). Faced with this mismatch, low-income parents often prefer private, informal arrangements to full compliance with regulations they regard as unfair or counterproductive (Roberts, 2000). Thus many non-custodial parents do not make regular child support payments because they are “deadr broke” rather than “deadbeat” as a means of raising non-custodial parental income (Miller et al, 2005). Some other policy makers assert that local and state governments must direct more financial resources into job training for unskilled and uneducated fathers. Opponents of this policy argue that fathers may opt not to pay child support even after the state has incurred the cost of expensive job training (National Women’s Law

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1 [http://www.findarticles.com/p/articles/mi_m1093/is_n4_v41/ai_20974810](http://www.findarticles.com/p/articles/mi_m1093/is_n4_v41/ai_20974810)
Another policy option is a one-time amnesty on accumulated arrearages, contingent on future compliance. Objections include a possible loss of revenues to the state and the perception that such measures are unfair to compliant fathers. Also, it is possible that such a practice will undermine compliance if applied broadly (Public Policy Institute of California, 1999).

**Domestic Violence Policy.** The Violence Against Women Act of 1994 (VAWA) was designed to reduce violence against women. Initially introduced in 1990, the Act sought to improve criminal justice and community-based responses to domestic violence, dating, violence, sexual assault, and stalking in the United States (Family Violence Prevention Fund, 2005). The VAWA legislation established new penalties for gender-related violence and new grant programs encouraging states to address the harm caused by domestic and sexual violence, and channeled resources into helping victims (Family Violence Prevention Fund, 2005). While the VAWA of 1994 was a step forward, many argue (Brown & Fancher, 2005) that the Act did not comprehensively address the needs of domestic violence victims. Subsequently, Congress reauthorized the Act in 2000. The 2000 reauthorization, instead of focusing on adult victims of violence only, also addressed the problem of violence against children and youth by including programs for college campuses and offering assistance to youth who were themselves victims of violence (Family Violence Prevention Fund, 2005).

*Implications for fathers and families.* Though many laud the accomplishments of VAWA, others believe that work still remains to be to protect men’s rights and children. In some states, a father who has ever had a restraining order filed against him may be automatically rendered ineligible for joint custody of his children (Kelly, 1994). Some argue that many claims of abuse (typically against fathers) are not investigated before restraining orders are issued and
custody decisions are made (Baskerville, 2004). This is especially problematic since domestic violence policy is written into the statutes in most states: 10 states presume that an abusive parent should not have custody and 34 states consider domestic violence as one factor among many in determining custody (Levin and Mills, 2003). Domestic violence in custody cases continues to be a contentious issue (Kelly, 1994)

**Criminal Justice Experience and Policy.** In the late 1990s, about 3 million African American men were in some form of correctional supervision (mostly incarceration), while millions more were ex-offenders (Western and McLanahan, 2000). African American and Hispanic families are disproportionately affected (Center for Law and Social Policy, 2003). Parents with criminal justice experience face custody, employment, housing, and educational barriers as they reenter mainstream society.

Fathers with criminal justice experience often have problems obtaining custody of children. The Adoption and Safe Families Act of 1997, enacted with the intent to achieve more permanent households for children, may, some believe, lead to increased parental rights terminations for incarcerated parents (Johnston, 2001). In many states, children are taken from their parents on convictions not directly related to their ability to care for their children, without a case-by-case consideration of individual circumstances (Western and McLanahan, 2000). Parents with criminal histories face employment barriers for the rest of their lives (Center for Law and Social Policy, 2002). Recently released parents also struggle to access safe housing and public benefits. Due to the federal Department of Housing and Urban Development’s “one strike and you’re out” enacted law, family members with criminal records make it difficult for other members to rent a federally subsidized apartment (Human Rights Watch, 2004). Moreover, entire families already living in subsidized housing can be evicted for the criminal behavior of
any household member or guest, often without consideration of mitigating circumstances (HUD Notice, 1996). Unstable and unaffordable housing makes it difficult for parents to find work and for children to be raised in stable family environments (Center for Law and Social Policy, 2002).

Parents who have been previously incarcerated also encounter legal barriers if they attempt to further their education. Under the 1998 reauthorization of the Higher Education Act of 1965, students who have prior convictions for possession or sale of controlled substances cannot obtain Pell grants or student loans (United States Government Accountability Office, 2005).

**Implications for Fathers and Families.** Incarceration affects fathers’ ability to form and maintain social bonds with their children (Edin et al., 2001). While prisons remove men from families, the effects of incarceration continue well after release from prison (Hamilton, 2005). The inability to find employment also damages the relationship that men have with their children because they are unable to make a material contribution to the children (Nurse, 2000). Incarcerated non-custodial parents owe in the range of $225 to $313 per month in child support. On average, parents owe more than $10,000 in arrears when they go to prison and leave prison owing $23,000 or more. More than half of these arrears are owed to the state to repay welfare costs (Center for Law and Social Policy, 2002).

**Marriage/Divorce/Child Custody Policy.** Prior to 1970, judicial practice gave preference to the mother in custody hearings. The Uniform Marriage and Divorce Act of 1970 first established a gender-neutral “best interests” standard, although a commentary following the act held that when the two parents appeared equal, giving preference to the mother ensured the best interests of the child (Hall et al., 1996). Best interest standards, though gender-neutral in most instances, are often vague and difficult to apply uniformly, so family court judges have a considerable amount of latitude (Baskerville, 2004). Even after gender-neutral language was
adopted by most states, fathers’ rights advocates argued that court decisions still favored maternal custody and fathers pushed for joint custody legislation (Fineman & Opie, 1987). Several states have adopted language in their statutes that favors the child’s primary caretaker during the marriage, usually the mother (Kelly, 1994). The trend over the past two decades has been an increasing likelihood of joint legal custody. Some studies in California have found that 80-90 percent of decisions are for joint legal custody (Kelly, 1994), the majority of cases however result in physical custody being granted to the mother.

*Implications for Fathers and Families.* Custody arrangements clearly differ for fathers and mothers. While self-selection is a concern in drawing casual conclusions, custody arrangements can affect levels of involvement. Some studies have linked more positives child development to meaningful midweek as well as weekend contact (Lamb et al, 1999). Most custody orders state that the nonresident parent will have “reasonable visitation” with the children, but do not specify further (Kelly, 1994). The custodial parent, who is usually the mother, has considerable control to block or limit visitation (Levin and Mills, 2003).

**Direct Service Fatherhood Programs.** In 2002, President George W. Bush unveiled a $320 million package of initiatives geared to promote “responsible fatherhood.” A number of fatherhood programs were established to increase father involvement (Curran, 2003). More recently, 2006 welfare legislation provided $50 million annually for fatherhood activities each year for 5 years.

*Programs to Reduce Non-marital Childbearing.* The federal government has funded family planning, teen programs, and male involvement programs, and has permitted states to implement family cap programs, all with a principal goal of preventing unwanted pregnancies among unmarried women, especially teenage girls (McLanahan and Carlson, 2002), because that
demonstrates that fathers are less likely to be involved in a child’s life if the pregnancy is unplanned and non-marital. Federal funding has been used to provide contraceptives to low-income women in hospitals, community-based clinics and private organizations such as Planned Parenthood (Breslin, 1998). Current efforts aim to enhance male responsibility with regard to family planning by expanding services for men, as well as, women. Teen programs that target both females and males strive to delay adolescent pregnancies by promoting abstinence and, among sexually active couples safe sex through sex education and contraceptive availability (US Department of Health and Human Services, 2002).

**Father Involvement Programs.** In addition to programs designed to discourage the formation of father-absent families, programs designed to encourage greater father involvement have received federal funding. Some are designed to increase low-income non-custodial parents’ opportunities for employment, higher earnings, and ability to pay child support (Johnson et al., 1999), while others focus specifically on parenting skills and ensuring that fathers have access to their children (McLanahan and Carlson, 2002) as well as improving opportunities for young, unmarried fathers to support their children financially and emotionally (US Department of Health and Human Services, 2002).

**Implications for Fathers and Families.** Programs that discourage the formation of father-absent families and increase father involvement have had mixed results. For instance, an evaluation of New Jersey’s family cap program showed that births outside marriage were significantly lower for the experimental group compared to the control group (Roulet, 2001), while other studies have found no significant impacts (McLanahan and Carlson, 2002). In addition, a number of pregnancy prevention programs have been successful among teens but non-marital fertility has increased among women age 20 and older (Manlove et al, 2004).
Evaluations of father involvement programs have also had mixed results. In the case of Parent’s Fair Share, the program had no impact on the frequency of father-child interactions (McLanahan and Carlson, 2002). Initial assessments of fatherhood parenting programs also reveal that enrolling fathers and sustaining their participation over time is a challenge (Luckey, 2005). Findings from the Fragile Families Study also suggest that fatherhood programs will make the most difference if fathers are specifically targeted and if programs are introduced when children are young. Fatherhood programs that begin as early as in the hospital will most likely yield greater results than programs that target fathers after the relationship with the mother has been tarnished (McLanahan and Carlson, 2002).

**Workplace Policies.** For fathers (both resident and non-resident), workplace policies may hinder the ability to fulfill parental obligations. The Pregnancy Discrimination Act (PDA) passed in 1978 and the Family & Medical Leave Act (FMLA) passed in 1993 are the two federal laws that protect new and expecting parents (The Network News, 2005). The Pregnancy Discrimination Act makes it illegal for employers to fire, refuse to hire, or deny any woman a promotion because she is pregnant. The act, however, does not guarantee job protection but only guarantees a pregnant employee’s right to be treated the same as any other employee with a medical condition (Meyers & Gornick, 2001). The Family & Medical Leave Act provides both mothers and fathers time off after the birth or adoption of a child, or during an illness without fear of losing their jobs (Jutta, 1997).

**Implications for fathers and families.** Despite the existence of parental leave legislation, paid parental leave is unavailable to most Americans, regardless of their income. A survey of personnel managers conducted in 2000, for example, revealed that only 12 percent of companies offered paid maternity leave and only 7 percent offered paid paternity leave and no state provides
new parents both guaranteed job protection and benefits (The National Partnership for Women and Families, 2005). Critics of America’s parental leave programs argue that a new policy is long overdue because too few Americans have paid leave for prenatal care, paid leave when a baby is born, or paid leave to bond with the baby (U.S. Department of Labor, Bureau of Labor Statistics, 2004). Others argue that, in comparison to Canadian or European parental programs, the nation’s leave policies are among the worst in the world (The National Partnership for Women and Families, 2005). Low-income families are often adversely affected by current parental leave policies because their jobs are often in jeopardy when they are forced to care for infants due to unaffordable or unavailable infant childcare (Phillips, 2004). In addition, some research also suggests that other structural barriers in the workplace may affect father involvement. For example, some men on the “daddy track” (those who take time off to care for or be with children), may hurt their careers (Levine and Pittinsky, 1997).

**Key Policy Options**

Based on our review of current policy, several options for encouraging policy reforms for fathers in the U.S. warrant consideration.

- While there are different dynamics in different states, paid leave for the birth of a child can be implemented in various ways. Employers and policymakers should, begin to think about the benefits, strategies, and long-term savings of paid leave programs.

- The extension of the earned income tax credit to non-custodial fathers who pay child support along with a raise in the minimum wage could assist fathers in meeting their economic obligations. By the same token, fathers may benefit from government-subsidized job training and employment programs that build skills and are responsive to the unique needs of children with only one parent in the home. To assist low-income
fathers, states can adopt child support guidelines that exclude certain types of income payments from consideration in the establishment of awards.

- Legal barriers to arrears reduction also call for attention. Modifying the federal Bradley amendment that prohibits arrears reduction is a possible solution. With federal revisions, states can choose to set low or no arrearage payments from men with low incomes (Roberts, 2000).

- Another method of reducing the large child support debt owed to state governments is to establish an amnesty program that forgives this debt under certain circumstances such as unemployment and incarceration, as long as non-custodial fathers keep up with their current child support obligations.

- Additional efforts should be made to develop standards for in-hospital paternity establishment and to require hospitals to adhere to uniform state procedures so that parents can receive staff cooperation and support. In addition, lower fees and waiting times, improved parent outreach, and more information or assistance provided to parents may increase paternity establishment rates, and increase the likelihood of father-child involvement and support.

- Allegations of substance abuse or domestic violence made during custody disputes must always be thoroughly evaluated (Miller and Veltkamp, 1995). Judges should make an effort to gather more information rather than ruling in a case based on unsubstantiated claims.

- Congressional bodies and state legislatures should consider the preservation of father-child relationships when setting policies about sentencing, family programs and services, and prison environment (Hairston, 2002).
• Laws and policies must change so that incarcerated parents receive education and job skills and are in better positions to maintain ties to their children, so that their children will not lose the opportunity to have meaningful relationships with their parents.

While there is no single definition of a “successful” father, there is a growing appreciation for the diversity of fathers and their influence on child well-being. Policy makers will need to respond to societal developments by implementing policies that can empower all fathers to become active participants in their children’s lives.
References


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