



**Center for the  
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Social Policy**  
Ideas into Action



**Youth Power  
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An initiative  
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# I JUST WANT TO BE A FATHER

Protecting the Rights of Young Fathers Involved  
with Child Welfare Systems and Promoting  
Family Well-Being



OCTOBER 2024

# Acknowledgements

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## About Youth Power, Parent Power *an initiative of the Center for the Study of Social Policy*

Youth Power, Parent Power, an initiative of the Center for the Study of Social Policy, mobilizes the collective action of expectant and parenting young people, researchers, public systems leaders, advocates, community leaders, and youth serving professionals to promote equity and justice for all young people and young families.

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# Protecting the Rights of Young Fathers Involved with Child Welfare Systems and Promoting Family Well-Being



**W**hen my son was born, my wife and child were living in a group home, but I wasn't allowed to enter that home. When I came to get them, I had to wait outside. The workers said they needed to do a background check. But I was in foster care. Shouldn't they know my background?

That situation lasted a whole year...Now that my wife and I are living together things are very different. With my first son, every time I saw him, I would see a big difference. Now with my other children I get to see all the changes.

| YOUNG FATHER WITH LIVED EXPERIENCE  
IN FOSTER CARE

# Background

The impetus for writing this brief originated with young parent leaders from the [Brighter Futures Workgroup](#) who have a goal of changing policy and practice in New York City (NYC) so that the rights of young fathers\* in foster care and the rights of fathers of children living with young mothers in foster care are protected.<sup>1</sup> The hope is that this brief will help influence policy and practices so young fathers have what they need to have meaningful involvement in their children's lives and successfully co-parent.

Brighter Futures is a multigenerational, cross-sector New York City-based network led by young parents who are or have been in foster care in NYC, and includes allies who are lawyers and social workers from legal organizations representing both children and parents; members of community-based organizations, including The Door and CASA-NYC; staff from NYC's Administration for Children's Services (ACS); and representatives from other NYC agencies including the Department of Youth and Community Development (DYCD) and the Department of Education (DOE). Brighter Futures works toward abolishing oppressive policies and practices such as the surveillance of young parents with lived experience in foster care, and creating community and connections so that young parents, their children, and their families have what they need to heal, succeed and thrive. Brighter Futures' approach includes young parent leadership development, a peer support network, monthly cross-sector network meetings, and young parent-led grassroots advocacy projects.

This brief was developed with information gathered from interviews with eight young parents with lived experience in foster care; five staff members from mother-child programs at five different contracted agencies; a review of ACS policy and guidance and through answers received from questions submitted to the ACS Office of Communications.

The children of young parents that are the focus of this brief are in the custody of their parents and are not in foster care. The young parents who are the focus of this brief are not being investigated by Child Protective Services (CPS). They are in foster care as young people, or they are the co-parent of a young person in foster care. By law, they have full legal custody of their children and therefore should be afforded the same legal rights as other parents.

This brief is being published at the same time that ACS is developing a first-ever fatherhood policy and an Office of Father Engagement. We hope that the perspectives and recommendations contained in this brief will be incorporated into that policy, help inform the development and work of the Office, and help drive change within ACS and contracted agencies so that young fathers' rights are protected. While addressing bias against all fathers in family court is beyond the scope of this paper, we hope this paper shines a light on the challenges fathers face there and contributes to change. At the same time, this paper calls on ACS and contracted and legal agencies serving youth in foster care to increase their capacity to support young fathers in foster care in their fight for custody and visitation rights in family court. Lastly, we hope this paper encourages partnerships in NYC between young parent leaders, community-based organizations and city agencies to invest in supporting young fathers, their children and families.

\* Throughout this brief, we use the word "fathers," but we also acknowledge that some co-parents may be transgender or gender nonbinary and may not refer to themselves as fathers. This brief focuses on fathers because there is widespread acknowledgement of the significant barriers (e.g., racism, gender bias, and biases related to multiple intersecting identities) that keep some fathers from being involved in their children's lives. Despite the focus on fathers, the arguments in this brief pertain to all legal co-parents, whose rights need to be protected.



# Introduction

Children benefit when their fathers play an active and positive role in their lives.<sup>2</sup> Children exhibit stronger cognitive and social skills, greater empathy and fewer depressive symptoms when fathers are positively engaged with their families, and mothers experience less stress.<sup>3</sup> Research shows that supports that help to strengthen the relationship between parents during pregnancy increase the likelihood of co-parenting after pregnancy, even when co-parents are not in a romantic relationship. This is true for young parents as well.<sup>4,5</sup> However, many public systems treat fathers, especially low-income fathers and Black, Latine/x and Native American fathers as if they were troublesome or unimportant. These fathers face and must overcome barriers such as systemic racism and gender bias to achieve their goals as fathers and have meaningful involvement in their children's lives. Young fathers face high levels of stigma and lack of services and supports that meet their unique developmental needs. Within New York City (NYC), programs for young fathers are few, and programs that support adolescent co-parenting are even scarcer. When youth in foster care are fathers or when they co-parent with a youth in foster care, fears about whether child welfare staff might be held liable should anything happen to these young parents' children lead staff to create even higher barriers to fathers' active involvement with their children. Additionally, conflicting policy and practice guidance from ACS contributes to violations of young parents' fundamental rights to be a family.

The aim of this brief is to spotlight the systemic barriers faced by fathers who are themselves youth in NYC's foster care system or who co-parent with a young parent in foster care and who are overwhelmingly Black and Latine/x when they try to exercise their rights to be with their children. It highlights nine key recommendations with action steps that ACS and its contracted agencies can take to ensure that they respect the rights of fathers to family autonomy and that they treat young fathers in their care equitably and without discrimination based on race, gender, and intersecting identities. The nine recommendations in this brief are grounded in the fact that young fathers in foster care and fathers of children living with young mothers in foster care have the same constitutional rights as all fathers to the integrity and stability of their relationships with their children without government interference, and their children have a reciprocal right to the integrity and stability of their relationships with their fathers.<sup>6</sup> All policies and practices related to these young fathers should start with a recognition of these rights.

## **'JUST FOR HIM TO GO OUTSIDE WITH HIS DAD NEEDS TO BE APPROVED?'**

I'm 17 years old. I have one son who's 1 year old. I'm also pregnant. My baby's father is 18. Before I came into care, me and my son's father were both attending school from home because of COVID. He would come over at 11 or 12 in the morning and leave at 8:30 or 9 at night. We would read to our son and talk to him. We'd share whatever we were looking at on our phones with him. Mainly we spent a lot of our time holding him.

I've been in a group home in the system for about a month. The workers here say that my child's father can come to visit but he has to be in the nursery, and he has to get some kind of background check first. The caseworker has to meet with him and speak to him. I was also told that he can only come once a week and that he has to have supervised visits.

It's hard because I had to go through that situation with my mother. I was the victim of child abuse. I went into foster care when I was 6 years old, and in order for us to see our mom, they put us in a little room to be supervised. It breaks my heart because my child is not in foster care. His father didn't do anything to harm him.

The other day I was cooking for the house so I could get chore money. My son was screaming because he didn't feel like being held by staff. His father was in front of the house. You could see him on the camera. So I could finish up and go out, I took my baby and dropped him downstairs with his father. When I came back up, staff asked me, "Did you get approval?" I was taken aback. Just for him to go outside with his dad needs to be approved?

My child's father is living at home with his parents. The agency lets me go to his house but if I want to spend overnights they say that I have to get a home check and his parents have to get background checks. My son's grandmother is not open to it. The staff ask why. I have to remind them that it's not my house. I can't go to somebody and say, "Hey do this home check." Not everybody wants ACS in their business.

I see some of the effects of my son seeing his dad less than he used to. If we all go out for the day and it's time for his dad to leave, he'll start crying or acting out. If I'm on FaceTime and he sees his dad, he snatches the phone from me. When we're together he's more joyful. If we're in public, he'll smile at all the girls and give hugs. When we're at the group home he cries and doesn't want anybody to hold him but me.

I love playing with my son, talking to him and trying to teach him how to walk. I love his smile. His dances are just funny. He has a great sense of humor. We make weird noises in our room together. But I also suffered postpartum depression, so this is very hard for me. When my son was first born, I never had to worry about being on my own because I had his father to help me.

*Subsequent to this interview, the legal team of the young mother interviewed here worked with ACS and the contracted agency to remove the barriers to family time that she described.*

# Recommendations and Action Steps

## STEPS FOR PROTECTING THE RIGHTS AND PROMOTING THE WELL-BEING OF YOUNG FATHERS AND THEIR FAMILIES

Young fathers have the right to be in their children's lives. Young parents in foster care have the right to co-parent. Below are recommendations for changes to ensure that young fathers have the resources they want and need and that their rights are protected. We are calling on ACS, their contracted agencies and other New York City agencies that provide services to young parents, such as the DOE and DYCD, to examine their existing policies and practices and to institute the following recommendations.

1.

**ACS should communicate clearly to contracted agencies that they must remove barriers to young fathers' access to frequent and quality time with their children, such as background checks and home visits, that violate fathers' rights.**

Young fathers' rights to be with their children within the child welfare system are routinely violated. A young mother interviewed for this brief stated that the contracted agency in which she was placed required her to obtain the agency's permission before leaving her child with the child's father. One young father reported that he waited almost a year for a background check to be conducted on him before he was allowed to spend time with his child at the group home where the mother was residing. A worker stated that children residing with their mothers in a mother-child residence could not spend overnights with their fathers unless a judge ordered it. She added that if children spend overnights with their non-custodial fathers, agencies are not allowed to draw down full funding for those children.

All of these examples constitute violations of the right of young parents to decide for themselves who their children spend time with and to their unfettered access to their children. As one worker stated, "In our residential setting, the young moms are in foster care but the children are not. This means that fathers have the right to take their children 'on pass' whenever they want." ACS's own [Guide to Working with Young Parents in Out of Home Care](#) clarifies that background checks, home visits, and supervision are not required as a matter of course for young fathers to be with their children in their own home, in the mother's home, or in the community, nor should background checks be performed on anyone else living in the father's home. According to the Guide, "Case planners need not clear a father or his family members through the Statewide Central Register of Child Abuse and Maltreatment (SCR) or perform a criminal history check unless specific, articulable safety concerns arise."<sup>8</sup> Moreover, according to ACS guidance, agencies will not lose funding for nights that a child spends with a father, even if that child is living in a mother-child residence.

ACS guidance states that when a child is in the custody of a young mother living in foster care:

- A background check should not be performed as a matter of course before a father is allowed to spend time with his child in a mother-child residence.
- A background check should not be performed as a matter of course before a mother is allowed to leave her child with the child's father.
- Home visits should not be performed as a matter of course before a child spends the night at his father's home, nor should background checks be performed on people living in the home.
- Fathers do not need court-ordered visits before children living with mothers in foster care spend the night with their fathers nor will agencies lose funding for those nights.
- In cases in which there are no court orders requiring supervision, agencies should not require supervision for fathers to spend time with their children at their own residence, the mother's residence or in the community.
- Fathers and mothers can spend time with friends and family, including in their homes, without background checks or home visits of those friends and families.
- Previously indicated cases or a criminal record are not automatic barriers to fathers visiting with their children.

When background checks, home visits, supervised visits and other restrictive measures are implemented as a matter of course, they violate the rights of fathers and children, and they conflict with ACS guidance. Young parents share that such barriers also increase isolation and make parenting more challenging.

#### ACTION STEP

- ACS should immediately direct agencies via an official memorandum that background checks, home visits and supervised visits should NOT be implemented as a matter of course before fathers can spend time with their children.

## 2.

### **ACS should address conflicts in its own guidance to contracted agencies about young parents' autonomy over decision-making for their children.**

Despite clear language in ACS's [Guide to Working with Young Parents in Out of Home Care](#) that young parents living in foster care have the same rights as all other parents to make decisions for their children, including who their children spend time with, other ACS guidance offers contradictory messaging stating that contracted agencies and young parents share responsibility for this decision-making. A memo from the ACS communications office stated, "The foster care agency does have a responsibility to assess the well-being and behavior of the mother, who is in foster care, and part of that oversight may involve making inquiries about where she is allowing her baby to spend time."

The actions contracted agency staff and foster parents should and may not take after "making inquiries about where a mother is allowing her baby to spend time," however, are NOT clear. The statement also contradicts the Guide, which explicitly states that "[a]s long as there are no court orders restricting a minor parent's custody rights...[t]he young person has the same rights as any other parent despite age or status in care. These rights include the ability to make decisions about medical care, childcare, and who is allowed to visit with the child."<sup>9,10</sup>

#### ACTION STEP

- ACS should partner with young parents, advocates, lawyers and the New York State Office of Children and Family Services to address existing conflicts in ACS's own guidance to contracted agencies. ACS guidance should make clear what agency workers and foster parents should and may not do in support of young parents. Such guidance should make clear that any oversight from staff or foster parents should be provided in ways that respect the rights of young parents and support the growth of their autonomy. Such guidance is necessary to support staff and foster parents in knowing how to carry out their jobs safely and responsibly without violating the rights of young parents.

## 3.

### **ACS should prohibit contracted agencies from taking actions that limit fathers' access to children who reside with their mothers in mother-child residences in ways that conflict with ACS guidance or policy.**

Staff at contracted agencies interviewed for this brief raised concerns about the appropriateness of allowing fathers to be with their children in mother-child residences for a variety of reasons, including when fathers are above and mothers are below the age of consent (17 in New York, as determined by New York State Penal Law 130); when one or both parents have untreated mental health issues; when there are concerns about emotional coercion and control in the relationship; and due to concerns about the impact of the presence of fathers on other mothers in mother-child residences, including jealousy and issues related to gang affiliation. In at least one agency, these dynamics led staff to bar all fathers from a mother-child residence.

It is important to acknowledge the challenging work that frontline staff do, and the need for them to be able to carry out their responsibilities with adequate training and support.

At the same time, any actions that address concerns that staff have must prioritize keeping families safely together whenever possible, in accordance with ACS policy, including by offering resources to address concerns. Barring fathers without making these efforts, as well as barring all fathers from mother-child residences in the absence of a clear and articulable safety threat to a child, co-parent or other residents, is a violation of the rights of fathers and their children.<sup>11</sup>

Equally important is that ACS create processes to review any decisions to bar fathers from mother-child residences. Such processes should ensure that young parents are informed about how and have the opportunity to be heard if they believe they have been treated unfairly or if they need support to address challenges. Lastly, when a father is barred from a mother-child residence and ACS has reviewed and sustained the decision, all efforts should be made to ensure that a father is able to maintain his relationship with his child unless there are clear, articulable and documented reasons not to.

Of particular concern to staff interviewed for this paper were relationships that occur between fathers above and mothers below the age of consent. These relationships constitute sexual misconduct, statutory rape or rape in the second degree, depending on the age, capacity to consent, and the age difference between mother and father, and some staff believe that they also constitute an automatic disqualification for fathers to spend time with their children in mother-child residences. As one staff member stated: “By law, we cannot allow fathers to come in if they are over-age, because the moms are really not able to consent to be in that relationship.”

While it is important to address the complex concerns that may arise as the result of age differences in co-parenting relationships, neither the law nor ACS guidance calls for such age differences to be an automatic disqualification for co-parenting. Moreover, in New York State, no sex between minors is considered consensual. Given this definition, using age difference or lack of capacity to consent as an immediate disqualification to co-parenting is nonsensical. If we did, no parent under the age of 17 in New York State would be allowed to co-parent with any other parent, even when the other co-parent was also under 17. Rather than a blanket policy, decisions about co-parenting between parents below and above the age of consent should be made on a case-by-case basis.

## ACTION STEPS

- ACS should develop guidance for when and how young fathers can spend time with their children at mother-child residences, as well as guidance on how to make decisions that may limit that access. Such guidance should prohibit any restrictions that are not in accordance with ACS policy.
- ACS should develop processes through which agencies must report and have reviewed any actions that limit fathers' ability to spend time with their children in mother-child residences.
- Young parents should have the opportunity to appeal decisions that bar a father from a mother-child residence and should be provided with information about how to appeal such a decision both orally and in writing.
- ACS should work with agencies and young parents to create best practice guidelines for making determinations about co-parenting for parents below and above the age of consent.
- Contracted agency staff of mother-child residences and foster parents should develop written rules of the house in collaboration with young parents and in accordance with ACS's guidance and policies. Rules should clearly explain actions that might lead a father to be denied permission to spend time with his child in the mother's residence or otherwise limit ability to have contact with his child. Rules must be consistent with the goal of supporting co-parenting and must not violate young fathers' rights. Staff and foster parents should engage young parents at least once annually in reviewing/ revising house rules.

4.

**ACS should require contracted agencies to offer expectant fathers and young fathers who are in foster care case management as well as culturally responsive services and supports focused on their dual transitions to adulthood and parenthood. Contracted agencies should be required to support young fathers and mothers equitably.**

Currently, young fathers in foster care do not consistently receive case planning to prepare them for being a parent. Both young fathers and contracted agency staff identified such case planning as a significant gap and an important need. Young fathers also stated that frontline staff and/or foster parents sometimes offered them friendly parenting advice but were not always knowledgeable about the rights and responsibilities of young fathers or how to connect them to resources. Providing information without accurate knowledge is potentially harmful to fathers, their children and families. Young fathers also stated that they did not receive regular fatherhood-focused services and supports.



## ACTION STEPS

- ACS should hold contracted agencies responsible for case planning with young fathers in foster care from the time case planners first learn that youth in care are expecting and/or are fathers. Case planning for young fathers in foster care should include ensuring that fathers have a place to spend time/live with their children; have equipment, such as a stroller or crib, as needed; have support, such as a mentor, fathers' program, or other parenting support; have support to co-parent, such as a co-parenting group, counseling, mediation or legal support; have education and career guidance; understand the rights and responsibilities that come with becoming a father, including the rights and responsibilities that come with establishing paternity; and have help understanding and thinking through issues related to child support, which can be a major source of fear and conflict. All young fathers should be provided with information about parenting resources and supports in their communities.
- ACS should create funding streams that support contracted agencies in developing services and supports specifically for young fathers, including opportunities for fathers to learn about child development and for fathers and children to spend meaningful family time together. Staff positions should include father engagement as part of the official job description.
- ACS should provide an annual training for all ACS and contracted agency staff and foster parents who are responsible for young parents. Topics should include young parents' rights; understanding young parents in foster care from a developmental and trauma-informed perspective; tools for father engagement and ways to support co-parenting. Training should prepare foster parents and agency staff to provide young parents with information about their rights, including the rights of fathers and co-parenting rights. [This young parents' rights website](#), which was developed by and for young parents with lived experience in foster care, is a tool that can be used in this effort. Training should include examples of situations and stories that address the kinds of real challenges staff and foster parents face working with young parents who are fathers and who are co-parenting. Feedback should be gathered from staff and foster parents about the challenges working with this population and the training and support they believe they need.

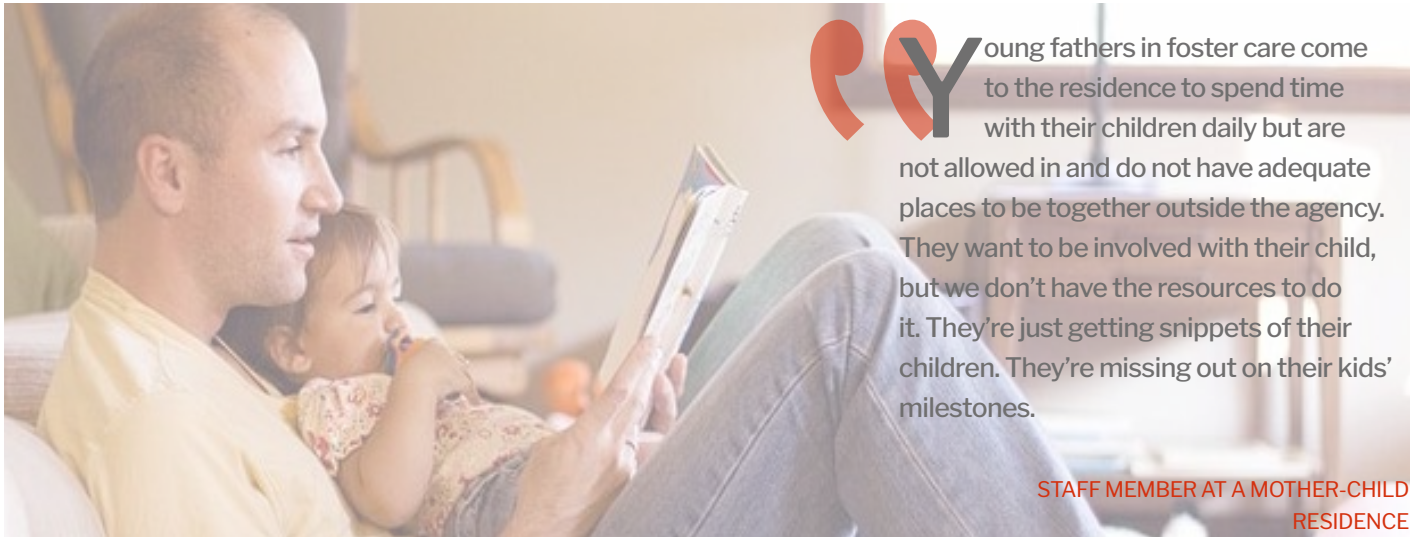
# 5.

**ACS and contracted agencies should create welcoming spaces where young fathers in foster care can be with their children and families can be together within the child welfare system. ACS should collaborate with community-based organizing and young parents to develop spaces where fathers can be with their children and families outside the child welfare system.**

Both young parents and contracted agency staff raised concerns about the lack of adequate spaces for fathers who are in foster care to be with their children. As one staff stated: "Young fathers in foster care come to the residence to spend time with their children daily but are not allowed in and do not have adequate places to be together outside the agency. They want to be involved with their child, but we don't have the resources to do it. They're just getting snippets of their children. They're missing out on their kids' milestones."

Factors contributing to this lack of space include:

- Congregate care settings and foster homes where fathers reside are typically not child-friendly and are not set up for visits, overnight stays, or for fathers who have full or partial custody of their children.
- Rules governing who young people can associate with in their own rooms and the use of common areas for multiple purposes limit the time and privacy available for family time.
- Some mother-child residences have visiting rooms available to fathers, but others do not.
- Agency staff sometimes erroneously communicate to young parents that they are not allowed to visit the homes of friends and families unless the agency conducts a home visit and background check of everyone in the home, leaving young parents with the inaccurate belief that they have nowhere to go in the community to visit with their child except public places.
- Agency staff sometime erroneously communicate to young parents that they are not allowed to visit the homes of family members with histories of child welfare and legal system involvement. Young parents are not supported in assessing if such visits are safe, further limiting where they feel able to be together as a family.
- Agency staff may require young parents to communicate days in advance where they plan to go as a family. This can hinder the ability of families to spend time together.



**Y**oung fathers in foster care come to the residence to spend time with their children daily but are not allowed in and do not have adequate places to be together outside the agency. They want to be involved with their child, but we don't have the resources to do it. They're just getting snippets of their children. They're missing out on their kids' milestones.

STAFF MEMBER AT A MOTHER-CHILD RESIDENCE

## ACTION STEPS

- ACS and contracted agencies should work together to create spaces for fathers to be with their children, including within their own foster homes or group homes, in the mother's residence, and elsewhere within the community. Every agency should be required to identify such spaces to ACS and notify their own staff about them. Case planners should be required to indicate in their case notes where within the agency each young father will be able to spend time with his children if he chooses.
- ACS and community-based organizations should work together to locate spaces in the community to host family time, such as at libraries and youth and community centers. ACS should provide an up-to-date resource guide of such spaces to contracted agencies and to young parents directly and should be available on the ACS website.
- As part of an official memorandum, ACS should inform staff that young parents have the right to take their children to visit with friends and family just like all parents unless there is a clear and articulable safety concern, as reflected in the New York State directive on the reasonable and prudent parenting standard, which states: "Background checks/clearances are not legally necessary for the child to attend a party, visit with a friend, or stay overnight at a friend's house. State Central Registry clearances under Social Services Law (SSL) § 424-a and criminal history checks under SSL § 378-a are not authorized for these individuals."<sup>12</sup> In addition, staff should be informed that previously indicated cases or a criminal record are not automatic barriers to visiting, according to the ACS Guide to Working with Young Parents in Out of Home Care.<sup>13</sup>

**6.**

**ACS and contracted agencies should provide all young parents in foster care information about their rights in a variety of ways (in writing and orally). ACS and contracted agencies should also provide such information to fathers of young mothers in foster care, even when they are not themselves youth in foster care.**

Young parents interviewed for this brief said that they were rarely told about their rights as young parents in the system. Young fathers stated either that they did not think that they had any rights, or that they didn't know what those rights are. Young mothers shared that they did not know that they had the right to allow their children to spend time with their children's father when group home staff or foster parents restricted their time together. Without information about their rights, young parents described being at the mercy of the decisions of individual workers and/or foster parents.

## ACTION STEPS

- ACS, contracted agencies, and lawyers should partner with young parents to create a Young Parents' Bill of Rights for young parents in foster care that includes the rights of fathers and co-parents. The Bill of Rights should clearly describe the rights of young fathers to spend time with their children, the rights of young parents to decide who their children spend time with, and the rights of young fathers in foster care to casework related to their role as parent and to spaces

to be with their children. Agencies should share the Young Parents' Bill of Rights with young parents in writing and orally at various times, including when young parents are first expectant; while in care or enter the system as parents; enter a new residence; and in regular case planning meetings. Contracted agencies should display the Young Parents' Bill of Rights in public places. All material containing the Young Parents' Bill of Rights should also encourage young parents to speak to their lawyers or seek out other advocates if they need support exercising their rights. The [young parents' rights website](#), which was developed by and for young parents with lived experience in foster care, can be used to support the development of a Young Parents' Bill of Rights.

**'I GOT NO REAL CASEWORK OR LEGAL HELP WHEN I BECAME A DAD. BECAUSE OF THAT, MY SON IS NOT IN MY LIFE.'**<sup>14</sup>

When I first found out that I was going to be a father, I wasn't in a good place in my life. I had just gotten stabbed by some other youth in the system and had run away. I was jumping from home to home. I didn't have enough food or clothes. I was hiding out in my girlfriend's home when she got pregnant. Eventually I went back into the system because I thought that was the best way to get my own place. When I went back into care, I needed help to be in my son's life, but that's exactly what I didn't get.

After my son was born, I decided that I didn't want to be with his mom anymore. She found that problematic and she made it very difficult for me to see my son. I had to go behind her back and see my son through her mom. My name was on the birth certificate so I took her to court, but she made up a lot of lies about me and that made my situation even worse. Everyone got heard in court but me. My son's mother spoke. Her lawyer spoke. My lawyer spoke but didn't say anything to actually defend me. I was the only one who never got a chance to speak.

I also tried to get help through my agency but didn't. I spoke to the case worker at my agency every day about the fact that I wanted to be in my son's life. I spoke to the group home staff, too. They all knew I was passionate about being there for my son. But all they told me was, "Yeah, you got to just hold on...That's the life of a father...The court's never going to rule in your favor. They're always going to be on the mom's side." All that advice made me feel even more hopeless.

There was a supervisor in Bronx Family court who took the time to show me how to fill out the summons and the petition. Other than that, the only person who helped me was my CASA volunteer, a person outside the agency. At the time I had little trust for a new person, but my CASA volunteer gave me space to decide if I wanted to trust her. She also connected me to things I needed, like clothes, food, housing, and a crib for my son. But after a while she left and that left me without the help I needed most, which was understanding how to keep myself safe if I tried to go to court again to be in my son's life.

I still need that help. I'm afraid to go to court because of the lies my son's mom might say about me. People are easily manipulated. I'm afraid because I've seen my own mom go through the system and be hurt by it. I'm afraid because I saw my friends lose their kid to the system. I'm even just afraid of letting anyone know that I'm still young and that I like to go out and have fun sometimes. Plus, when you've been in care, you're afraid that people will think that if you need any kind of help you're not capable of taking care of your child.

I discharged myself at 19. Right now I'm 20. Because I didn't get help before I left the system, I don't have my son in my life. Instead, I have a stroller and a bed for him that are in a box. Not being in my son's life makes me a very angry person. Every day I wake up and feel like a deadbeat dad even though I'm not.

# 7.

## **ACS should require contracted agencies to explore co-parenting with all young parents in foster care and provide information and referrals for co-parenting support when appropriate.**

Many young parents need support negotiating their co-parenting relationship. Without it, many relationships break down and fathers lose out on being in their children's lives. Co-parenting should be supported through case planning, programming, counseling and mediation. Right now, however, there are limited services and resources both within the child welfare system and throughout New York City for young parents who want to improve their co-parenting relationship.

In addition to supporting the well-being of young families, supporting co-parenting also means that in the traumatic circumstance that a child is removed from a young mother's care, that child is more likely to have the opportunity to be cared for by the father or by the father's extended family. Positive co-parenting relationships also increase the likelihood that young mothers stay connected to and reunify with their children.

### **ACTION STEPS**

- ACS should hold contracted agencies accountable for providing case planning and other related services focused on co-parenting for young parents. When a father and mother are both in foster care, one practice might include scheduling joint case planning meetings with both parents and both case planners unless there are clear and articulable safety concerns, the co-parents refuse, or there are other reasons not to. This may require contracted agencies to work together on behalf of young families.
- ACS has already developed a co-parenting curriculum that focuses on building healthy communication, collaboration and shared knowledge of child and adolescent development. Several cycles of the curriculum were held successfully, with positive feedback from participants. ACS, DYCD, DOE, contracted agencies and community partners should work together to find ongoing ways to make this co-parenting curriculum conveniently available to young parents in foster care.
- ACS, DYCD, DOE, family court, and community partners should work together to identify ways of providing counseling and mediation services to young parents in foster care who are co-parenting.
- ACS should hold focus groups with contracted agency staff and foster parents caring for young parents to better understand the complexities of supporting co-parenting. This information should be used to develop training and additional support for both staff and foster parents.

# 8.

## **Young fathers in foster care should be supported in their fight for custody and visitation in family court.**

When conflicts and other challenges in co-parenting resulted in fathers seeing less of their children or losing contact with their children all together, fathers stated that they were often too scared to take their concerns to family court because of past negative experiences or because of fear of bias and or racism against them as fathers, especially for Black and Latine/x fathers and/or as youth in care or who have been in care. Young fathers' negative experiences in family court reflect broader issues with the treatment of all fathers in family court that are beyond the scope of this paper. Nonetheless, we believe it is the responsibility of ACS, contracted agencies and legal agencies representing youth in foster care to support them in having their voices heard in family court. Without this support, young fathers lose the opportunity to be in their children's lives.

### **ACTION STEPS**

- Legal agencies representing youth in foster care should seek special funding to develop systematic ways to support young fathers in foster care who may need to go to family court to fight for the right to be with their children.
- As part of training for ACS and contracted agency staff working with young parents, ACS should ensure that all staff working with young fathers in foster care have accurate information about family court processes related to custody and/or visitation as well as appropriate legal and advocacy resources to connect fathers to who are considering pursuing custody and visitation in family court.

- ACS's new Office of Father Engagement should have information about legal and advocacy resources for fathers who are considering pursuing custody and visitation in family court. ACS's new fatherhood policy should include ways that ACS and contracted agencies will support young fathers in foster care to pursue custody and visitation in family court if need be.
- Members of New York City's family court system should form a workgroup with young fathers in or who have recently been in foster care and their advocates to develop better ways to support these young fathers in family court.

# 9.

## **New York City agencies should invest in the voices of young fathers and partner with them to co-design services that meet their unique needs and support their dual transitions to adulthood and parenthood. Services should be developmentally appropriate, trauma-informed, culturally responsive and healing-centered.**

Young parents said the kinds of support they want include guidance from and meaningful relationships with non-judgmental adults; information about their legal rights and how to safely navigate legal processes; fathers' groups that are welcoming to young fathers; counseling or mediation for co-parenting; opportunities to have fun and meaningful time together as a family; opportunities to take breaks and leave their children with people of their choosing, including each other; and opportunities for personal growth and self-expression such as through school, work and extracurricular activities, in order to transition successfully to adulthood while they are also growing into their role as parents. Agency staff stated that they wished young parents had access to programs about healthy relationships. Such programs should teach young parents how to understand their own emotional responses and the responses of their co-parents.

### **ACTION STEPS**

- ACS, DYCD, DOE, legal and community-based agencies should collaborate to develop a current resource list of organizations that support young fathers and young families. Such information should be provided to young parents directly and shared with contracted agencies and used in case planning.
- DYCD and community-based agencies should partner with young fathers with lived experience in foster care and advocates for fathers to explore ways to co-design culturally relevant and healing-centered services and resources that meet the unique needs of young fathers.



**‘THEY SAID THEY NEEDED TO DO A BACKGROUND CHECK, BUT I WAS IN CARE. SHOULD’N’T THEY KNOW MY BACKGROUND?’<sup>15</sup>**

Dad: When my son was born, my wife and child were living in a group home but I wasn’t allowed to enter that home. When I came to get them, I had to wait in the hall. The workers said they needed to do a background check. But I was in care. Shouldn’t they know my background? That situation lasted a whole year. After that my wife moved into a foster home, but in that home I also hardly got to visit. One time the foster parent asked me to clean the yard in order to spend time with my son. It was during winter, and we didn’t want to spend a lot of time outside, so I rarely saw my son during that whole time. After that my wife went into another group home. In that home different staff had different rules, so again, I hardly got to visit. It was hard during all that time because I only saw my son a couple of times a week for an hour or a couple of hours when my wife got a day pass. It was almost always outside, at the park. We didn’t go to anyone’s house because we were told we weren’t allowed to go to friends’ houses unless they had a background check. When it rained or was bad weather, I hardly saw my son.

Mom: Sometimes just meeting up out of the agency was difficult. I had to get a day pass. I had to tell them exactly where I was going. They only gave out day passes once a week, so if I didn’t have everything planned, then my son couldn’t see his dad. It was frustrating. The fact that there was no place where my husband could spend time with his son meant I never got a break. I could have left my son with group home staff, but I didn’t trust them the way I trusted my husband, so I didn’t feel comfortable doing that. My group home also said I wasn’t allowed to be in the home without my son with me, so he could never go to his dad’s for the night. What bothered me the most was that it meant that my husband didn’t get that one-on-one time to build up his relationship with his son. At one point, I was falsely accused of neglecting my son and I thought I might lose custody of him. Luckily that didn’t happen, but the fact that there wasn’t housing for my son to live with his father in foster care meant that if I had lost custody, our son wouldn’t have been able to go to his dad.

Dad: Now that we are living together things are very different. I got to see my other children learn to walk, with that baby penguin waddle. A baby’s growth is crazy. With my first son, every time I saw him I would see a big difference. Now I get to see all the changes.

# Endnotes

<sup>1</sup> The fathers discussed in this brief include young fathers who are themselves youth in foster care as well as fathers of children living with young mothers in foster care. Some of the fathers that have parented children with young mothers in foster care may be older than 21 years of age.

<sup>2</sup> Primus, L. (2017). *Changing Systems & Practices to Improve Outcomes for Young Fathers, Their Children & Their Families*. Washington, DC: Center for the Study of Social Policy.

<sup>3</sup> Diniz, E., Brandao, T., Monteiro, L., and Veríssimo, M. "Father Involvement During Early Childhood: A Systematic Review of the Literature." *Journal of Family Theory and Review*, vol. 13, no. 1, 2021, pp. 77–99.

<sup>4</sup> Florsheim, P., Burrow-Sánchez, Jason, Minami, Takuya, McArthur, Laura, Heavin, Sarah, Hudak, Cristina, "Young Parenthood Program: Supporting Positive Paternal Engagement Through Coparenting Counseling," *American Journal of Public Health*, October 2012, Vol 102, No. 10, p. 1891.

<sup>5</sup> Mollborn, S., Janet, J. "'I'll Be There for You': Teen Parents' Coparenting Relationships," *J Marriage Fam.* 2015 April; 77(2): 373–387. doi:10.1111/jomf.12175., pps. 1-2.

<sup>6</sup> The rights of all parents to be free of unwarranted government interference was established by the Supreme Court in *Stanley v. Illinois* (1972). More specifically, the rights of fathers were addressed by the Second Circuit Court in *Duchnese v. Sugarman* (1977), among other rulings. [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-35/february-2016/parental-rights-cases-to-know/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-35/february-2016/parental-rights-cases-to-know/)

<sup>7</sup> These are real experiences as told by young parents interviewed for this paper. The names of the young parents are kept private at their request either because they are still in foster care and wish to keep a positive relationship with the staff at their agencies, or because they have recently aged out of foster care and wish to guard the privacy of their families.

<sup>8</sup> The Guide to Working with Young Parents in Out of Home Care, New York City Administration for Children's Services, 2018. <https://www.nyc.gov/assets/acs/pdf/youth/2018/homecare.pdf>

<sup>9</sup> Ibid.

<sup>10</sup> In making their argument for shared responsibility, ACS spokespeople and lawyers repeatedly referenced the reasonable and prudent parenting standard as the basis for their position. This standard was created by a 2014 federal law that aims to ensure that children and youth in the child welfare system have "normative childhood experiences," such as participating in extracurricular activities and spending time with friends and family, but which also states that foster parents and group home staff can be held legally liable for any harm that befalls children/youth if staff and foster parents do not take reasonable steps to ensure their safety, such as considering whether a child/youth has shown mature decision-making before being allowed to engage in an activity or adequately vetting who the child/youth will spend time with. However, neither the 2014 federal law nor New York State's directive on the implementation of that law make any mention of contracted agencies' responsibility for the safety of children of young parents in foster care, as those children are not legally in the custody of the state, but rather in the custody of their young parents.

<sup>11</sup> Staff at mother-child residences stated that they were by default being asked to play the role of supporting young fathers and connecting them to resources. While staff stated that they were happy to go the extra mile, especially for fathers whose commitment was evident, this responsibility was outside their official job description and added extra responsibility to an already challenging job. We believe that some of this issue could be addressed by ensuring that young fathers in foster care receive their own parenting-focused case planning. See Recommendation 6.

<sup>12</sup> Supporting Normative Experiences for Children, Youth, and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard, New York State Office of Children and Family Services, Administrative Directive 15-OCFS-ADM-21, September 25, 2015. [https://ocfs.ny.gov/main/policies/external/OCFS\\_2015/ADMs/15-OCFS-ADM-21%20%20Supporting%20Normative%20Experiences%20for%20Children.%20Youth,%20and%20Young%20Adults%20in%20Foster%20Care%20-%20Applying%20a%20Reasonable%20and%20Prudent%20Parent%20Standard.pdf](https://ocfs.ny.gov/main/policies/external/OCFS_2015/ADMs/15-OCFS-ADM-21%20%20Supporting%20Normative%20Experiences%20for%20Children.%20Youth,%20and%20Young%20Adults%20in%20Foster%20Care%20-%20Applying%20a%20Reasonable%20and%20Prudent%20Parent%20Standard.pdf)

<sup>13</sup> The Guide to Working with Young Parents in Out of Home Care, New York City Administration for Children's Services, 2018. <https://www.nyc.gov/assets/acs/pdf/youth/2018/homecare.pdf>

<sup>14</sup> These are real experiences as told by young parents interviewed for this paper. The names of the young parents are kept private at their request either because they are still in foster care and wish to keep a positive relationship with the staff at their agencies, or because they have recently aged out of foster care and wish to guard the privacy of their families.

<sup>15</sup> These are real experiences as told by young parents interviewed for this paper. The names of the young parents are kept private at their request either because they are still in foster care and wish to keep a positive relationship with the staff at their agencies, or because they have recently aged out of foster care and wish to guard the privacy of their families.