

Community Legal Aid

A non-profit law firm serving the legal needs of low-income individuals and families in central northeast Ohio



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Let's give kids their dads back

by John Petit, Managing Attorney

It's hard to find a more perfect example of how lack of wealth impacts a person in our legal system than by looking at the rights of parents in seeing their children. In particular, this affects fathers, and to an even greater disproportion, our Black and Brown dads.

Although the legal trend is to grant more equal parenting time to fathers and mothers, Ohio law still gives unmarried mothers sole discretion over the amount of visitation a father can receive unless the father goes to court. This can be particularly challenging to dads who lack the financial means to get into court and those who have been historically marginalized in our justice system.

Getting custody or visitation rights in Ohio is a legal process. For unmarried parents, the father first has to establish paternity through paperwork or genetic (DNA) testing, and the results must be recognized by the Ohio Department of Job and Family Services. Without establishing paternity, fathers have no legal rights to see their children or be involved in medical or other decisions about their kids' lives.

Is there any right more fundamental than being able to be involved in your child's life?

Many counties have programs aimed at helping fathers do this, but with strict requirements, such as parenting classes, financial coaching, and more, insinuating that men aren't capable of being fathers without going through some type of educational boot camp. And because proportionately unmarried fathers are more likely to be Black, Black men are more likely to have to jump through these hoops than white men.

To complicate things, visitation often is tied to a father's finances. Even though Ohio law prohibits withholding visitation as a tool to force the payment of child support, financial factors have an impact. Failure to pay support often results in the suspension of your driver's license and potentially jail time. Both punitive measures impact the father's access to parenting time. Better economic opportunities often results in better access to your children. Economic and justice systems that, in practice, place more hurdles for persons of color negatively impacts those fathers' ability to parent their children, punishing the child (and the father) instead of encouraging whole-family solutions that positively engage all parties and build economic freedom.

The result is the simple, sad truth that we have created generations of fatherless children. And then, we blamed the fathers.

So this begs the question: why do we assume that men aren't capable of being good fathers and, to a disproportionate percentage, Black fathers?

There's a common narrative in our society that fathers who aren't married to their children's mothers are deadbeats until they prove otherwise. But that narrative is derived from a reality that was created by our own laws and structures, not by the fathers themselves. It's a false argument.

Even the fact that our nation calls this month of June "Responsible Fatherhood Month" creates an underlying assumption that father's aren't responsible to begin with.

In most cases, unwed dads aren't deadbeats. They are often a victim of systemic prejudices, many of which are a direct result of sexism and racism.

There is hope in breaking down these barriers and combating this false narrative. Here are some examples from county-level programs doing it right:

- Fatherhood groups that empower dads to know about their rights and to provide resources

to overcome barriers.

- Child support agencies that have shifted from a focus on “enforcement” to a focus on support, by providing alternatives to jail and license suspensions for parents who are struggling to pay support.
- Laws being revised to create a presumption of equal parental involvement.
- Legal Aid organizations that are increasingly developing projects to help fathers and mothers who have been wrongfully denied access to their children.

By changing the narrative, we can create real change. And that change is no more simple (and no less meaningful) than this: giving kids throughout our state their dads back.

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