

Dads deserve our help too

In Ohio, as in many states, we treat the rights of parents differently depending on whether or not they were married when the child was born.



by John Petit, managing attorney

In the legal aid world, we work with groups of people who face common inequities. They tend to share challenges that often can't be solved without legal help. And we're usually pretty good at knowing who can benefit from our services. Indeed, many of our practice groups and policy efforts are built around these communities - the working poor, low-income tenants, single-mothers, survivors of violence, those who face discrimination because of the color of their skin or who they choose to love.

As legal aids evolve, we need to keep our eyes open to groups who could use the power of the law to solve problems and improve collective wellbeing. Perhaps society changed and a new dynamic was created - or perhaps they've been in front of us all along.

With June marked as [Responsible Fatherhood Month in Ohio](#), it's a good time to talk about one such group - dads. The needs of fathers can often be overlooked. This is even more so, when considering fathers who have faced barriers or have been marginalized. As a society, we have been gathering momentum around the idea of making sure fathers' voices are heard, their barriers are removed, and stigma is addressed. Collectively, we're acknowledging that it's usually best for children when both parents are meaningfully involved in their lives. And on the flip side, [it's healthy and positive for dads too](#). This movement likely found its roots in the '60s and '70s when divorce rates first started sky-rocketing and then thereafter when children born out of wedlock started to

approach close to as many as those born of a marriage.

In Ohio, as in many states, we treat the rights of parents differently depending on whether or not they were married when the child was born. Parents stand on equal footing when kids are born during a marriage. However, if a child is born to an unmarried mother, she retains all custodial rights until the father can access and navigate the court system. This creates an extra burden for fathers – [especially Dad's of color where the birthrate to unmarried mothers is about 7 in 10 versus less than 3 of 10 for whites and 1 in 10 of Asian Americans.](#)

Court ordered parenting time is an arena where dads face unique hurdles. Aside from court costs, there are often substantial fees involved for fathers after a case is filed including Guardian Ad Litem fees which often are in the thousands of dollars, payment for supervised visits which may be ordered if the father has not been involved with his child regardless of fault, drug testing, psychological evaluations and the like which can be requested by either party. We haven't even touched on attorney fees which can be in the tens of thousands of dollars. While most courts now recognize that it's important for both parents to be involved in a child's life, many dads still struggle to get equal or adequate parenting time because of these financial and navigational burdens.

[In a recent Big Ideas,](#) we talked about new proposed legislation that would enact rebuttable presumptions of equal shared parenting amount. Some advocates believe setting a new starting point would do a lot to change attitudes within the system and among its many participants. Nonetheless, certain dads have a harder time - in both society and in the legal systems. These include low-income fathers and dads who are people of color. These individuals clash with the criminal system at higher rates and already face individual and systemic discrimination and bias.

Without help from legal aids, many low-income fathers will simply not be able to successfully navigate the legal system. Most private attorneys shy away from pro bono work in family law – especially litigating parenting time disputes. Without legal help, we will continue to exacerbate the problem of children, especially those of color, not having a father actively engaged in their lives. Many of our legal aid clients in all of our practice areas have made bad decisions or even worse acted in harmful or hurtful ways to themselves or others. We don't automatically discard them for that.

In fact, we recognize that legal help in a vacuum doesn't solve the problem. In other areas where we engage in family law, we realize the need for holistic support and seek collaborations and funding to do so. A great example is our work for domestic violence survivors. We work closely with victim advocates, shelter organizations and seek funding sources for legal assistance to provide well rounded services. We do this despite the fact that these clients aren't perfect - possibly bringing criminal pasts and addiction issues with illegal substances into the equation. We don't turn our back on them because of their challenges or because they may be challenging to work with. Rather, we loop in supportive organizations who can provide counseling and other services to supplement legal assistance because ultimately they will have a better chance of success. We do it because we know the importance of freeing victims from abuse so they can become survivors and lead

meaningful, safe and productive lives.

Consider what's possible if we do the same for fathers - how would this approach help not only dads, but their children and generations to come? Like all clients, and all of us as humans - no dad is perfect. Some dads have made poor choices. Some have failed at past opportunities to be involved with their children. Some have struggled with substance abuse issues or committed crimes.. Many come into the system with poor conflict resolution skills, poor communication skills, or anger management issues. But we can work with collaborative partners who can provide support like fatherhood groups and organizations that offer visitation, group support and parenting workshops. We can seek funding sources to provide legal assistance to these fathers like we do in other areas of our practice. Ultimately we can see the benefit of removing barriers so that fathers can work on themselves and develop a better relationship with their children.

Helping dads, especially those most vulnerable to being left out of our legal system, is at the very heart of what legal aid is all about.

“Injustice anywhere is a threat to justice everywhere.” - MLK Jr.

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Last updated on June 27, 2023.

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