

# Choosing foster parents over fathers

---

By Jeffery M. Leving and Glenn Sacks  
July 11, 2007

In the heartbreaking Melinda Smith case, a San Diego father and daughter were needlessly separated by the foster care system for over a decade. Last week, Los Angeles County settled a lawsuit over the case for an undisclosed sum. Yet a recent Urban Institute study found that the Smith case typifies the way the foster care system harms children by disregarding the loving bonds they share with their fathers.

Smith was born to an unwed couple in 1988. Her father, Thomas Marion Smith, a former Marine and a decorated Vietnam War veteran, saw Melinda often and paid child support. When the girl was 4, her mother abruptly moved without leaving a forwarding address. Two years later, Los Angeles County Department of Children and Family Services found that Melinda's mother was abusing her. Although the social worker for the case noted in the file that Thomas was the father, he was never contacted, and his then 6-year-old daughter was placed in the foster care system.

Thomas – whose fitness as a father was never impugned nor legally questioned – continued to receive and pay his child support bills. Authorities refused to disclose his daughter's whereabouts, and didn't even inform him that his daughter had been taken by the county. Smith employed private investigators and attorneys to try to find Melinda and secure visitation rights, but he eventually ran out of money.

Rather than allowing Smith to raise his own daughter, the system shuttled Melinda through seven different foster care placements. An understandably angry child, her outbursts led authorities to house her in a residential treatment center alongside older children convicted of criminal activity – when she was only 7 years old.

Melinda says that during this period she was told that her father was a “deadbeat dad” who had abandoned her. When Melinda was 16, she told an investigating social worker that the “most important thing” for her was to find her dad.

Moved by her story, the social worker began searching for Melinda's father – and found him in one day. In 2005, Thomas and Melinda finally were reunited.

Unfortunately, the Smith case is no aberration. When a mother and father are divorced or separated, and a child welfare agency removes the children from the mother's home for abuse or neglect, an offer of placement to the father, barring unfitness, should be automatic. Yet in the report “What About the Dads? Child Welfare Agencies' Efforts to Identify, Locate and Involve Nonresident Fathers,” the Urban Institute presents a shocking finding: When fathers inform child welfare officials that they would like their

children to live with them, the agencies seek to place the children with their fathers only 15 percent of the time.

Fathers can offer their children a sense of permanence, security and emotional support that a foster family (or a succession of foster care placements) cannot provide. Many foster children are pushed out of their homes and into a tenuous existence when they turn 18 and the foster parents no longer receive state subsidies. Fathers could be a valuable source of long-term resources and sponsorship for these young adults.

Child welfare agencies often operate on the assumption that the fathers of the children they've taken away from their mothers are, like the mothers, unfit or uninterested in parenting. Yet many of these men are loving fathers who have been forced out of their children's lives by mothers who denied visitation, moved away and/or hid the children or employed spurious abuse charges.

“What About the Dads?” makes it clear that many child welfare workers treat fathers as an afterthought. The report found that even when a caseworker had been in contact with a child's father, the caseworker was still five times less likely to know basic information about the father than about the mother. Just as with Thomas Smith, 20 percent of the fathers whose identity and location were known by the child welfare agencies from the opening of the case were never even contacted.

These policies are harmful and misguided. One shudders to think how many little Melinda Smiths are lost in the foster care system right now – being raised by strangers, and denied their father's love.

---

■ Leving is a family law attorney ([www.dadsrights.com](http://www.dadsrights.com)) and the author of “Fathers' Rights: Hard-hitting and Fair Advice for Every Father Involved in a Custody Dispute.” His Web site is [www.dadsrights.com](http://www.dadsrights.com). Sacks writes extensively on men's and fathers' issues ([www.GlennSacks.com](http://www.GlennSacks.com)).