

CONVERGING TRENDS IN FATHERING AND REENTRY COURTS

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Fathers' problem-solving courts are increasing across the country, as are programs for ex-prisoners. This article reviews the current state of the field, the diverse roles courts currently have, and discusses success factors not usually identified as best practices in problem-solving courts.

Several converging trends point to the potential of problem-solving courts—or court-engaged problem-solving programs—for fathers and reentry fathers. While fathering and reentry programs are not one and the same, the population they serve is substantially the same: fathers with multiple barriers to employment, including poor education and training, criminal backgrounds, mental- or physical-health issues, poor organization and life skills, and low incentive to contribute support to their families (Sorensen, O'Brien, and Mincy, 2009).

Evaluations of fathering and reentry courts or programs have also independently converged on the same finding: that the solution is also substantially the same. Addressing the root causes of employment problems is critical, rising above sanctions such as jail time (e.g., Greenwald and Husock, 2009; Schroder and Doughty, 2009). Results can also include returning far more in child support dollars to the justice system than the programs cost.

Why Should Courts Be Involved?

There are three reasons courts may consider involvement in fathering court (or court-engaged) programs: community need, the potential for financial and family successes, and judicial centrality.

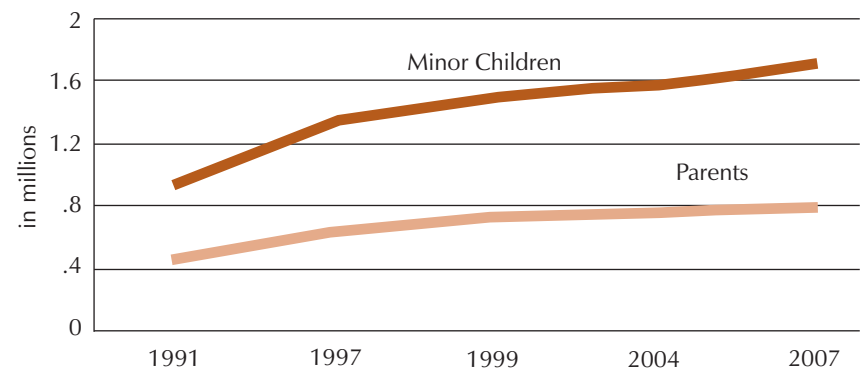
Community Need. First, community need may be compelling in many jurisdictions.

Results [from fathering and reentry courts] can also include returning far more in child support dollars to the justice system than the programs cost.

Child support payments accounted for 30 percent of income for families with incomes below the federal poverty guidelines, and 15 percent of income for families between 100 and 200 percent of the poverty guidelines in one large study (Fraker et al., 2004). Of the wave of ex-prisoners reentering communities, about 50 percent will be fathers of minor children. In the United States this year alone, 700,000 ex-offenders will be released, with heavy concentrations in the major cities. Nearly 40,000 will be released in Philadelphia, for example. Among individuals with high child support arrears, incomes below \$10,000 annually are common. The opportunity to help these individuals and their families lies in the fathers' employment.

Potential for Financial and Family Success. Problem-solving programs for fathers of minor children can be cost-effective. Alabama's fathering-court programs return \$2 in child support for every \$1 spent to operate them. Administrators in the pilot fathers' courts in Texas report a return of \$4 for every dollar spent. There may be good reasons these programs' results are different, but the point here is that cost-effectiveness is possible. The Jackson County, Missouri, Fathering Court has also collected over \$3 million in child support from participants, compared to \$47,000 collected previously from these participants.

Estimated number of parents in state and federal prisons and their minor children.



Source: Bureau of Justice Statistics

Where fathering curricula are used (Alabama and Kansas City use them, Texas does not), results show that participants achieve a significant new understanding of fathers' roles and a new ability to fulfill those roles. Kansas City reports that after participation, 100 percent of dads say they talk to the mother about the child, up from 68 percent before the program; 100 percent "talk to my child a lot" compared to 74 percent prior. Sixty-nine percent have regular physical participation in their children's lives, compared with 43 percent prior.

Alabama's 21 fathering courts use different measures, but also find good outcomes. Alabama's evaluation found big increases in individuals' commitment to advancing education and employment skills and to family involvement. Very positive results were shown on measures ranging from knowledge of how to respond to children's needs, knowledge of positive parenting, knowledge of nurturing behaviors, and interest in participating more in children's lives (Department of Child Abuse and Neglect Prevention, 2008).

Integral Judicial Role. Judicial orders are considered essential by some, including orders to mandate participation, thus improving the chances a recalcitrant noncustodial father will participate. Judicial orders are, of course, essential to jail sanctions, although this is less successful than might be imagined (more on this shortly). Courts are also necessary to mitigate (where possible) accumulated child support arrears that are disincentives to improve the situation. The commitment of the courts—rather than of individual judges—to the problem-solving process is very important to sustaining programs long-term. Thus, even when programs are not administered by the courts, the courts' role is central.

State of the Field

Fathers' and reentry fathers' programs have converging social and financial potential, but what is or is not a fathers' court has not been agreed upon. There are currently three formal fathering courts: Jackson County, Missouri (Kansas City), Lee County, Florida (Ft. Myers), and Wake County, North Carolina (Raleigh). There is also one hybrid fathering-reentry court in Washington, D.C., and one planned for 2010 in Connecticut.

Texas and Alabama have statewide problem-solving programs with integral and central judicial involvement, but that are administratively housed outside the courts, and both states call these programs "fathering courts." Alabama's program has been in place for ten years; Texas's was begun in 2005, and will soon involve 21 counties. In addition, New York has one court-based problem-solving father program, but does not call it a fathering court. Iowa is planning for a fathers' program with integral court involvement, but that will not officially be a court. New York also has four other fathers' problem-solving programs not based in courts. Connecticut is also planning a fathering reentry court.

Counting *both* court-based and non-court-based programs (such as in Texas and Alabama), there are a total of 81 fathers' courts/problem-solving efforts currently underway and from which we may learn. Whether or not programs are court based, key success factors are the same, and there is substantial activity underway that can inform new or existing programs.

Key Practices in Fathers' and Reentry Problem-Solving Programs

There is too little space here to discuss all best practices in detail, and a great deal has already been said about reentry and other problem-solving courts. The discussion here will focus on a few critical key factors that have not already been discussed extensively. A table of recommended practices also follows.

Employment Service Factors. Evaluators of both reentry courts and fathering courts/programs have found that *employment* is key. For example, a study by Manpower Demonstration Research Corporation found that *getting a job and getting one quickly* is the key to a better life for ex-offenders (Greenwald and Husock, 2009).

Employment speed, then, is an important factor. Managing the key, early transition phase thus becomes crucial (Office of Child Support Enforcement, 2006). Several programs use paid transitional, subsidized jobs as the front-line strategy, but immediate help finding higher-level work for those with higher skills should also be a priority. A New York reentry program places participants immediately in a four-day life-skills-and-evaluation class, then in a subsidized program worksite where they are paid minimum wage daily. The work comes from a contract for

maintenance and repair work on local government facilities. Their participants work four days a week, and spend the fifth day in job development activities, thus concurrently working toward longer-term goals.

Beyond immediate employment, successful employment programs leverage an array of creative strategies. One Alabama program director personally recruits employers and sends both employers and participants to a *for-profit* employment search service. Employers pay the normal fee; participants are screened and referred to *all* appropriate employers. A New York program recruits and places participants in employment through a city-run employment center. Large employers as partners can help employ many with different skills and help participants climb the employment ladder.

Oddly, just one evaluation to date has looked at *service quality* or measures of services actually received (Fraker et al., 2004). That evaluation found that just 33 to 45 percent of participants actually received the primary intended services: job readiness training, work skills enhancement, and job search assistance. (The evaluation did not attempt to explain why these results were obtained.) Programs should ensure that *data* are available on which to regularly evaluate services and that these services actually meet the needs of participants. So that data collection does not impede program delivery, guidelines should be established that clarify what data are needed, to whom the data should go, and when positive or negative events should be noted. Quality and services received should be related to retention and, thus, to cost-effectiveness, which relies on boosting the number effectively served.

Leveraging Existing, Funded Services. Fathers' and reentry courts or programs generally operate by leveraging existing funding, since to create programs from new funds is difficult. Leveraging other services is key, since employment itself rests on *solving other issues*, such as housing, transportation, job-seeking/retention skills, education, mental health, substance abuse, or physical illness. Where new funding is needed, the Manhattan Institute's review of potential funding sources for employment and training programs may be helpful (Greenwald and Husock, 2009). Workforce and reentry funding are very closely related, since reentry and fathers' courts participants' issues circle around low education and low job skills.

Best results will also be obtained by linking a committed, collaborating ring of service providers. The program director then engages this high-level group, while the case managers are the hub for day-to-day participant and service activity.

Program Phase Design. Participant retention and recidivism, as well as cost-effectiveness, can be affected by a program's design in time-related *activity phases*. The speed of employment in the very first days is one example. To further understand how phase designs affect outcomes, consider the fathers' program where participants go through a sequential, linear process. First, the court mandates participation, and sends individuals to a program office in the courthouse. About 37 percent of referrals decline to participate at this point. Those who participate then go to orientation then sequentially, go to parenting and soft skills training and, finally, receive employment placement services. Attrition is a problem throughout, resulting in about 5 percent of original recruits being actually helped to find employment. Since employment is key to success, the phasing of this program is working at cross-purposes with its hoped-for outcomes.

Other evidence of the importance of phase design comes from Harlem's reentry courts, where 100 percent of participants were successful in avoiding re-incarceration from months 1 through 4 (through 120 days, or the end of the second 60-day period). About 5 percent relapsed in the second phase, and another 20 percent relapsed in the phase "180-365 days" (Farole, 2003: 70), keeping in mind that these are phase descriptions rather than actual days in process. Judicial oversight is significantly loosened in Harlem's later phases.

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Oddly, just one evaluation to date has looked at service quality or measures of services actually received, although programs' effectiveness must be central to recruitment, motivation, retention, and to all outcomes.

Although existing research does not directly link judicial oversight and recidivism, some factor in Harlem's phase design does seem to be involved. It may be that other factors in phase designs, such as a programs' ability to transition participants into higher income and sustainable employment, may be the important ingredient. But, regardless, it should be noted that phase design matters.

Incentives and Sanctions

Incentives and sanctions are a well-known component of problem-solving courts. The discussion here, thus, will focus strictly on a few key issues affecting incentives and sanctions for fathers' or fathers' reentry courts.

There has been little research linking incentives (or sanctions) to outcomes in these kinds of courts, but what is there is interesting to note. In Texas, evaluators found a reasonably high correlation between payment of child support and jail sanctions, but jail sentences were also *negatively* correlated with program participation. As jail certainty went up, then, program participation went down (Schroeder and Doughty, 2009). This might be both because individuals are incarcerated, and because a program that incarcerates readily may be de-motivating, as the Texas evaluator notes.

Informal social controls have been found to have a more direct positive effect on offender behavior than formal social controls (Farole, 2003), and operate through a social network. Effective programs may need to work on developing "concentric circles" of connection, forming a social network that connects and reinforces reentry into a community of non-offenders and employment.

Other types of incentives are also important. The New York city reentry program, the Center for Employment Opportunities (CEO), finds that early and consistent incentives that help participants work and stay committed to work (e.g., transportation fare cards, coupons for grocery items, and bonuses for consistent work) are an effective retention tool, especially for the lowest-income, most-difficult-to-employ group (Bryant, Gunn, and Henthorn, 2007). The classic problem-solving-court incentives are also relevant, such as public rewards for success.

Early and Ongoing Engagement

Engagement is another aspect of successful programs and should begin during prerelease or as early as possible in the entry phase. *Engagement* means that an individual is helped to internalize the program's goals and strategies.

Programs/courts can improve engagement by using a variety of strategies. Participants can help develop their employment and overall case plan. Behavioral contracts can build on those plans, clarifying expectations and responsibility, and can include the schedule of graduated sanctions as well as incentives (Farole, 2003). Fathering curricula may also help to develop internal motivation. One curriculum, *Quenching the Father Thirst*, uses experiential learning exercises, such as encouraging participants to describe their own ideal father; these descriptions are then discussed with the group (Williams, 2007). This type of activity helps participants to perceive their own needs and, through this, to engage with their children's needs, to "get it" internally, and to see their responsibilities differently. Participants themselves report that this is very motivating.

Conclusion

Courts may wish for more detail and so may be interested in a more elaborate white-paper report available from NCSC. The following best practices checklist follows Lindquist, Hardison, and Lattimore's organizing device (2003), mapping recommended practices to the general flow of events in reentry and problem-solving courts. Given the potential of fathers' problem-solving courts or programs, it is hoped this brief introduction to their converging trends will be a useful starting point.

BEST PRACTICES CHECKLIST

	Best Practice Area	Specific Practices to Consider	Already Doing Well	Needs Action Plan	Not Appropriate/ Feasible
1	Interagency Collaboration	Establish MOUs, etc., with all relevant agency heads. Create mechanisms for lasting (ongoing) commitment to engagement and action.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Participant Recruitment, Intake, Assessment, and Case Planning	Clearly describe the target population and linked recruitment selection processes, revising as implementation proceeds.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		Develop strategies to thwart built-in resistance strategies that can stymie recruitment. Cultivate readiness and motivation through early interventions designed to build engagement and motivation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		Use appropriate baseline assessment tools, risk-screening tools, and/or self-assessment tools.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		All interrelated staff empower the case manager and synchronize planning efforts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		Services and supports are relevant and meaningful to individual participants.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Active Oversight	Participants witness others' appearances and are publically rewarded for successes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		Reassessment of participants' challenges and strengths is ongoing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		Individual responsibility and public safety are balanced; neither is sacrificed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10		Specified court oversight includes the intensity of oversight during case progression, the duration, method for transitioning from phase-to-phase, and effectiveness.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11		Relevant, linked program leaders interact to facilitate commitment, information sharing, and program delivery (problem solving).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12		Commitment to goals and strategies, from the interrelated agencies, to sustain the program.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Management of Support Services	Identification of needed resources, including job-training programs, private employers, faith-institution programs, counseling or other mental-health services, family members, housing services, transportation, and community organizations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14		Assessment of requirements for access to services, and assistance with ways to overcome obstacles to receiving services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15		Employment and training services are developed using a variety of strategies appropriate to the court's location.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16		Case manager knows and aligns philosophies, practices, costs, locations of services with participants, so that linkages can be quick, efficient, and effective.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Best Practice Area	Specific Practices to Consider	Already Doing Well	Needs Action Plan	Not Appropriate/ Feasible
17	Developing social support networks is considered an objective.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Quality reviews ensure that services are meeting participant needs, and that a communication loop exists between participant and provider.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	While the ideal content of fathering classes is not yet well defined, teaching theory suggests the importance of specific content and an effective experiential learning component through which participants internalize ideas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Processes are established for meaningful contact with children.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	Processes are established to encourage custodial parents to work productively with fathers/parents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	Case Management	Clearinghouse individual coordinates and oversees plans and services.	<input type="checkbox"/>	<input type="checkbox"/>
23		Case manager evaluates behavior and advocates for rewards/sanctions as appropriate.	<input type="checkbox"/>	<input type="checkbox"/>
24		Regular meetings with participants enhance proficiency, compliance, progress, and self-esteem.	<input type="checkbox"/>	<input type="checkbox"/>
25		Judge and supervision officers empower case managers.	<input type="checkbox"/>	<input type="checkbox"/>
26		Service delivery is monitored, coordinated, and evaluated.	<input type="checkbox"/>	<input type="checkbox"/>
27	Information Management Sanctions and Incentives	Guidelines identify what information is critical, including both positive and negative events, to whom it must be conveyed, and when it should be conveyed.	<input type="checkbox"/>	<input type="checkbox"/>
28		All staff monitor early warning signs of relapse or psychosocial crisis, and promptly intervene via “motivational interviewing” and crisis management skills.	<input type="checkbox"/>	<input type="checkbox"/>
29		Supervision and law-enforcement officers observe and report participant behavior in the community.	<input type="checkbox"/>	<input type="checkbox"/>
30		All best practice data elements are regularly collected and available for shared access.	<input type="checkbox"/>	<input type="checkbox"/>
31		Response is swift, predictable, and consistent.	<input type="checkbox"/>	<input type="checkbox"/>
32		Sanctions are related to the magnitude of the event and individual’s history and plan.	<input type="checkbox"/>	<input type="checkbox"/>
33		Program efficacy in supporting rapid and sufficient employment should be understood as the central incentive for participation.	<input type="checkbox"/>	<input type="checkbox"/>
34		Milestones are recognized and rewarded in a public forum. A public forum for rewards is desirable.	<input type="checkbox"/>	<input type="checkbox"/>

RESOURCES

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