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## OVERVIEW

An absent parent who may have an interest in creating a parental relationship with the child is more likely to become involved in the case service plan if included early in the proceedings. Permanency for the child may be delayed when an absent parent asserts parental rights after a permanency plan has been established. Therefore, it is important to begin the search for an absent parent at the very beginning of a case.

## DEFINITIONS

Michigan Court Rule (MCR) 3.903(7) defines a legal father as any of the following:

### Legal Father

- A man married to the mother at any time from a child's conception to the child's birth, unless a court has determined after notice and a hearing, that the child was conceived or born during the marriage but is not the issue of the marriage.
- A man who legally adopts the child.
- A man who by order of filiation or by judgment of paternity is judicially determined to be the father of the child.
- A man judicially determined to have parental rights.
- A man whose paternity is established by the completion and filing of an acknowledgment of parentage in accordance with the provisions of the Acknowledgment of Parentage Act, MCL 722.1001 et seq., or a previously applicable procedure. For an acknowledgment under the Acknowledgment of Parentage Act, the man and mother must sign the acknowledgment of parentage before a notary public appointed in Michigan. The acknowledgment must be filed with the state registrar at either the time of birth or during the child's lifetime.

### Putative Father

Putative father is defined as an alleged biological father of a child. A putative father can only exist where a child has no legal father. If a legal father exists, a putative father may not participate in a child protective proceeding. If the legal father's presumption of paternity is rebutted, or if no legal father exists, the court may conduct a putative father hearing to identify the alleged father, notify him, and

allow him to legally establish paternity of the child. Once a putative father legally acknowledges paternity of a child or the court determines that he is the child's legal father, he may participate in the child protective proceedings.

## **ABSENT PARENT PROTOCOL**

The Absent Parent Protocol was developed to ensure caseworkers and the courts address the absent parent issue as early as possible in child protection proceedings. Failure to address the absent parent has been a barrier to timely permanent placement for children. Caseworkers should expect the court to question the specific efforts made to identify and locate absent parents.

The Absent Parent Protocol publication is available on the DHS Public Website under Foster Care Forms and Publications or by accessing the following link:

<http://courts.michigan.gov/Administration/SCAO/Resources/Documents/standards/APP.pdf>

Refer to this document for additional information on identifying, locating, and notifying absent parents in child protective proceedings.

## **IDENTIFYING THE LEGAL FATHER**

To identify whether there is a legal father or a putative father, the procedures below must be followed.

- Determine whether the mother was married at the time of conception and/or birth by talking with the mother and/or relatives.
- Obtain divorce and child support information, including the county where these proceedings may have occurred, by interviewing the custodial parent and/or relatives.
- Review the birth certificate to see if a father is listed.
- Ask the child about his/her father. Determine if the child or someone s/he knows is aware of the father's possible whereabouts.

- Contact the Friend of the Court to ascertain if anyone has been paying support.
- Contact the Family Division of Circuit Court to determine whether there is an order of filiation filed.
- Contact the probate court to determine whether there is an affidavit of parentage filed.

### Location Efforts

Location efforts must be documented in all case service plans and in the social work contacts section of the case service plan. Efforts include but are not limited to the following actions:

- Statewide Bridges inquiry.
- Secretary of State inquiry.
- Search of telephone book or an online phone book.
  - <http://www.whitepages.com>
- US Post Office address search.
- Friend of the Court inquiry.
- Check with county clerk's office for vital statistics.
- Contact the last place of employment.
- Follow up on leads provided by friends and relatives.
- Legal publication (court action).
- Search of social networking sites.
- Contact local jails and state prisons.
  - <http://www.bop.gov/iloc2/LocateInmate.jsp>
- Offender Tracking System inquiry.
  - <http://www.state.mi.us/mdoc/asp/otis2.html>

### Federal Parent Locator Services

The Adoption And Safe Families Act authorized the use of the Federal Parent Locator Service (FPLS) for caseworkers. If the absent/putative parent's Social Security number is known the FPLS must be used. The FPLS obtains location information from:

- The Department of Defense.
- Federal Bureau of Investigation.
- National Directory of New Hires.
- Veterans Administration.
- Social Security Administration, including employer/beneficiary names and addresses.

**Note:** To request information from the Federal Parent Locator Service (FPLS), caseworkers must send an email to FIA-OCS-CFU-Staff1@michigan.gov for further information.