

SPECIAL ISSUE: SEPARATED AND UNMARRIED FATHERS AND THE COURTS

For every complex problem, there is a simple solution. And it is always wrong.

—H. L. Mencken

A recent (and probably the first of its kind) international gathering of researchers, practitioners, jurists, and policy types struggled with how to assist the world's nations and peoples in promoting positive and responsible relationships between men and the children in their lives. As the conference struggled to reach consensus, we were more struck by the similarities rather than differences in the barriers that vastly diverse nations face in this task. We concluded at the end of the week that (a) fathers are increasingly salient in the fate of the planet's children, (b) there is a global trend toward more children growing up absent their biological fathers, and (c) the diversity of nurturing domains that raise children could do a better job facilitating the positive interactions between men and kids while simultaneously discouraging the negative. These are no longer isolated, provincial concerns, and dads living apart from their children represent various kinds of social arrangements that could be helped to work far better for any community's children.

While soliciting papers in our role as guest editors for this special issue on fatherhood, Mencken's pithy caution rang in our ears. We wanted to explore populations of fathers that have traditionally received less attention, except in public policy debates centering on the difficulties surrounding their lack of involvement in the lives of their children, and shed new light on those still darkened places. We purposefully set out to tap into the worlds of incarcerated, substance abusing, unwed, and rightfully or wrongfully accused men to see what we could learn about their fathering. We had not expected all of the articles to deal in some way with issues surrounding unwed fathers—separated and often never married. But each article's theme illuminated some aspect of this obviously cross-cutting, increasingly universal, sticky wicket for the courts.

As readers and contributors to this journal, we know how little time or patience its readers have for the irrelevant and/or uninformed. We have therefore assembled cross-discipline thinkers and doers in the field of family law that have found themselves at the edge of a growing and increasingly complex problem: the courts' address of the unmarried father and his role in the life of his children. On these pages you will not find simple solutions but rather improved and more germane questions, conceptualizations, ideas, and interventions that hold promise for those of us who work with unmarried fathers and their children in hopes of improving the lot of their entire families.

The section begins with an article by Insabella, Williams, and M. K. Pruett that introduces the unwed theme specific to fathers with young children from a research and clinical perspective, examining individual and coparenting differences between divorcing and unmarried fathers. With implications for family court services directed at such families, this is the latest data from the combined research and intervention study in Connecticut known as the

Collaborative Divorce Project. Of the families enrolled, 36 have child-rearing circumstances in which there are unmarried fathers. Information about how the groups are similar and different in characteristics and relationships with their children's mothers are derived from the families' parenting plans, court databases, and parent reports, reviewed with an eye toward maximizing effective services in the legal system for unmarried couples.

Pearson and Davis follow with a timely discussion of programs that serve fathers who are leaving prison and returning to their families and/or their fathering responsibilities. They profile incarcerated men as fathers who are struggling against recidivism with the help of community- and prison-based interventions. This article adds to the literature addressing effectiveness of reentry programs in promoting prosocial behavior and decreased recidivism in Colorado as investigated in 350 ex-offenders. We hear in their discussion that some aspects of intervention help and others do not, but that multiservice programs and comprehensive evaluations of their efficacy for paroled and released offenders need to be more readily available than at present if things are to improve for children.

An examination of the shared assumptions underlying the child support guidelines widely in use, conducted by Fabricius and Braver, is the next contribution. The authors explore the world of financial responsibility and contributions made by men not living with their children over a period of years, challenging current images of derelict dads. Suffice it to say, in their conclusions they find many of these assumptions wanting. Using a retrospective, questionnaire-generated database from 612 young adults of divorced parents, the authors offer empirical research insights into what obligors actually and voluntarily bear in terms of total child-rearing expenses, beyond the responsibilities mandated by child support agreements.

From their extensive clinical and research expertise with substance abusing populations, McMahon and Giannini highlight the challenges and missed opportunities when the fathering status of men engaged by the family court and therapeutic efforts are squandered. The authors raise the awareness of family court personnel regarding stereotyping of these men, and the problems such stereotypes engender for men seeking to be involved fathers. The authors introduce data about positive parenting attitudes and behaviors, as well as the difficulties, that often drown out possibilities for men to adequately nurture their children when caught up in substance use and compromised by serious psychological symptomatology. The article encourages the principles of therapeutic jurisprudence, and supports the use of clinical assessment and treatment resources to minimize, whenever possible, the risk for undesirable developmental outcomes suffered by children with substance abusing fathers.

How many times has the advocate, the parent, or the child wondered, "What on earth was the judge thinking when the decision affecting our lives was handed down?" Jurists Sharon Townsend and James Menno together combine for nearly two decades of expertise in different family court jurisdictions to answer this often-privileged question. Through the eyes of these judges, we see two perspectives on the different models of fathering that are coming before the courts today. They both struggle against the well-known predisposition of the law to remain static and homogenize the human dilemmas that come before them. Through different perspectives, they encourage the courts to open their minds and procedures to increase the flexibility of the courts' response to unmarried father and child relationships.

Next, Brown brings her experience in the domains that generate and hide child abuse, through data and conclusions from two Australian studies begun 6 years apart and conducted in family courts. Her findings from an experimental family court program profiles families in which child abuse allegations are being made, shows practitioners how to better manage dispute and residency decisions under the searing pall of such allegations, and raises questions

about how to improve the services available to such families. The men in her study are examined from the dichotomous domain of being simultaneously the most frequently substantiated and unsubstantiated perpetrators. She ends with a set of clear recommendations which need to be heeded by the courts if we are to reduce the pain and suffering endured by these families.

Finally, Gadsden and her colleagues take on stereotypes about young, low-income, African American boys and men living in urban settings. The authors examine the transition to parenthood from a culturally specific perspective, individual identity formation regarding parenthood, and how domains of family, peers, and the legal system serve as barriers and resources in the men's development as fathers. They found that, contrary to most stereotypes, these young men are more often involved with their children early on as both providers and caretakers, and that their involvement is sustained over time—although often not without periods of weaving in and out of their children's lives. Their own research examines these domains that affect this young population of fathers, and the transformative events, as depicted by the men, that bring them back to their roles as involved fathers.

When you have finished with this special issue, you may find yourself longing even more for simple solutions, despite H. L. Mencken's discouraging words. But the authors of this section, we believe, join the editors in saying that, for the time being, it is far more useful to settle for more clarity than simplicity in the contexts of passion, compassion, and understanding. There is a certain immorality to not knowing the forces that shape unmarried fathers' relationships, leaving courts and advocates to founder on the case-by-case shoals. We believe this special issue serves as a beginning compass point that gives practitioners, thinkers, and interpreters of the law some very useful navigational aids to avoid loss of steering while charting these unfamiliar territories.

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