

EXECUTIVE SUMMARY OF A STUDY OF PATERNITY DECISIONS:
PERSPECTIVES FROM YOUNG MOTHERS AND YOUNG FATHERS

Highlights from the full report submitted
to the Ford Foundation, February 12, 1991.

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EXECUTIVE SUMMARY

INTRODUCTION

Previous studies have examined young peoples' decision-making about sexuality, parenting, and other social behaviors, but this is the first systematic attempt to identify factors that influence young unmarried parents' decision to establish legal paternity for their out-of-wedlock (non-marital) children. It builds on a previous exploratory study ("Issues in Paternity Adjudication for Teen Parents") funded by the Ford and McKnight foundations and the Center for Urban and Regional Affairs, University of Minnesota, that revealed the pivotal importance of establishing paternity for the out-of-wedlock child. Benefits most commonly associated with paternity are child support, health care, and inheritance. Other benefits, however, can include Social Security entitlements earned by fathers and benefits given to military families including health care, housing allowances, commissary and post exchange privileges, and financial aid for education. In addition, paternity may provide important genetic information, family medical history, and the beneficent value of a birth certificate that includes a father's name.

In spite of these advantages, an escalating number of children are growing up without legal paternity. To appreciate the magnitude of the problem, note that the last available census showed that 90 percent of births to young African-American women and 49 percent of births to young white women were out-of-wedlock. The federal government, since 1975, has enacted a series of mandates designed to increase the rates of establishing paternity. The latest federal effort, the Family Support Act of 1988, gives stringent requirements to expedite paternity procedures for all out-of-wedlock children in the nation, AFDC and non-AFDC status alike.

Despite increased policy interest and more than a decade of legal decisions establishing entitlements for out-of-wedlock children, significant barriers remain, frustrating equal protection efforts to safeguard the interests of these children. The number of paternity actions remains inadequate to serve a growing generation of children born to unmarried parents. Although the data, as reported state by state, have varying degrees of reliability, generally, only one child in three born to unmarried parents has paternity established.

This study was designed to identify from the point of view of the parents themselves, those factors that encourage or discourage the "avowal" or "disavowal" of paternity. The findings from the study may provide a more complete understanding of the circumstances of this critical decision, and thereby inform both program and policy decision-makers on an issue that has long-term consequences for the social and economic status of children born out-of-wedlock. The research philosophy assumed a child-centered focus. One distinction of this study is that it is based on separate interviews with both mothers and fathers of the child(ren). A second distinction is the use of a multi-racial data base.

A thirty-three-page questionnaire formed the basis for in-depth interviews with 334 unmarried young parents, conducted by same race, same gender graduate students. The participants were drawn from a pool derived from Hennepin County's AFDC and IV-D files. Mothers age 21 and younger who had a child born out-of-wedlock that was 12 months old or younger and the fathers of these children were the study participants. The study explored family and peer experiences, attitudes and expectations, and demographic and socio-economic variables that differentiated parents who acknowledged paternity and those who did not.

Readers of this report will need to know that Minnesota, like most states, provides two methods by which paternity is established. In one, parents sign a form, the *Declaration of Parentage* (sometimes known as an "Affidavit of Paternity," or some variation of this) before a notary public (Minnesota Statutes 257.34). This allows the father's name to be entered on the birth certificate. Typically, the declaration is signed at the hospital following the birth of the child. The declaration is considered a presumption of paternity for a wide range of benefits. In practice, however, child support, custody and visitation rights are, typically, left to court adjudication. In a few local jurisdictions, however, the declaration is valid for establishing child support.

The second method of establishing paternity requires court action. This method, commonly known as *Adjudication of Paternity*, usually begins with a legal notice to the father, often delivered by the sheriff, alleging fatherhood and ordering him to appear in court for a hearing. The court proceeding usually combines the issue of paternity with issues of child support, custody, and visitation in one or several hearings (Minnesota Statutes 257.66 Judgment or Order). A judge presides over these hearings or, in a growing number of jurisdictions, hearings are conducted by administrative personnel in uncontested cases and signed off by a judge.

Whether or not the findings from this study can be generalized to all young unmarried mothers on AFDC and the fathers of their children is open to question. It is our judgment that the parents interviewed, multi-racial and across gender, were very poor. The urgency with which they requested the participant fee, along with biographical details in the interviews, reinforce the poverty and near-poverty status of children born out-of-wedlock whose mothers rely on public assistance for their major source of income.

"They tried to serve papers, but he told them he wasn't there when they talked to him at the door. In court, he was a 'no show.' They haven't pursued it."

young unmarried mother

RECOMMENDATIONS

- Make the *Declaration of Parentage* a routinely available document for purposes of establishing paternity. Although, the Declaration of Parentage can be signed before a notary public in various settings, the hospital setting should be the focus of attention.
- Decriminalize the procedures for those parents who voluntarily wish to establish paternity for their child. Disentangle voluntary establishing paternity from issues such as child support, visitation rights, and custody. Maintain the court system for settling challenges to paternity allegations and for assessing the circumstances about fairness in child support, visitation, and custody orders.
- Focus attention and support on the parents' decision while the mother and newborn are still in the hospital. This presents a unique opportunity for establishing paternity that is currently being overlooked. This study shows almost two-thirds of unmarried fathers, both African-American and white, attend the births of their children, and that both parents describe strong, positive feelings about the birth of their child. Further, 80 percent of parents, across racial lines, stated that it is important for the father's name to be on the birth certificate.
- Mandate that hospitals be made responsible for presenting written and oral information to both parents on child benefits that flow from the

Declaration of Parentage. Explanations of the rights and responsibilities of fathers should also be available.

- Require that culturally sensitive materials, adapted to low literacy levels, be made available. A non-threatening environment and legal referral sources should be maintained for young parents requesting legal assistance.
- Reinforce the societal value of the *Declaration of Parentage* by information programs specifically geared to social service, health, and other agencies concerned with children, youth and families. A more comprehensive information program aimed at the general public can also help create a climate of opinion that supports young unmarried parents' obligation to sign the declaration.
- A provision for challenges should be limited to eighteen months after the child is born. In order to constrain frivolous uses of the challenge, a blood test should be ordered if a challenge is raised. If the results are positive, then the challenge should be dismissed automatically.
- Exceptions must be maintained in policy and procedures to allow for instances when the legal link of father to child should not be encouraged, as with the "good cause exceptions" in current law.

We conclude that voluntary declaration of paternity can be encouraged. By using the declaration of parentage, a legal connection between father and child can be made efficiently and effectively. The strong interest fathers interviewed in this study showed in completing school and in job training leads us to believe that fathers can be encouraged to provide for the economic well-being of their children as well and allows us to end this study on a note of optimism.

CONCLUSIONS

Procedures for establishing paternity are presently enmeshed in confusing legalities. Identifying the *Declaration of Parentage* as a routinely available document for establishing paternity should counter the lagging paternity rates among the large and growing number of young, unmarried parents. Whether or not legally attaching a father to his child ensures a more optimum future for the child remains to be seen. However, in a life situation replete with uncertainties, paternity is an indisputable anchor.

HIGHLIGHTS FROM THE FULL REPORT

"I know if I die tomorrow, there'll be part of me here."

unmarried father after his baby's birth

"There's not a single feeling to describe it; take all the good feelings together."

another unmarried father after his baby's birth

"I feel very connected to this baby. I want my name on his birth certificate... Stay away from courts and red tape... They treat you like a second class citizen."

yet another unmarried father

DEMOGRAPHICS

In all, 334 unmarried mothers and fathers were interviewed separately, between September 1989 and March 1990. Of the total, 252 had partnered a child together (but were interviewed separately); the remainder were single parents for whom the partners could not be located. Of the 126 couples interviewed, 45 were African-American, 45 white, 32 inter-racial, and 4 American Indian. The eighty-two single-parent interviews were conducted with sixty-seven women and fifteen men.

The mothers ranged in age from fourteen to twenty-one, and revealed a pattern of childbearing that began in early adolescence. This was particularly the case with African-American study participants. All had a child twelve months old or younger. Fathers were aged fifteen to thirty-six.

INCOME AND HOUSEHOLDS

Generally speaking, the sample was a very low income group of young people, heavily reliant on public assistance, strikingly unstable in their

living arrangements, and often marginalized from work. The jobs they held were chiefly in the unskilled, part-time labor market and were often described as temporary. Yet, they were optimistic about the future for themselves and their children. However, it was the white males who showed the most pessimistic view of the future. Twenty-one percent believed the future would be worse for their children. Only 4 percent of African-American males shared this perception.

One in five reported less than \$500 in household cash income the previous month. Almost half reported between \$500 and \$1,000. Mothers reported less income than fathers. African-Americans had lower incomes than whites.

Fewer than 10 percent had lived at their current address for a year or more, and 88 percent had lived there for less than six months. These young families were on the move, doubling-up with family, friends, and relatives.

EDUCATION

Fewer than half of the respondents, across gender and racial lines, had graduated from high school. One-third reported a troubled school experience: disciplinary problems, truancy, and finally dropping out. White males more than African-American males reported unsatisfactory school experiences. Almost 75 percent across gender and racial lines, who were not in school, expressed an interest in going back to school, and showed a special interest in vocational-technical education.

LIVING ARRANGEMENTS OF CHILDREN AND YOUNG UNMARRIED PARENTS

The birth of a baby is not the result of a casual encounter. Almost half of the young unmarried parents had been living together before the birth of the baby, in periods varying from a few months to a few years. However,

having a child does not bond fathers into a family formation. Approximately 75 percent of respondents were not living with their partners and their child following the birth of the child.

In the year following birth, whether or not they had established paternity, 80 percent of young unmarried fathers took care of the baby in some way. Many describe their feelings toward the baby with warmth, a caring attitude, and a feeling of responsibility.

Nevertheless, a family formation, which includes the father under one roof with the child, is formed in only one out of four instances. Fathers and mothers, across racial lines, move separately into a variety of kinship, sometimes friendship, networks following the birth of the baby.

These young families are on the move, doubling up with friends and relatives. More than 88 percent, across racial lines, have lived in their current households for less than six months. Most babies, 77 percent, were living with their mothers in households shared by grandparents, relatives, or friends. A small portion lived in independent households. About 18 percent were living with both parents, while 5 percent were in foster care, with relatives, or, in one case, living with the father as primary caregiver.

Marriage among the respondents in this study was a fading option. Only one in four reported that they would eventually marry the mother/father of their child. African-American females were the most pessimistic about this outcome.

THE MEANING OF THE BIRTH OF A CHILD

Two-thirds of the unmarried fathers were present at the birth of their child, and many described it in emotional terms.

While the birth of a child to a very young mother and father is widely considered a premature event with serious and disabling long-term disadvantages to all concerned, those interviewed for this study described the birth as a moment of rejoicing and the opportunity for a fresh and optimistic beginning.

Across racial lines, 80 percent of young, unmarried parents said it is important that the father's name appear on a baby's birth certificate.

"It straightened my life out a lot," said one father. "It gave me a look out on how life really is ... puts you in the pictures instead of seeing it through glass."

young unmarried father

"I was proud and happy...Now I know I'll get my life together..."

young unmarried mother

The frequency with which mothers reported fathers' coming to see the baby, even though their own relationship had ended, argues convincingly that the attachment the father has to the child may be maintained, even when the parents are estranged.

PERCEPTIONS ON PATERNITY PROCEDURES

- The court system is dysfunctional for establishing voluntary paternity. It cannot respond to the chaotic living arrangements and relationships constantly in flux that are typical of young unmarried parents. The court calendar is often out-of-step with the timing needed for a voluntary commitment to legal paternity.
- The intimidation of the court system discourages legal paternity. For example, using the sheriff to serve papers frightens families when a young unmarried father has had juvenile crime problems. Repeated

delays in courtroom sessions also discourages them. In Hennepin County, for example, after the father is identified through an AFDC application, four or five months elapse before he is served papers by the sheriff to appear for a hearing in court. The court date is likely to be six or eight months later.

- When child support enforcement is linked to paternity, parents evade the entire procedure. The young unmarried fathers in this study drew a distinction between their willingness to acknowledge biological paternity and their capability to respond to a support order.
- Only 15 percent of fathers who disavowed their children reported receiving information about paternity, while 53 percent of fathers establishing paternity had knowledge about the legal rights of fathers.
- Of our total sample, only 25 percent of the white fathers and 19 percent of the African-American fathers were at some stage of establishing paternity through court adjudication. In contrast, 57 percent of white fathers and 54 percent of African-American fathers have signed the *Declaration of Parentage*.

In most jurisdictions, the court system combines paternity, child support, visitation, and custody in one or several hearings. Although these issues are linked, there is very little recognition that paternity is the first prerequisite for the other issues and that a major proportion of fathers voluntarily identify their paternity. The inappropriateness of the court system for establishing voluntary paternity is clearly disclosed.

- "Mundane neglect" describes how hospital personnel presented the *Declaration of Parentage* form to young unmarried parents. Explanations, written or vocal, were not given; discussion was haphazard;

persons presenting the form ranged from medical records clerks, nurses, and social workers to doctors, occasionally.

One respondent said she was in the shower when the form was left on her chair. Another said she was confused with all the forms. Yet another said she didn't know whether a nurse or a social worker gave her the form.

Fathers reported being overlooked, even though they were present in the room. African-American fathers, in some instances, reported a dismissive attitude from hospital personnel, as if they didn't count. Among African-American fathers, 70 percent reported receiving no understandable information on paternity procedures compared to 40 percent of white fathers.

"A notary from the hospital gave it (paternity declaration form) to my girlfriend's half sister instead of to me. I took it to a lawyer and he said not to sign."

young unmarried father

"It was a nurse or social worker. They asked if he wanted his name on the birth certificate. I said yes, but he was asleep. They never came back."

young unmarried mother

RECOMMENDATIONS FROM YOUNG UNMARRIED PARENTS FOR IMPROVING PATERNITY PROCEDURES

One in five young parents had no idea how to improve the system. Answers from those who did have ideas ranged widely across gender and race lines.

Among those who volunteered recommendations:

- White fathers said that better information on visitation, custody, and ways to get the father's name on the birth certificate would help.

African-American fathers thought that if fathers were not pursued for

child support more would acknowledge their paternity. Both African-American and white parents believed the court's role should be reduced and more counseling services be made available to help fathers accept their responsibilities.

- "Diverting" the money they pay for child support to offset the county's payment of the AFDC grant was generally deplored. At least \$100 per month was recommended as a pass-through for the benefit of their child.
- Both African-American and white fathers cite fear of financial responsibility and poor relationships with the mother as the chief impediments to paternity.

HIGHLIGHTS FROM FERTILITY PATTERNS, FAMILY HISTORIES, RELATIONSHIPS, AND PEER MILIEU

Mothers in this study were younger than their own mothers were when they began childbearing, and most also had sisters with out-of-wedlock children. A startlingly high proportion of respondents had early family experiences that were stressful and traumatic; 79 percent of the young mothers ran away from home or wanted to, as a solution to family situations. One in four grew up being cared for by extended family members or friends. A few grew up in foster homes, and 10 percent of the white respondents had been adopted.

Repeat pregnancies were prevalent with a striking absence of monogamy across racial lines. More than half the mothers with two or more children had different fathers for succeeding children. Among the fathers with more than one child, 46 percent of the white fathers and 80 percent of the African-American fathers had succeeding children with different mothers.

A sizable proportion spent their childhoods in a family that relied on welfare assistance. Although our sample was economically poor overall,

African-American adolescents appeared to come out of a social class background which was even more impoverished than that of the white adolescents. Fully 72 percent of the African-American adolescents grew up as welfare dependents while only 40 percent of the white adolescents grew up on welfare. Presently, two-thirds of the parents we interviewed lived in households that used food stamps. Four times as many African-American males as white males relied on general assistance.

Respondents, across racial and gender lines, said they contribute money, emergency assistance, and transportation to the multiple households in which they live.

PEER GROUPS ATTITUDES

Most of these young parents were embedded in satisfying friendship networks and did not feel alienated, although their connections to churches and community organizations were sparse. Their peers and families generally counseled them to acknowledge paternity but not to marry.

These young unmarried parents, across racial and class gender categories, said that in their peer groups, fathers generally acknowledge fatherhood on hearing of the pregnancy. Few reported that men will leave town, or make themselves unavailable, although 25 percent of white females believe this is a possibility.

MISUNDERSTANDING PATERNITY

The study explored the extent of factual information about paternity procedures known to the young parents. Information and understanding of how to establish legal paternity was incomplete across all groups. Generally speaking, women were better informed than men. But correct information,

partial and distorted information, and "don't know" responses were threaded through all the responses.

Both white and African-American fathers, in sizable proportions, did not know that the *Declaration of Parentage* could be signed in locations other than the hospital. African-American males were aware (90 percent), more than other groups, that a range of benefits accrue to children of armed forces personnel, providing paternity has been established. Fathers received their information chiefly from the mothers of their children. Mothers acquired their information from AFDC workers and their peer networks. Child support information was incorrect and incomplete among all groups.

BENEFITS OF PATERNITY VALUED

The study also asked which benefits of paternity were most valued.

- Health benefits for the child from a work-related health plan through the father's employment received high marks across all groups.
- The psychological benefits of identity and security in one's heritage was particularly valued by women, both African-American and white, with a slightly higher emphasis among whites. Of all groups, African-American males place least value on this item.
- For African-American respondents, Social Security was highly valued, especially among African-American women. Distinctly less value was placed on this item by both white women and the men.

FACTORS THAT PREDICT "AVOWERS"

There were no substantive differences between fathers who avowed their paternity and those who did not. However, more avowers grew up with a father in the household (75 percent) than disavowers (50 percent). Further, avowers

perceived their own fathers as having been nurturing; disavowers had no such perceptions. Moreover, disavowers were more likely to live below poverty levels, especially African-American fathers.

For white fathers who were avowers, the following profile appears in the order of saliency:

- His father is pleased about the pregnancy.
- He recalls that while growing up he was looked after and nurtured by his father.
- He has discussed the possibility of marriage with the child's mother.
- He receives some kind of information about paternity and parental rights.
- His mother suggests he take responsibility for the child.
- He has consistent (positive) feelings about having a baby during the course of the pregnancy.
- His friends encourage him to take responsibility for the child.
- He frequently sees the baby.
- He is presented with a *Declaration of Parentage* at the hospital, and is not discouraged or deterred by the paternity system in establishing paternity.
- He does not view the mother of the baby as emotionally abusive.

For African-American fathers who were avowers, the following profile appears in the order of saliency:

- He has not graduated from high school.
- He believes it is important that paternity be established for the child.
- He is advised by friends to assume responsibility for the child.
- He has friends who are pleased about the pregnancy.
- He has frequent contact with the adults that raised him.
- His friends do not suggest abortion as a pregnancy outcome.

- He is currently employed.
- He receives information about paternity and parental rights.

THE CAPACITY OF YOUNG UNMARRIED FATHERS TO PAY CHILD SUPPORT

Most of the study's fathers work and yet are very poor. Child support orders will have to be based on income from the marginal jobs that are characteristic of the fathers. The current United States economy offers very few low-skill entry jobs of the kind that a generation ago opened the path for millions of young American men to middle-class incomes. In contrast, most unskilled jobs today are in the service sector. They usually do not offer basic benefits like paid sick-leave, vacations, and health insurance. The majority of men in this study work in low-paid or part-time jobs at gas stations, warehouses, or fast-food restaurants. To supplement their low wages, they probably rely on relatives, public assistance, or illicit activities.

Among white fathers in this study, 42 percent lived in households with combined incomes of less than \$1,000 a month; among African-American fathers, 56 percent were in that situation. More white fathers were employed than African-American fathers, 65 percent versus 47 percent. And only 6 percent of African-American fathers had had household incomes of \$2,500 in the last month, while 25 percent of white fathers reported such incomes.

A substantial proportion of fathers who continued to live with their family of origin contribute money to that household, which suggests that earned income is not necessarily income available to support the family of their non-marital child. While the capacity of most fathers in this study to contribute cash child support was small, more than 80 percent reported that they contributed in non-financial ways such as babysitting, transportation, food, and diapers.

More than 75 percent of all fathers wished they could go to school. Community college or vocational-technical school was their primary choice.

QUESTIONS STILL TO BE EXPLORED

- Why do fathers play a dwindling role after the first year of the child's life?
- What will the contribution of AFDC-UP be to a stable family formation?
- What are the design features of successful outreach to fathers who want to continue school and job training?

ONE-YEAR LATER

"I have time. I'm young. I will make something of myself."

14-year-old unmarried mother

A follow-up study one year after the interviews was thwarted by disconnected telephones, letters returned "address unknown," and tracking efforts that failed. This suggests a deteriorating housing situation for a large portion of the group. Nevertheless, those that could be reached showed remarkable optimism and resiliency.

A distinctive difference appeared, however, between white and African-American young unmarried mothers. The economic status of the African-American women had steadily deteriorated; there was a further loss of confidence that establishing paternity would improve the lives of their children; and the African-American fathers had already drifted away from a relationship with their children.

Copies of the full report are available from the Center for Urban and Regional Affairs, University of Minnesota, 330 Hubert H. Humphrey Center, 301-19th Ave. S., Minneapolis, MN 55455. Telephone (612) 625-1551