



Information Packet

Impact of Parental Incarceration and Child Welfare

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Understanding the Needs of Children with Incarcerated Parents

Since the 1980s the number of women involved in the criminal justice system has increased at dramatic rates and the rate of incarceration for women is rising faster than the number of incarcerated males in U.S. prisons (Mignon & Ransford, 2012). In 1986, for example, 19,812 women were incarcerated in U.S. prisons. By 2009, the number of women inmates in state of federal facilities increased to 115,000 (Mignon & Ransford, 2012). With the increase of incarcerated women there has also been a prevalent increase in the amount of children affected by parental incarceration. According to figures released by the Department of Justice Statistics, the amount of parents with children younger than 18 years of age being held in the nation's prisons increased by 79% between 1991 and mid 2007 (Dallaire & Wilson, 2010). In 2007, "the national prison system held approximately 65,600 mothers who reported having 147,400 children" (Mignon & Ransford, 2012).

The increase in number of children who have been separated from their parents, specifically mothers, by the criminal justice system can be potentially harmful to children and make them more vulnerable to risk factors like anger, depression, anxiety, attention and sleep disorders that can contribute to behavior problems and even juvenile delinquency as they get closer to adult years (Mignon & Ransford, 2012). Children with mothers involved in the criminal justice system, in particular, are at greater risk for maladjustment and behavioral issues. It is also important to note that "children who live in stable household with nurturing caregivers during their parents' incarceration are likely

to fare better than children who experience family instability as a result of parents' confinement" (Christian, 2009, p. 3). Children in foster care are at risk of losing connections to extended families, incarcerated parents, siblings, friends and schools. This dramatic shift within the U.S. prison system and the impact it has in the lives of so many children, mothers and families needs to be further examined.

Research suggests that very few services have been put in place to strengthen family bonds during a women's incarceration (Mignon & Ransford, 2012). There seems to be a great disconnect in the part of correctional facilities to meet the needs of women and their families. Correctional facilities should be more involved in assessing these needs to better identify issues of individual inmates (Mignon & Ransford, 2012). Once these needs are identified, correctional facilities can provide additional services to improve women's quality of life while in prison and reduce the stress and anxiety related to incarceration.

Some of the studies conducted place an emphasis on the importance of identifying families within the child welfare and criminal justice system. It is argued that neither system has taken the necessary steps to "implement cross-system policy and practice initiatives that assess and address familiar and contextual risks" (Anderson-Nathe et al., 2013, p. 411). Both systems must work together to create similar agendas that may help reduce the gaps in services that continue to negatively affect families and children. As a first step, researchers suggest that the child welfare system conduct more comprehensive assessments to identify and work with mothers who have been involved within the criminal justice system (Anderson-Nathe et al., 2013). More individualized services may be needed in order to address traumatic effects of both children's and parents experiences and come up with best practices to address and prevent further externalizing and

internalizing problems among children with mothers involved in the criminal justice system.

Facts and Statistics

- 63% of federal prisoners and 55% percent of state prisoners are parents of children under the age of eighteen (Mumola, 2000).
- “2.7 million children have a parent behind bars—1 in every 28 children (3.6 percent) has a parent incarcerated, up from 1 in 125 just 25 years ago. Two-thirds of these children’s parents were incarcerated for non-violent offenses” (The Pew Charitable Trusts, 2010).
- “Incarceration of mothers increased 122 percent and the incarceration of fathers rose 76 percent between 1991 and 2007” (The Bureau of Justice Assistance, 2014).
- 22% of children with an incarcerated parent are under the age of five (Mumola, 2000).
- “New York State is home to an estimated 105,000 children with a parent serving time in prison or jail” (The Osborne Association, 2010).
- “A survey of 21 New York State OCFS [New York State Office of Children and Family Services] kinship programs found almost 10% of their cases involved an incarcerated parent. Out of 2,982 kinship clients, 249 (8.35%) cases involved an incarcerated parent...” (The Osborne Association, 2010).
- A survey administered in 2010 to incarcerated individuals in the New York State prison system demonstrated that children of incarcerated fathers are more likely to remain with a parent than children of incarcerated mothers. Children of incarcerated mothers are more likely to live with a grandparent, another relative or in foster care (NYS Division of Criminal Justice Services, 2013).

Policies and Legislation

Child welfare law, policy and practice can be a hurdle for many incarcerated parents seeking to maintain healthy relationships with their children. **The 1997 Adoption and Safe Families Act (ASFA)**, for example, requires the state to file a petition in order to terminate the rights of a parent on behalf of a child who has been abandoned or placed in foster care for 15 of the most recent 22 months (Christian, 2009). Three exceptions to this law include:

- 1) at the discretion of the state, the child is being taken care of by a relative
- 2) the state determines that termination of parental rights is not in the child's best interest
- 3) the state has not provided the necessary services for safe return of children to his/her home.

Although ASFA does not explicitly require the termination of parental rights for an incarcerated parent, the law technically applies for parents who have been incarcerated for more than 15 months. The typical prison or jail sentence ranges from 80 to 100 months (Christian, 2009). Parents whose children have been placed in foster care are at greater risk of losing parenting rights. However, it is state law and not federal that grants such rights for termination. Six states have stated that imprisonment is not sufficient grounds for termination of parental rights.

Many states have laid out a set of conditions or ground rules for incarcerated parents to avoid termination of parental rights. California and Utah have set strict limitations for incarcerated parents to meet these conditions (Christian, 2009). Some of

these include the quality of parent-child relationship before and during incarceration, contact with and support of child before incarceration, failure to cooperate with child welfare agency's planning and visitation requirements and nature of crime.

Unfortunately, many incarcerated parents are not able to maintain regular contact with their children; especially parents whose children are in foster care.

ASFA Full Text:

<http://www.gpo.gov/fdsys/pkg/PLAW-105publ89/html/PLAW-105publ89.htm>

Fostering Connections to Success and Increasing Adoptions Act of 2008 aims to help minimize the disruption in child's life after the incarceration of a parent by placing children in kinship care. Some of the advantages of kinship care include more regular contact with parents and siblings. Research also indicates that children living with relatives have fewer developmental and behavioral problems and closer attachments to their caregivers (Hairston, 2009).

Despite the advantages of kinship care, this type of caregiving arrangement poses some challenges. Previous research on kinship care shows that kin caregivers are elderly, struggling economically, physical frail, and in poor mental health (Christian, 2009).

Text: http://www.hunter.cuny.edu/socwork/nrcfcpp/info_services/Att%20B%20-%20HR%206893.pdf

Drug Enforcement Policy – “The War on Drugs”

According to the Women's Foundation in California (2014), in the United States, women are 63% more likely than men to be in prison or jail for drug possession. In many states, drug sales are typically considered felony offenses. In Texas, for example, drug charges are based on the weight of certain types of drugs. Possession of less than 1 gram of heroin or cocaine can be punishable of up to 2 years in jail. More programs need to be

established as an alternative to incarceration to reduce the number of incarcerated parents and affected children and families.

Best Practice Tips and Model Programs

A report and survey conducted by the NYS Division of Criminal Justice Services (2013) suggests that strategies should be implemented to increase visitation rights between children and their incarcerated parents. Police arrest protocols should also be developed and implemented to reduce the trauma caused to children by witnessing the arrest of a parent or guardian. Reentry programs should also be established to help maintain healthy relationships between children and their incarcerated parents before and after returning home. Below are some examples of model programs in the United States that are working towards these initiatives:

Hour Children's Centers of Bedford Hills and Taconic Correctional Facilities

Website: <http://hourchildren.org/>

- Provides free bus and van transportation to and from all areas of New York State for children and their families to visit incarcerated mother. Program also advocates for mothers and helps them connect with their children's school, guardians, social workers and foster care agencies. The center includes a reading program for incarcerated mothers and their children as well as an opportunity and space within the facility to celebrate children's birthdays with their mother

Girl Scouts Beyond Bars (GSBB)

Website: www.girlscouts.org/beyondbars

- Works with 5 to 17 year old girls whose mothers are incarcerated and provides them with tools to cope with stressors and strengthen relationships with their

mother. Full text: https://www.girlscouts.org/who_we_are/our_partners/initiatives/pdf/gb_beyond_bars_providing_a_better_path.pdf

Mothers/Men Inside Loving Kids (M.I.L.K.)

Text: http://articles.dailypress.com/1998-01-27/features/9801270135_1_assistant-jail-parents-inmates

- A program originally offered by the Virginia Correctional facility in Virginia for Women. M.I.L.K has now expanded to other prisons and jails, including men. Parents are provided with various programs including child development, parent education, and independent living skills classes. Program offers on-going support and contact visits with their children. The program is largely run by volunteers who help with transportation and food during visits.

Hope House in Washington DC

Text: <http://www.npr.org/blogs/codeswitch/2014/08/16/340653698/summer-camp-in-state-prison-a-chance-to-bond-with-dad>

- Founded by Carol Fennelly in 1998, Hope House works with incarcerated fathers and their children. The program includes a summer camp where children ages 9 to 14 stay at a nearby camp and visit their fathers. Currently there are 3 summer camp programs, one in North Carolina and two in Maryland.

Websites and Resources

The **Child Welfare Information Gateway**, a service of the Children's Bureau, offers comprehensive information, resources and tools on child welfare, child abuse and neglect, out-of home care, adoption, supporting and preserving families, to both

professionals and families. This website offers informational technical assistance to state and local child welfare agencies and professionals including the latest research and information on evidence based practices. <https://www.childwelfare.gov/>

The **National Center for Child Welfare Excellence (NCCWE)**, provides training, technical assistance and information to States, Tribes and other child welfare agencies. Comprehensive information can be found on Fostering Connections, children with incarcerated parents, youth Permanency, siblings in foster care guardianship and kinship care, and adoption. <http://www.nccwe.org/>

The Annie E. Casey Foundation, a private organization based in Baltimore, helps conduct extensive research on child welfare issues and makes grants to federal agencies, states, and counties to help improve the wellbeing, stability, and family relationships. Their work is primarily focused on improving the lives of youth who become involved in the juvenile justice system and children with incarcerated parents, working with children and families involved in child welfare, and providing state legislators, public officials and child advocates with the necessary tools and data to advance child welfare policy.

<http://www.aecf.org/>

FindYouthInfo.gov is a federal website created by Interagency Working Group on Youth Programs (IWGYP). This working group is composed of 18 federal agencies that support programs and services for youth and their families. This website offers resources and information on youth programs for children in foster care, children with incarcerated parents, LGBT youth, and youth with disabilities. Other topics of interest include

trafficking of youth, youth suicide prevention, preventing gang involvement and runaway homeless youth. <http://findyouthinfo.gov/>

The Osborne Association offers resources and programs specifically for parents and individuals who have been involved in the criminal justice system. For 80 years, the Osborne Association has developed educational, treatment and vocational programs that serve incarcerated men, women, children and families that have been affected by the incarceration of a loved one. Their programs are offered in the Bronx, Brooklyn, Poughkeepsie, Rikers Island and several state correctional facilities.

<http://www.osborneny.org/>

Children of Promise, NYC provides services to more than 200 children of prisoners and their families. Services include after school and summer camp programs for children, mentoring support, mental health services, services for caregivers and family members, and connections to incarcerated parent. <http://www.cpnyc.org/>

Legal Resources for Relatives and Incarcerated Parents

NEW YORK

A Jailhouse Lawyer's Manual: Chapter 13 – Rights of Incarcerated Parents

Full Text: http://www3.law.columbia.edu/hrlr/jlm/Chapter_33.pdf

- This manual, written and updated by the Columbia Human Rights Law Review, focuses on New York State law and describes how the law provides parents in prison with legal tools to prevent the termination of parental rights or inadequate care. This manual offers comprehensive definitions and information on private placement, voluntary placement, involuntary foster care, visitation rights, and other related tips and suggestions.

Legal Information for Families Today (LIFT)

Website: <http://www.liftonline.org/>

- LIFT provides information and resources for parents and families involved in the criminal justice system. LIFT operates programs in family courts of all five boroughs with bilingual staff and volunteers. They help families and individuals complete documents and help answer any questions related to their family court case. Individual on-site consultations are also available.

New York State Kinship Navigator

Website: <http://www.nysnavigator.org/>

- Operated by Catholic Family Center, the Kinship Navigator Program is a referral and support network for kinship caregivers (i.e. grandparents, relatives or family friend that serves as a child's full time caregiver) in New York State.

CALIFORNIA

Incarcerated Parents Manual: Your Legal Rights and Responsibilities

Full Text: <http://www.prisonerswithchildren.org/wp-content/uploads/2013/01/Incarcerated-Parents-Manual.pdf>

- This manual is based on California law as of June 2010. Although it is not based on New York State law and codes, this may be a useful tool to understanding parental rights related to incarceration and family connections. Manual includes answers to questions pertaining to child living arrangements after parent has been incarcerated, family reunification, and foster care and dependency.

Books and Resources for Children of Incarcerated Parents

Resource: <http://www.parentinginsideout.org/resources/>

- A resource for both caregivers and professionals who work with children of incarcerated parents. A list of books for children is also available.

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