

# CHILD PROTECTION BEST PRACTICES BULLETIN

*Innovative Strategies to Achieve Safety, Permanence, and Well-Being*

## BEST PRACTICES BULLETINS

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## CONNECTING CHILDREN WITH INCARCERATED PARENTS

### What is *Connecting Children with Incarcerated Parents*?

Nationally, more than two million children have a parent who is incarcerated, and millions more have experienced a time in their lives when their parent has been arrested or detained. The Children, Youth and Families Department (CYFD) found that 25.4% of the children in the custody of New Mexico's child welfare agency had incarcerated parents. (AFCARS data ending Sept. 30, 2010). In New Mexico, police are required to find out whether the person being arrested is the parent or guardian of a minor child and allow the person to ensure that their children are provided for during any period of absence.

Many children are present when their parent is arrested. Witnessing a parent's arrest can intensify the child's sense of helplessness and loss. When a parent goes to jail or prison, their children are punished as well. Parental separation due to incarceration has profound impacts on children's psychological, developmental, and financial well-being.

Children have varying reactions to the trauma of separation from a parent due to incarceration. Often times children experience shame and isolation, and they are stigmatized by the larger society. They may feel guilty and worry that they are to blame for their parent's incarceration. In addition, children may feel extreme sadness and anger toward their parents or toward the authority that removed them. When children feel unsafe or begin to interpret the world as unpredictable they can experience high levels of anxiety which can result in depression, aggressive behavior or other forms of acting out. Without support and services for these children, they are at risk of repeating the behavior of their parents or becoming incarcerated themselves. Studies have found that parental incarceration significantly increases the risk of children experiencing extreme economic deprivation and family instability as defined by lower household income, and more frequent and numerous moves and changes in caregivers.<sup>(1)</sup> This matters because these risk factors are associated with a host of adverse child outcomes such as school failure, poor health, and delinquency.

When a parent is arrested or incarcerated a child's life is interrupted and altered. When the father is incarcerated, eight out of ten times, the children will stay with the mother. When the mother is incarcerated the children stay with the father roughly three out of ten times (PB&J\* Breaking the Cycle of Intergenerational Crime, 2004). If they are not with their parent, then they are sent to live with relative caregivers or foster parents. About ten percent of children whose parents are incarcerated are in foster care. A motion to terminate parental rights must generally be filed after the child has been in foster care for 15 of the most recent 22 months. New Mexico law does not require that a motion be filed when the parent's incarceration is the primary factor in the child's placement in substitute care and termination is not in the best interests of the child, however women who are incarcerated serve an average of 18 months in prison, potentially leaving children at risk for permanent separation from their parents.

<sup>(1)</sup> Susan Phillips, "Disentangling the Risk: Parent Criminal Justice Involvement and Children's Exposure to Family Risks," *Criminology and Public Policy* 5, no 4 (Nov 2006): 677-702

### What is *Current Practice*?

Currently, the caseworker with the Children, Youth, and Families Department (CYFD) incorporates monitored visitation with incarcerated parents into the visitation plan. CYFD policy requires that visitation with incarcerated parents occur unless reasons exist that make it impossible or contrary to the child's best interest. Methods of visitation suggested in CYFD policy include direct contact/visitation at the facility, phone, e-mail, and video/audio tapes.

For the most part, the New Mexico Corrections Department supports parent-child contact visitation programs, but contact visits are often limited by geographical barriers. Most detention centers allow non-contact parent-child visitation (visitation by telephone, letters, or through a glass wall), and a few do not allow children under the age of 16 to enter the facility at all.

\* PB&J Family Services, Inc., an Albuquerque based agency, focusing on child abuse prevention and treatment, has been working with children of prisoners and inmate parents since 1998. Services for parents in prison and their children have since expanded.

### What is *Best Practice*?

Best practice requires that the child welfare community engage in sensitive planning and support of children. Best practice ensures that children are cared for and informed, have access to services, and are able to have contact with their incarcerated parent (if it is determined to be in their best interest).

**Parent-child visitation** is one of the most important elements to ensure the well-being of children when their parent is incarcerated. Most literature suggests that separation due to incarceration has immediate effects on children such as feelings of guilt and shame, social stigma, loss of financial support, weakened ties to the parent, poor school performance, increased delinquency, and increased risk of abuse or neglect. Long term effects may include questioning of parental authority, negative perceptions of police and the legal system, increased dependency or maturational regression, impaired ability to cope with future stress or trauma, disruption of development, and intergenerational patterns of criminal behavior. Parent-child visitation can substantially decrease the negative impacts by preserving the child's relationship with the parent. Maintaining contact during incarceration has also been correlated with reduced recidivism rates by the parent, minimizing the retraumatization of the child.

The most effective form of visitation is contact visitation. Contact visitation means that the child actually has the ability to touch his/her parent. Research indicates that consistent and continued parent-child contact is necessary for a child to successfully bond with a parent and has positive implications for forging positive relationships later in life. Contact visitation helps normalize the situation and the interaction between parent and child, and benefitting children emotionally and behaviorally. Contact visitation is recommended in most cases unless contact with parents is determined not to be in the child's best interest by the court. Coached or supported visits are encouraged.

In the event that contact visitation is not available at the facility or is not feasible due to distance, best practice encourages visitation by telephone or video conferencing (when available). Additionally, children and parents should be encouraged to maintain contact with one another through letter writing, pictures, etc.

## *Connecting Children with Incarcerated Parents cont...*

### ***Best Practice cont...***

Best practice requires that barriers to parent-child visits be addressed. These include:

- Inadequate information about visiting procedures.
- Difficulty scheduling visits.
- Geographic location of prison facilities.
- Family's inability to afford transportation.
- Visiting procedures that are uncomfortable or humiliating.
- Visiting rooms that are inhospitable to children.
- Foster parents or caregivers who are unwilling to facilitate visits.

**Collaborative planning efforts** of CYFD, the Department of Health, the Human Services Department, CASA, public schools, and the courts are a central part of improving the outcomes of children with incarcerated parents. Most importantly, identifying children whose parent is incarcerated will help get them connected with appropriate services. It is particularly important that school officials are alerted to a child's situation, as it might help to explain behavior, academic performance, or acting out. PB&J\* offers support groups in various schools for children of incarcerated parents, as well as other recommended services for children including on-going counseling, case management, support groups at school, transportation to facilities for visitation, and reintegration services if the parent is returning home. Additionally, pilot projects have begun throughout NM to form collaborations with law enforcement, CYFD, detention centers and community providers to ensure child safety upon parental arrest. These programs assist in keeping children out of the child welfare system and connected to families, arrested parents (if in their best interest), and resources.

## **WHAT ARE THE *Advantages of Connecting Children with Incarcerated Parents?***

### **Visitation and other contact:**

- allows children to express their emotional reactions to the separation from their parent.
- helps parents deal with separation and loss issues.
- helps the child develop a more realistic understanding of their parent's circumstances and allows parents to model appropriate interaction.
- allows children to maintain existing relationships with their parents - contributing to a successful family reunification.
- improves recidivism rates—parents who maintain contact with their children are shown to be less likely to recidivate than inmates who do not maintain contact with families.
- helps children preserve important connections.
- allows children to know that their parent is safe.
- helps to develop and maintain the role of the parent.

## WHAT IS *My Role?*

- As a JUDGE, you would order child-parent visitation when it is in the best interest of the child to have contact with his/her parent and, if feasible, request that the parent be placed in a facility close to his/her children. If contact visitation is not available, you would inquire about the availability of visitation through telephone or video conferencing or some other means of preserving the connection to the parent. You would order parenting classes as a part of the treatment plan, as appropriate.
- As a CASEWORKER, you would help inform the child of his/her parent's whereabouts and facilitate contact quickly after the initial arrest. You would acknowledge the child's needs and refer them to services in their schools or communities that work with children with an incarcerated parent. You would ensure that the child is able to communicate with and visit his/her parent, and advocate for contact visitation. If appropriate, you would arrange for coached or supported visits. If contact visitation is not available, you would advocate for frequent visitation through telephone or video conferencing.
- As CORRECTIONAL FACILITY STAFF, you would support quality parenting education in prisons and detention centers and help create a child-friendly visiting area where contact visits can take place. You would also be respectful of children during visitation and encourage others to do the same. If you are a detention facility, you would inquire at booking if children have been placed at risk as a result of the arrest, and allow parents to arrange for their care.
- As a CHILDREN'S COURT ATTORNEY, you would present to the court a plan for parent-child visitation or other contact that is in the best interest of the child. You would acknowledge that children need to be kept informed about their parent and may need support to help them cope with their parent's incarceration.
- As a YOUTH ATTORNEY or GAL, in accordance with the wishes of your client or the best interests of the child, you would advocate for parent-child contact visitation. You would talk with the child about visitation issues, and whether or not the child would like to have contact visitation with his/her parent. If contact visitation is not available, you would advocate for visitation by telephone or video conferencing. You would help identify resources to assist the child in coping with the parent's incarceration and attaining residential stability during the parent's absence.
- As a RESPONDENT ATTORNEY, you would advocate for visitation and other contact for your client with his/her child. You would also advocate to ensure that any recommended parenting support is made available to your client, even if your client is incarcerated.
- As a LAW ENFORCEMENT OFFICER, you would inquire at every arrest if a child is at risk as a result of the arrest, and assist the parent to assure the safety of their children. You would contact the child's school, if appropriate, to inform them of the parent's arrest and the need of school personnel to assist.

*Connecting Children with Incarcerated Parents cont...*

*What's my Role cont...*

- As a CASA VOLUNTEER, you would visit the child in his/her current placement and help ensure that he/she understands and is aware of the whereabouts of his/her parent. You would become familiar with the issues that children with incarcerated parents face and be prepared to educate others. You would help advocate for the child to be connected to other children with incarcerated parents, and, as appropriate, you would help inform the child's school staff about the child's situation. You would report your observations and recommendations to the court.
- As a CRB MEMBER, you would inquire about the child's needs, the services being provided, and the child's progress in foster care. You would inquire about the parent's treatment plan and the available services while incarcerated. You would document observations and recommendations in the CRB report.
- As a PARENT, you would express to the judge your desire to be connected to your children. You would ask for contact visitation but if contact or other visitation is not available, you would participate in telephone and video visits. If your child is not in foster care, you would make certain that those caring for your child have legal authority to do so.
- As a FOSTER PARENT, you would help inform the child about his/her parent's whereabouts and current situation. If appropriate, you would help facilitate communication and contact visitation by providing transportation and support. You would help advocate for needed services and support systems for the child.
- As a CHILD or YOUTH, you would talk to the judge, your caseworker, your GAL or attorney, or your CASA about your wishes as they pertain to visiting your parent in jail or prison. In order to maintain consistent contact with your parent, you would write letters, send pictures, and talk on the telephone in his/her absence.

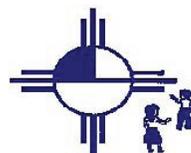
**CHILDREN OF INCARCERATED PARENTS  
A BILL OF RIGHTS**

The following Bill of Rights was developed by the San Francisco Partnership for Incarcerated Parents (SFPIP). SFPIP is a coalition of social service providers, representatives of government bodies, advocates and others who work with or are concerned about children of incarcerated parents and their families. The document was developed with young people who have experienced parental incarceration.

This Bill of Rights was also published in the Report of the Blue Ribbon Commission on the Welfare of Children of Jailed and Incarcerated Parents, authorized under New Mexico Executive Order 2006-022; November 1, 2006.

1. I have the right to be kept safe and informed at the time of my parent's arrest.
2. I have the right to be heard when decisions are being made about me.
3. I have the right to be considered when decisions are being made about my parent.
4. I have the right to be well-cared for in my parent's absence.
5. I have the right to speak with, see, and touch my parent.
6. I have the right to support as I face my parent's incarceration.
7. I have the right not to be judged, blamed or labeled because my parent is incarcerated.
8. I have the right to a life-long relationship with my parent.

THIS BULLETIN IS JOINTLY PUBLISHED BY:



NEW MEXICO CHILDREN'S COURT  
IMPROVEMENT COMMISSION

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