

# **PROTECTING CHILDREN AND PRESERVING FAMILIES: A Cooperative Strategy For Nurturing Children of Incarcerated Parents**

By Ann L. Jacobs

The following is a speech given by Ann L. Jacobs, Executive Director of the Women's Prison Association, at The Annie E. Casey Foundation, Family to Family Initiative Conference, in Baltimore, Maryland in October, 1995. Through the Family to Family Initiative (F2F), five states\* are reforming their child welfare systems to achieve the following outcomes:

- a reduction in the number of children served in institutional and congregate care;
- a shift of resources from congregate and institutional care to family foster care and family-centered services across all child and family-serving systems;
- a decrease in the lengths of stay in out-of-home placement;
- an increase in the number of planned reunifications;
- a decrease in the number of unplanned re-entries into care;
- a decrease in the number of placement disruptions; and
- a reduction in the total number of children served away from their own families.

As a result of the reform, The Annie E. Casey Foundation and these five states envision that family foster care services would become a neighborhood resource for children and families, investing in the capacity of communities from which the children are currently coming into care.

The Women's Prison Association is a 150 year old, not-for-profit organization in New York City that works to create opportunities for change in the lives of women prisoners, ex-prisoners, and their families. WPA provides programs through which women acquire life skills needed to end involvement in the criminal justice system and to make positive, healthy choices for themselves and their families.

WPA maintains a tradition of public information and advocacy designed to ameliorate jail and prison conditions for women. WPA also strives to increase public awareness of and support for effective, community-based responses to crime. For the past two years, the Women's Prison Association has provided technical assistance to F2F to identify how current criminal justice policy and practice impact the child welfare system and to propose how the F2F states might work more effectively with children of incarcerated parents.

\*The five states are Alabama, Maryland, New Mexico, Ohio, and Pennsylvania.



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## **INTRODUCTION**

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I am very pleased to have been invited to this conference and am especially excited about the work that Family to Family (F2F) is doing. You bring vision, commitment, and energy to the F2F Initiative. I am moved and exhilarated by the spirit that you manifest. This conference is an enlivening place to be, in part, I suspect, because you know you are in the business of creating possibilities, and because of your relationships with each other.

At the same time, I am having a hard time recovering from the speech we heard earlier about how proposed federal legislation will affect poor people and, in particular, child welfare. The prospects we face are, in many ways, dismal. It is hard at any time to stand for generative systems change; this is especially true as our world is being so radically redefined—in Washington, at the statehouse, and in our localities.

Yet, it is particularly in difficult times that values-based, generative leadership is so crucial. So, while it occurs to me that it might be unreasonable for me to be speaking to you about taking on any more work—in this case, special efforts to address the issues facing children of incarcerated parents—my appeal to you is grounded in my experience that when you want something done, you ask busy people. You are also people who have a vision of what is possible for our families, and have already demonstrated tremendous resourcefulness and resilience.

The Women's Prison Association offers you experience which can help you better pursue the commitments you have already made through F2F. In truth, you are already dealing with the children of incarcerated parents. Until they are recognized and dealt with directly, they may remain hidden, but they exact a toll on the systems that you seek to improve, and immeasurable harm is done to the children.

So, my job tonight is to describe what is currently happening to children of incarcerated parents; how we might work more effectively with these children and families; and to suggest some strategies for taking this on. It is my hope that some of you will want to invest some special attention in better bridging the child welfare and criminal justice systems, and that you will invite us in to help.

## **WHY SHOULD WE BE CONCERNED?**

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Nationally, on any one day, there are approximately 1.5 million children with a parent behind bars. An estimated 10 million more children have parents who have been imprisoned at some point during the children's lives. The trends are alarming. One out of three black men is under correctional supervision. The number of imprisoned women is sharply increasing, six fold in the last 15 years! This increase is due, in large part, to an increase in persons convicted and locked up for drug-related crimes. In fact, 80% of the women have substance abuse problems.

Seventy-five percent of the women in prison are mothers, typically of 2 to 3 children. Approximately 67% of the mothers were the primary caregiver of at least one child

when they were arrested. It appears that about 10% of the children of incarcerated mothers are placed in foster care. The children both in foster care and with friends and relatives experience considerable instability. They typically are shifted between residences and caregivers several times while their mother is gone; and many are separated from siblings.

The family situations are complex and defy easy categorization. Frequently, the children vary greatly in age. The older ones may be almost grown or their parents' rights may already have been terminated. But, even when custody issues are not pressing, the need for healing remains. For younger children the issue of custody is real, some live with relatives or friends, and some are in foster care. Between 7 and 10% of women entering the correctional setting are pregnant, so there are also a lot of infants affected by parental incarceration.

There are immediate and long-lasting effects for children of incarcerated parents. A 1993 report by the National Council on Crime and Delinquency warned that children traumatized by their parent's arrest and subsequent separation suffer a wide array of psychological problems including trauma, anxiety, guilt, shame, and fear. These problems frequently manifest themselves in poor academic achievement, truancy, dropping out of school, gang involvement, early pregnancy, drug abuse, and delinquency. A 1994 survey of children of offenders conducted by the Virginia Commission on Youth found that 41% of the teenagers had been suspended from school and 31% had run-ins with police. Another study revealed that children of offenders were six times more likely than their peers to end up in prison.

## **SO WHAT DOES THIS MEAN FOR US?**

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Note that when trying to define the population, I repeatedly said "approximately" and "estimated". As far as I know, no one keeps good statistics on the children of criminal justice involved parents. Even correctional systems with good inmate classification systems cannot tell us how many inmates are parents, let alone identify parents who had custody of their children when they were arrested. They certainly do not know where the children reside, nor do they accept that, as a matter of correctional management, they have much responsibility for facilitating communication between incarcerated parent and child. Parole and probation may not even consider parental status as an important factor in structuring an offender's community supervision plan.

But, neither do most departments of social service have good information on the number of children in their system who have or have had incarcerated parents. Some of this flows from the fact that the child may have gone into placement because of parental drug use even before the parent's arrest. Nevertheless, it is critical information for any system committed to parents' participation in permanency planning and to reunification whenever possible.

This lack of information not only limits our ability to assess the scope of the problem we face, but also illustrates the abyss into which incarcerated parents and their children fall. Neither the child welfare nor the criminal justice systems have

adequately acknowledged their responsibility in this area, or their relationship with each other, much less taken action to bridge the gap.

I am not speaking of an abstract relationship, but rather a relationship that exists at each level of analysis. The challenge is to see past the difficulties of just managing our systems through each day, whether it be child welfare's need to recruit more foster parents to respond to the explosion of abused and neglected children, or criminal justice's need to maintain secure facilities in the face of ever increasing populations and staff cuts. If we can focus on what we are really trying to do—that is, create a criminal justice system that reduces recidivism and a child welfare system that keeps children with their parents—we would discover that the two systems have an underlying shared interest in connecting offenders with their children and nurturing families' links with their communities.

Offenders who have strong family connections are the most likely to succeed in the community; mothers who are able to stay in contact with their children have the best prospect of successful reunification. And, we all know that it is precisely because we invest so many of our resources in the most expensive responses to social problems—i.e., foster care and imprisonment—that we have no money left to do the preventive and community-based work that we think would reap better rewards. Both systems share an interest in shifting resources to drug treatment, education, and vocational programs that will enable adults to care for their families. We should share an interest in keeping families together whenever possible, and in providing the intensive social services that develop better parenting and help children make the best of the cards that they were dealt.

But, even short of these policy changes that shift the way that society deals with its poor, there are many things within our power that can make a huge difference in the prospects for families with incarcerated parents. These have to do with how we treat the parent, the caregiver, the child, and to how well the child welfare and criminal justice systems communicate and cooperate with each other.

## **EXAMPLES OF SYSTEMIC BREAKDOWNS**

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Let me briefly review with you the implications for child welfare officials when working with families in which a custodial parent has been locked up. Most of the children of incarcerated parents are at risk of placement, even though they may be saved from it by the heroic efforts of friends and family. Children of incarcerated parents are likely to stay in foster care longer than other children. Finally, the families are particularly challenged when it comes to reunification.

At arrest, parents who are caregivers need information and support to plan for the care of their children. They do not get this from the police, judges, or even defense attorneys. Offenders have difficulty getting decent information about what is happening to them (such as how long they are likely to be locked up). It is even hard to get access to a telephone or help to make arrangements for their children. God forbid that the person they want to reach does not have a telephone or is not there for that one phone call they are allotted.

In the best of circumstances, kids get dumped with a friend or relative. No one tells the caregiver what they can expect. The caregiver may know little about the mysteries of the criminal justice system and what is happening to the parent. They don't know how long mom will be gone, how to arrange visits, what to tell the child, or what the child is going through. And, they may not be prepared to deal with what will be asked of them—in caring for a troubled child, taking the child for visits, etc. Like most of the public, they may have their own impatience with criminal behavior and may make unwitting and casual references to “throwing the book” at someone or even talk about capital punishment. These offhand remarks can have unintended and devastating effects on the child of an incarcerated parent.

Incarcerated mothers often have little contact with their foster care case workers. Typically, states site correctional facilities away from the population centers where most inmates lived before their arrest. This makes face-to-face contact between the incarcerated mother and her caseworker impracticable. A high rate of illiteracy and general lack of education limit correspondence, and correctional policy restricts prisoners from making or receiving direct telephone calls. For outgoing calls, prisoners need to submit phone lists (which in New York can only be done every three months) and incoming calls have to go through correctional counselors (in most systems, a rare commodity).

A study of women in New York state prisons examined the number of contacts between mothers in prison and their caseworkers. The study found that a significant portion of mothers did not contact their caseworkers: 36% did not telephone and 25% did not correspond. Further, 68% of mothers did not receive any phone calls from their caseworkers and 49% received no correspondence. In the New York study, most of the mothers had not received a copy of their permanency plan. Even if the mother receives the permanency plan or other court papers, correctional policy does not allow her to carry papers with her when she is transferred from the city jail to state prison. As a result, incarcerated mothers often have little information about the status of their case, the location of their children, or how to reach their foster care caseworker.

Frequently, mothers in prison are not able to attend family court hearings. In some states she has the legal right, but logistical obstacles prevent her from exercising this right. For example, a study found that 28% of women in New York were not notified of upcoming court hearings. There are lots of reasons for this, including frequent transfers within the prison system and a lack of knowledge by child welfare workers of how to locate mothers in the correctional system. Of those notified, only 34% received notification in time to arrange transportation.

In fact, the state prison system agonizes over its obligation to produce prisoners for family court hearings. It takes one or two officers to provide the necessary escort, which means the facility does not have enough staff to run programs for the remaining prisoners. Some women do not exercise their right to appear in Family Court because they risk losing their cell to another prisoner in an overcrowded prison system. Or, they may be stuck for an extended time at a local holding facility and be unable to complete the programs—drug treatment, parenting, educational—they need to be eligible for parole or reunified with their children. Other states do not

recognize an inmate's right to attend family court proceedings. Yet we know that this appearance is an important part of what judges consider in making decisions about termination of parental rights.

Approximately 52% of the mothers in prison do not receive any visits from their children while they are incarcerated, despite numerous studies indicating that visiting between the incarcerated parent and the child is beneficial for both and critical to preserving the family. For the children who are able to see their moms, the visits are often infrequent. Regular visitation is important for children because it eases their fears about their mother's health and welfare, and reassures them that they were not abandoned.

In some states, visiting a parent in prison involves a nine hour bus ride to get to the facility. Then, the child and caregiver must wait in line, go through security clearance, and wait for the inmate to be produced. The caregiver must also cope with the child's emotions after the visit. Few facilities have visiting rooms that are appropriate for children, creating additional stress on the visit. Imagine little children in a bare room, with only a table, big chairs, and a vending machine...oh, and a guard. Some facilities do not even allow contact visits—i.e., for the parent to touch the child.

And to complete our portrait of a system in failure, women are released from prison or jail with little discharge planning or support to obtain drug treatment, find a home, or reconnect with their children. As resources are cut, there is even less done in this area by the criminal justice system.

So, if we are to see these families preserved, the work falls to the child welfare system. Unfortunately, that system is feeling the pinch too. And, child welfare workers often have the same negative perception of incarcerated parents as the rest of the public. They frequently resist reuniting children with parents who have long-term substance abuse problems—especially when they have also been in trouble with the law. All too often, the caseworkers have given up hope of preserving the family and are unwilling to invest any more effort in mom. Those programs that do exist are seldom equipped to deal with the complex issues that the children present.

When my organization was funded by the New York City Child Welfare Administration to do preventive and reunification work with women who were criminal justice involved, we found we had a hard time working effectively together. The complexities of our cases fell outside their classification systems. Nor could they accept how long a prospect it was to get mom ready for full-time parental responsibilities. More often than we thought necessary, CWA simply gave up on the family and moved to sever the parental relationship, even in cases where there was little hope that the child might be adopted.

The voluntary agencies who do the permanency planning were too often closed to working with the mom. Yet the children and the mother clearly desired reunification. I do not hold a romantic illusion that all of the moms who say they want their children are capable of assuming that responsibility...at least in the time frame we have to work. Sometimes the goal is simply to aid in healing and make the best of the situation for the child. In either case, the families affected by a parents'

incarceration needs to be recognized as a “special needs” group by child welfare professionals.

In several instances, good child welfare practice can be at odds with the reality of having an incarcerated parent. For instance, the goal of permanency planning within a year clashes with an incarcerated parent’s sentence of 1 to 3 years for drug possession.

We know from research that the threat of incarceration can be an effective tool for getting someone’s attention. Evidence suggests that mandated drug treatment can be very effective. And, the highest motivation for many women is their children. When we can provide structure and support in the community, we can help parents build broader repertoires for dealing with the demands on them. An arrest can be a window of opportunity for both criminal justice and child welfare intervention. But the locality has to have the capacity to respond to that opportunity.

## **SOME PROMISING APPROACHES**

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So, I go back to our shared interest in shifting resources to community-based initiatives that can provide criminal justice supervision with drug treatment, education, and vocational programs that will enable adults to care for their families. We must develop a shared commitment to keeping families together whenever possible, and to providing the intensive social services that develop better parenting and help enrich the lives and possibilities of children.

But even in the current context, there is much that we can do. Initiatives have to be tailored to local circumstances and will differ depending on the resources and stakeholders in the community. The best seem to result from increased consciousness, a commitment, and a lot of serendipity! But, although they look differently, effective interventions have some characteristics in common:

- They draw on the participation and strength of those who are the intended beneficiaries (for instance, incarcerated parents themselves).
- They expand the community of interested or committed players. (After all, we need to broaden the community of people who know and care about our issues.)
- They actively develop new community linkages to churches, community organizations, and volunteer groups.
- They are culturally relevant.
- They identify and serve children without stigmatizing them.
- Similarly, the interventions are therapeutic without the stigma of therapy.
- They generate better information on which to make good policy and programmatic decisions.

I’d like to give you some examples of how it can look:

Prison/Jail Visiting Programs—Many, but not all, jurisdictions have programs that provide transportation and other forms of support to encourage visitation.

Occasionally, these actively reach out to the child welfare community to assist with children's visits.

Children's Centers—One of the major innovations are prison based children's visiting centers that are more child-friendly than typical visiting room. In some institutions, this is a visiting area with a rug, low chairs, toys, and equipment more appropriate for children.

Parenting Programs—These programs usually focus on women. However, very occasionally, there are parenting programs for men, like **FamilyWorks** sponsored by the Osborne Association at Sing Sing. By legislative mandate, this program is financed through the revenues produced by pay phones in the facilities.

At Bedford Hills Correctional Facility for Women, we are fortunate to have the leadership of Sr. Elaine Roulet. She founded the **Children's Center** and is continually instituting innovative visiting programs—including extended summer and holiday programs where the children stay in homes in the vicinity of the prison and then come to the prison during the day for activities with their mothers.

Sr. Elaine also created an **Inmate Foster Care Committee** that is knowledgeable about the issues confronting incarcerated mothers. They do informational workshops in the prison and work one-on-one with other inmates. With the help of a law professor at Columbia University, the Inmate Foster Care Committee wrote a *The Foster Care Handbook for Incarcerated Parents: A Manual of Your Legal Rights and Responsibilities*. It helps women understand that, while their instinct may be to protect the kids from the truth of their incarceration, doing so is not in the best interests of maintaining their parental rights or even in the psychological interests of the children.

Other Efforts—*The Foster Care Handbook* became the inspiration for the **Incarcerated Mothers Law Project**, a new effort of the Volunteers of Legal Services (VOLS) and WPA. VOLS is a non-profit group that recruits, trains, and places attorneys in pro bono assignments. We have just completed a six month orientation and training period and are beginning to assign attorneys to jails and prisons where they will conduct workshops on the family law issues facing incarcerated mothers.

Sr. Roulet also founded **My Mother's Place**, a foster home specifically for children of incarcerated mothers.

The Women's Prison Association (WPA) created the **Sarah Powell Huntington House**, a transitional residence for homeless, criminal justice-involved mothers who wish to reunify with their children. We house 37 women at one time. In two years, we have reunified 40 moms with 65 children, half of whom were in foster care; 28 families have moved on into permanent housing. Only one child has been returned to placement.

Ohio and Pennsylvania are opening new community correctional programs where women can live with their children up to age 6. These programs seem to be modeled, in part, on programs first launched in California. Other alternatives to incarceration work with women in the community—but need the assistance of the

child welfare system to truly meet the needs of the children and family. This is a vastly under-explored area.

Maryland pioneered **Girl Scouts Beyond Bars**, a partnership between a major community organization and the correctional facility. Girls meet with their moms two times a month in the prison and, on alternate Saturdays, in the community. Mothers meet other times in the facility to plan the sessions with their daughters. Besides the value to the moms and daughters, the program expands the universe of people concerned about prisons to include the Girl Scouts!

**Womencare** is a mentoring program that matches women leaving state prison with a trained volunteer in the community, often a previously incarcerated woman, who is her big sister for at least a year after release.

## NEXT STEPS

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Because generating commitment to change requires consciousness raising, WPA has just completed a video, a policy brief and materials that can be used for public education in a wide variety of situations. The New York City Child Welfare Administration has expressed interest in including something on incarcerated parents into their training academy curricula.

WPA is also working on a handbook for child welfare workers that will describe the criminal justice system and its processes, tell them how to locate an inmate in the criminal justice system, give directions to the facilities, give regulations on visitation, and tell about programs in the institutions that are available to the inmates.

We also recognize that better information and training is needed for criminal justice officials. They need to know how to locate a child; the basics of protective and foster care services, and how to communicate with children and their caretakers. Guards doing security checks and who come into contact with the children shape how those children think of crime and prisons. They may need sensitivity training. These cross training efforts are crucial.

The WPA publication, *Breaking the Cycle of Despair: Children of Incarcerated Mothers*, outlines a strategy that includes providing information and support to parents facing incarceration in planning for their children, greater use of alternative to incarceration and community placements, greater support for contact between incarcerated parents and children, and more extensive support during the reunification process. A comparable statement of strategy is needed for the child welfare system.

Each of you has different resources in your state and different potential partnerships. The Women's Prison Association would like to help you take on a strategy that makes sense in your state and in the context of what you are doing. I hope you will take us up on this offer and that you will attend an upcoming one day conference to be sponsored by the Child Welfare League of America on March 26, 1996 in Washington, DC. Children of incarcerated parents warrant your explicit attention as you proceed with your F2F efforts! Thank you for inviting me to join you at this wonderful conference.