

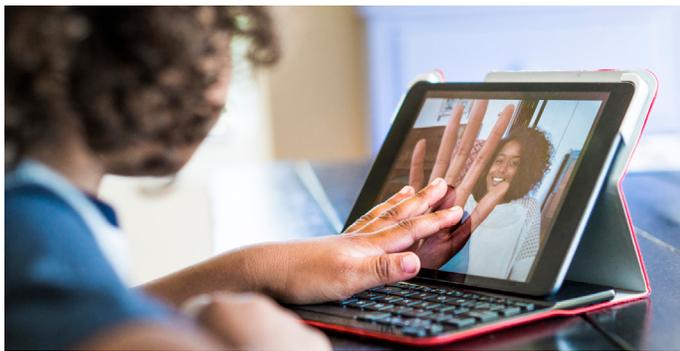


Supporting Families Impacted by Incarceration *A Dialogue With Experts*

On May 12, 2017, CANTASD hosted a discussion among experts and practitioners in the field to discuss the impact of parental incarceration on children and families. More than 15 people participated in the discussion. They represented diverse stakeholders, including national experts on the impact of incarceration on children and families; state departments of corrections; state child- and family-serving agencies; local programs working with the families of the incarcerated; and several federal agencies. Major themes and ideas raised by the participants are summarized below. *The opinions shared in this report do not represent the official views of, or endorsement by, CANTASD, the Children's Bureau, ACYF, ACF, or HHS.*

The Impact of Parental Incarceration on Children and Families

More than 5 million children in the United States, or 7% of all U.S. children, have a parent who is or has been incarcerated. More than 1.7 million children, or 2% of all kids, have a parent who is currently in federal or state prison (Turney & Wildeman, 2017). When jails are included, the number of children in America who have an incarcerated parent climbs to as many as 2.7 million (The Pew Charitable Trusts, 2010).



Incarceration, whether it is an extended sentence in a federal or state correctional facility or time spent in a county or city jail, is hard on the children and families of those incarcerated. The loss of a parent under any circumstance is inherently stressful and challenging for families. It can have a profound impact on a child's sense of security and safety, the financial stability of the family, and the stress level of the parent or caretaker who is left behind. For families impacted by incarceration, the effects of the loss of a parent may be compounded by the suddenness of the parent's removal and the shame and stigma associated with incarceration.

According to the Adoption and Foster Care Analysis and Reporting System (AFCARS), parental incarceration is a factor in 8% of cases of children entering foster care. (U.S. Department of Health and Human Services, 2017). This statistic is probably a significant undercount of the true number of children in child welfare systems affected by parental incarceration (Turney & Wildeman, 2017). Child welfare systems and law enforcement agencies have begun to focus on understanding the true overlap between the two populations and identifying strategies to work together to support these families.

Critical Issues and Implications for the Field

Addressing Bias and Stigma

The participants noted that there is a tendency—in society at large and in child welfare—to discount the value of individuals who have been incarcerated and to characterize the families of these individuals as “bad families.” Such attitudes can manifest themselves in implicit bias on the part of caseworkers, systemwide

lack of emphasis on keeping incarcerated parents and their children connected, and feelings of shame and stigma for incarcerated parents and their children.

The participants believe that it is important to shift the narrative about parents and families impacted by incarceration and to recognize their value and strengths. Part of promoting this attitude change is helping people to understand the experience of parental incarceration from different perspectives—for example, that of the child; of the parent; and of the individual who is acting as a caregiver to the child. It is also important to recognize that incarcerated mothers are regarded in a different way from incarcerated fathers. Both face bias and stigma, but gender stereotypes also influence societal perception of incarcerated men and women.

NEEDED RESOURCES

- Tools to help staff address/examine their own biases
- Three- to four-minute videos of parents talking about incarceration from the perspective of child, parent, and caregiver

Approaches to Data

The participants noted that available data does not give us an accurate count of how many children and families have dual involvement with corrections and child welfare. AFCARS data shows that parental incarceration is a circumstance in about 8% of instances of a child's removal from home, but this number probably reflects only the children who are entering into foster care because a custodial caregiver has been incarcerated (HHS, 2017; Turney & Wildeman, 2017).

THE DATA ISSUE IS PROBLEMATIC FOR THE FIELD AS A WHOLE. Only recently has the field started to collect the information, and the barriers are many. On the one side, we believe that many systems don't ask about incarceration. On the other side, because of stigma and fear of sanctions, many people do not disclose when asked.

Ask the following question of all families early in their child welfare engagement: “Is incarceration an issue for your family? If so, we [may] have resources.”

Ann Adalist-Estrin, Director

National Resource Center on Children and Families of the Incarcerated

The full extent of children within child welfare systems who have experienced parental incarceration is less clear. A 2017 study using National Survey of Children’s Health data pointed to much higher numbers—indicating that 40.1% of children placed in foster care have a parent who has ever been incarcerated (Turney & Wildeman, 2017). With such a large potential overlap between parental incarceration and child welfare involvement, it is important for child welfare systems to more clearly understand how many of the families they work with are affected, how to identify and support them, and how to work collaboratively with the justice systems that also have an impact on these families’ lives.

NEEDED RESOURCES

- An overview of child welfare jurisdictions’ existing data protocols around incarceration
- Protocols for programs on how to ask about incarceration while being sensitive to family privacy
- Models for data integration between child welfare and justice/correctional systems

Bringing Together Complex Systems

Child welfare and corrections systems are complex and challenging. The participants noted that the two systems can have difficulty collaborating, posing challenges for families who must navigate both systems. People within the systems also face challenges collaborating with each other. For example, social workers may have limited access to or information about parents who are currently incarcerated; or they may not be able to easily meet with their clients during a period of incarceration.

The participants agreed that collaboration between child welfare and corrections needs to be improved to help the two systems understand each other and the sometimes competing and conflicting demands they make on families. Families also need better tools to navigate these systems, with the goal of preventing the unnecessary severing of parental bonds.

[S]OMETIMES THERE IS MISUNDERSTANDING ABOUT THE DIFFERENCES IN THE TYPES OF FACILITIES in which parents can be incarcerated and the implications this can have on their children. This is an important issue for social workers to understand. Jails (at least in Minnesota) generally have more restrictive visiting environments than prisons. The availability and type of programming and one’s ability to work a child protection case plan (for reunification) is important to consider, too. Many jails don’t have programs available that would allow a parent to work a case plan (e.g., parenting education, domestic violence education) and although we think of these as “short-term” facilities, people can sit for long periods of time in county jails awaiting trial and/or serving their time until a transfer to prison.

Rebecca Shlafer

Assistant Professor, University of Minnesota

FEDERAL RESOURCES ON THE INTERSECTION OF INCARCERATION AND CHILD WELFARE

- ▶ **Guide for Incarcerated Parents Who Have Children in the Child Welfare System:** <https://youth.gov/sites/default/files/COIP-Parent-Guide-508.pdf>
- ▶ **Children in Foster Care With Parents in Federal Prison: A Toolkit for Child Welfare Agencies, Federal Prisons, and Residential Reentry Centers:** <https://csgjusticecenter.org/wp-content/uploads/2013/06/COIP-Toolkit.pdf>
- ▶ **Child Welfare Practice With Families Affected by Parental Incarceration:** <https://www.childwelfare.gov/pubs/parental-incarceration/>
- ▶ **Supporting Children and Families of Prisoners:** <https://www.childwelfare.gov/topics/supporting/support-services/prisoners/>
- ▶ **Working With the Correctional System and Incarcerated Parents (Podcast):** <https://www.acf.hhs.gov/cb/resource/child-welfare-podcast-incarcerated-parents>

NEEDED RESOURCES

- Strategies or information on the structure of the justice and correctional systems to better inform child welfare workers and enhance partnerships
- Increased dissemination and awareness of existing resources
- Resources and spaces for parents, children, and caregivers to access peer and other supports directly, for example:
 - » For the incarcerated parent:
 - Understanding how incarceration impacts parental rights and responsibilities
 - Understanding the Adoption and Safe Families Act (ASFA) and other child welfare policies as they relate to timelines for terminating parental rights
 - A website for parents with relevant resources and information
 - » For the child’s caregiver:
 - Identifying what resources and supports are available through child welfare and other public systems

- » For the child of an incarcerated parent:
 - Information resources to help children process their own emotions, normalize their experiences, and better understand what is happening

Practice at Key Intervention Points

We have used the following framework of key intervention points to organize the themes we heard from participants about direct work with families.

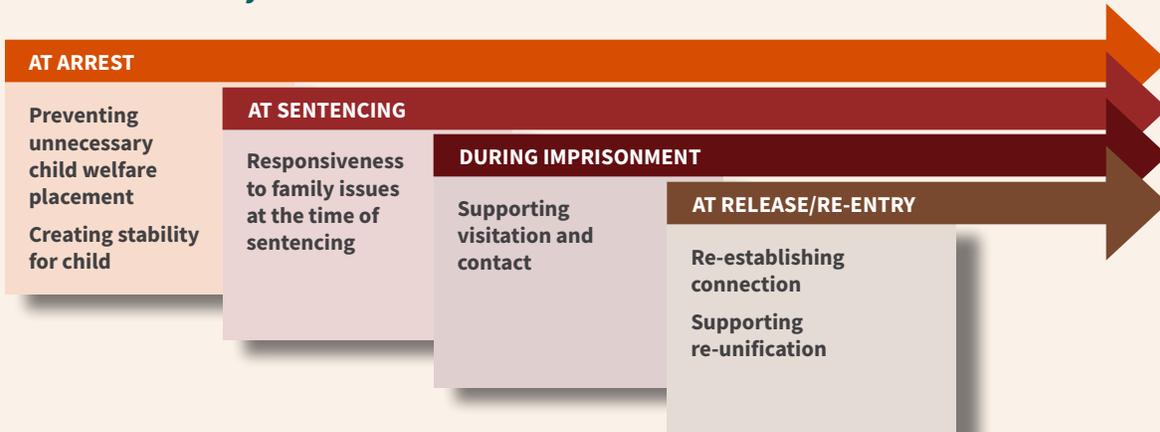
At Arrest

Appropriate policies and practices at the time of arrest can prevent families from unnecessarily entering child welfare systems. This requires coordination between child welfare and the police and engagement of others who interact with families at this point, such as attorneys, and child welfare or child and family-serving agency staff. The goal is to put the resources and protocols in place so that removal of the child or the opening of a child welfare case is not the default response to a parent being taken into custody.

NEEDED RESOURCES

- Sample arrest protocols that consider the needs and experiences of children during arrest and that promote family stability and avoid placement of children in foster care

Framework of Key Intervention Points



- Examples of a differential response approach for parental incarceration
- Tools to specifically educate and support parents as they make decisions around the care of their child

At Sentencing

Professionals know considering and addressing family issues at the time of sentencing is crucial. Participants in the discussion offered the following considerations:

- Both San Francisco and New York are using family impact statements to ensure that the impacts on the defendant’s children are being considered at the time of sentencing. This approach could be used more widely.
- Jurisdictions should explore alternatives to incarceration (e.g., house arrest) that allow parents to continue to care for their children. The state of Washington has used this very effectively through its Community Sentencing Alternative program, highlighted in [An Unlikely Partnership](#). The program has saved state dollars, deflected families from child welfare, and has had a positive impact on recidivism for participants.
- The justice and child welfare systems should coordinate to put services and supports in place at the time of sentencing to lessen the likelihood of parental rights being terminated while in prison.
- Specific informational resources or strategies are needed to educate and support parents as they make decisions about who will care for their child while they are incarcerated. This is especially important for parents who are facing long sentences that may exceed the ASFA time limits. Engaging parents from the start in the process of finding a safe, stable living situation for their child could help them avoid termination of parental rights while being responsive to the child’s need for permanency.

NEEDED RESOURCES

- Guidance and examples to help jurisdictions develop family impact statements at the time of sentencing.

DEALING WITH THE COMPLEXITY OF ASFA

The goal of the Adoption and Safe Families Act (ASFA) is to strengthen the child welfare system’s response to children’s safety and need for permanency and well-being. One of the hallmarks of the legislation is strict timelines requiring initiation of the Termination of Parental Rights after 15 months. Even when a parent’s prison term does not extend beyond the 15-month timeline, distance from their child and barriers to communication both with children and the child welfare worker can leave parents in prison struggling to meet child welfare’s expectations and to prove engagement once they are released.

Balancing children’s need for permanency with the separation that incarceration forces on families is difficult. Strategies must include:

- ▶ **More active work with parents on the front end to identify stable living situations for children who don’t require child welfare involvement**
- ▶ **More effective efforts to keep children and parents connected while a parent is incarcerated**
- ▶ **Utilizing ASFA exceptions for incarcerated parents (over half of all states explicitly cite this in statute)**
- ▶ **Explicitly planning for reunification as part of release planning**



- Protocol for supporting parents in making long-term decisions about the care of their child, particularly if the parent’s sentence exceeds the ASFA limits. A proactive plan for avoiding termination of parental rights should be developed, if that is the parent’s wish.

During Incarceration

Participants observed that when parents enter prison for an extended period of time, it is difficult for them to remain connected to their child’s ongoing development and keep parent-child bonds in place. Discussants addressed these challenges:

- Visitation is key for keeping attachment and bonding strong while parents are incarcerated. These questions merit further discussion:
 - » How do we better engage caseworkers in supporting visitation?
 - » Is there a role for community-based programs in helping to support visitation?
 - » How can we address the issue of distance—especially within the context of the federal prison system and the reality that a parent may be moved out of state?
 - » How do barriers to visitation affect the termination of parental rights?
- The two-year window for termination of parental rights under ASFA often poses a challenge for child welfare-involved parents who are incarcerated.



Without structural supports from both the child welfare and correctional systems, there are significant barriers to a parent’s ability to meet the expectations for parental involvement needed to prevent their parental rights from being terminated.

NEEDED RESOURCES

- Approaches and tools to support visitation, including examples of innovators who are making visitation happen despite the many barriers that make it challenging.
- Review existing state and jurisdictional policies to identify best practices around ASFA.

At Release

Participants observed that services and supports offered at release are critical tools to help families impacted by incarceration reconnect and achieve stability. Participants in the discussion raised these points:

- Parents leaving correctional facilities need housing that will allow them to be with their children. Often the conditions of release require inmates to go to halfway houses or other supervised settings. When these settings are not set up for the parent to live with or at least have meaningful visitation of their child, this can mean that parent and child will continue to be separated. For parents whose children are in the child welfare system, this can mean that the clock keeps on running toward the termination of their parental rights as dictated by ASFA. For any parent, continued separation from their child means continued impacts to attachment and the parent-child bond.
- When a parent and a child have been separated, especially over a long period of time, it is imperative to prepare them both for reunification in order to reduce conflict and tension when they are reunited. This might include:
 - » Enhanced visitation and contact prior to release.
 - » Increased focus on parenting education and parenting support prior to release.

- » Support to children to help them prepare for a parent's return.
- » Coordination with the child's caregiver to ensure the smooth re-involvement of the parent.
- » Parents who are involved with multiple systems at the time of their release often face duplicative service plans and conflicting demands that make it hard for them to meet expectations and achieve stability. Better cross-system coordination is needed to address these challenges.

CANTASD EXTENDS SPECIAL THANKS to the experts who not only informed the initial discussion about parental incarceration, but also reviewed and commented on drafts of this report.

NEEDED RESOURCES

- Guidance on creating housing options that allow parents to be with their children and meet requirements around supervision
- Model collaborations between correctional facilities and family support providers to develop services to support the reconnection of parents and children at time of release
- Models for coordinated service plans that align release conditions and requirements imposed by child welfare and other systems with which the parent is involved

References

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EXPLORE CANTASD'S INNOVATION STREAM ON FAMILIES IMPACTED BY INCARCERATION

CANTASD provides a variety of resources for those working at the front end of child welfare. Our innovation stream on families impacted by incarceration includes links to Digital Dialogues with the field, shareable social media messages, profiles of program innovations and links to resources and tools from partners. Connect to other resources:

From the Field: Supporting Families Impacted by Incarceration



An Unlikely Partnership: A short film on an innovative approach to keeping parents out of prisons



Program Profile on the Washington State Community Sentencing Alternative



For more resources, including recordings of Digital Dialogues with experts in the field, visit [Families Impacted by Incarceration](#) on the CANTASD website.