

# CHILDREN OF INCARCERATED PARENTS

A BILL  
OF RIGHTS

- 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 MADE ABOUT ME**
- 3.** I have the right **TO BE CONSIDERED WHEN DECISIONS ARE 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 STRUGGLE WITH MY PARENT'S INCARCERATION.**
- 7.** I have the right **NOT TO BE JUDGED, BLAMED OR LABELED BECAUSE OF MY PARENT'S INCARCERATION.**
- 8.** I have the right **TO A LIFELONG RELATIONSHIP WITH MY PARENT.**

SAN FRANCISCO  
PARTNERSHIP  
FOR INCARCERATED  
PARENTS



## CHILDREN OF INCARCERATED PARENTS: A BILL OF RIGHTS

September, 2003

San Francisco Partnership for Incarcerated Parents  
Supported by The Zellerbach Family Foundation

San Francisco Partnership for Incarcerated Parents (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. Formed in 2000 under the auspices of the Zellerbach Family Foundation, SFPIP works to improve the lives of children of incarcerated parents and to increase awareness of these children, their needs and their strengths.

After studying the issues affecting these children and their families in San Francisco, SFPIP members agreed that a children's perspective was the logical framework from which all future work should evolve. We understand that children's rights and needs sometimes conflict with what people in authority, or even incarcerated parents, believe is safe or appropriate, but it seems to us essential to start from the child's perspective and work on what's possible from there. The bill of rights that follows is an effort to codify that perspective. It is derived from the experience of Gretchen Newby, Executive Director of Friends Outside—who drafted the original bill of rights on which the following is based—in working with prisoners and their families, and from interviews conducted by journalist Nell Bernstein with over 30 young people who have experienced parental incarceration (names of interviewees have been changed). It also relies on the research and conclusions of Charlene Simmons of the California Research Bureau and Peter Breen of the Child Welfare League of America, and derives in great part from the ongoing conversation that has been taking place among SFPIP members under the guidance of Ellen Walker of the Zellerbach Family Foundation.

**Rights conceived by Gretchen Newby, Friends Outside. Text by Nell Bernstein. Photographs by Joseph Rodriguez/Black Star. Art by Zoe Wilmott.**

## CURRENT SFPIP MEMBERS

Marcus Nieto  
Ginny Puddefoot  
Charlene Wear Simmons  
*California Research Bureau*

Katie Kramer  
*Centerforce*

Peter Breen  
*Child Welfare League of America*

Omwale Satterwhite (provided  
facilitation in early stages of SFPIP)  
*Community Development Institute*

Sydney Gurewitz Clemens  
*Early childhood educator and author*

Ida McCray  
*Families With a Future*

Gretchen Newby  
Carol Schweng  
Kristine Weigel  
*Friends Outside*

Judy Crawford  
Carla Roberts  
Martha Ryan  
*Homeless Prenatal Program*

Nell Bernstein  
*Independent journalist*

Cassie Pierson  
Karen Shain  
*Legal Services for Prisoners with Children*

Shirley Melnicoe  
Yolanda Robinson  
*Northern California Service League*

Susan Arding  
*San Francisco Department of Human  
Services*

Karen Levine  
Leslie Levitas  
*San Francisco Sheriff's Department*

Clare Nolan  
M. Anne Powell  
*UC Data Archive & Technical Assistance*

Ellen Walker  
*Zellerbach Family Foundation*

**M**ORE THAN TWO MILLION AMERICAN CHILDREN HAVE A PARENT BEHIND BARS TODAY—50 percent more than a decade ago.

Approximately ten million—or one in eight of the nation's children—have experienced parental incarceration at some point in their lives.

Little is known about what becomes of children when their parents are imprisoned. There is no requirement that the various institutions charged with dealing with offenders—the police, courts, jails and prisons, probation departments—inquire about children's existence, much less concern themselves with children's care. Conversely, there is no requirement that the front-line systems serving vulnerable children—public schools, child welfare, juvenile justice—inquire about or account for parental incarceration.

Children of prisoners have a daunting array of needs. They need a safe place to live and people to care for them in their parents' absence, as well as everything else a parent might be expected to provide: food, clothing, medical care.

But beyond these material requirements, young people themselves identify an array of less tangible, but equally compelling, needs. They need to be told the truth about their parents' situation. They need someone to listen without judging, so that their parents' status need not remain a secret. They need the companionship of others who share their circumstance, so they can know they are not alone. They need contact with their parents; to have that relationship recognized and valued even under adverse circumstances. And—rather than being stigmatized for their parents' actions or status—they need to be treated with respect, offered opportunity, and recognized as having potential.

These needs, too often, go not just unmet but unacknowledged. Over the years, a series of court cases has delineated the rights of prisoners in the United States. These rights are limited—some would argue insufficient—but they are, at the least, recognized. The idea that prisoners, while they may be required to forfeit the right to liberty, nevertheless retain other rights that demand respect, is generally taken for granted. Where it is not, advocates are ready and able to step in and fight on behalf of the incarcerated.

The same does not hold true for the children of prisoners. They have, it ought to go without saying, committed no crime, but the penalty they are required to pay is steep. They forfeit, in too many cases, virtually everything that matters to them: their home, their safety, their public status and private self-image, their source of comfort and affection. Their lives and prospects are profoundly affected by the numerous institutions that lay claim to their parents—police, courts, jails and prisons, probation and parole—but they have no rights, explicit or implicit, within any of these jurisdictions.

This need not be the case. Should the rights that follow be recognized, the children of prisoners would still face a daunting array of obstacles and traumas. But they would do so with the knowledge that the society that had removed their parents took some responsibility for their care.

A criminal justice model that took as its constituency not just offending individuals but also the families and communities within which their lives are embedded—one that respected the rights and needs of children—might become one that inspired the confidence and respect of those families and communities, and so played a part in stemming, rather than perpetuating, the intergenerational cycle of crime and incarceration.



## I HAVE THE RIGHT TO BE KEPT SAFE AND INFORMED AT THE TIME OF MY PARENT'S ARREST.

Many children of offenders are introduced to the criminal justice system when their parent is arrested and they see him taken away in handcuffs. The majority of police and sheriff's departments do not have protocols for dealing with the children of arrested parents. The resulting experience can be terrifying and confusing for the children left behind. Some wind up in the back of a police car themselves, on the way to what may be the first in a series of temporary placements. Others are left behind in, or return home to, empty apartments. Arrested parents often prefer not to involve public agencies in the lives of their children, out of fear of losing custody. Many children share this fear, but at the same time, long for someone to notice and attend to the family vulnerabilities that both lead to and result from parental arrest.

### NEXT STEPS

**Develop arrest protocols that support and protect arrestees' children but do not unnecessarily involve the child welfare system and increase the risk of permanent separation.**

Training police officers to understand and address children's fear and confusion when their parent is arrested is an important first step. At a minimum, police could be trained to inquire about minor children, and to rely—in the absence of evidence that to do so would place the child at risk—on the arrested parent as a first source of information about potential caretakers. This would minimize both the possibility of children being left alone, and of children entering the child welfare system unnecessarily when family members or other caretakers are available.

**Recruit and train advocates to support children during and/or after a parent's arrest.**

The amount of time a police officer can invest in caring for the child of an arrestee is necessarily limited. In any case, when a child has seen an officer arrest his parent, he may be less than receptive to seeing that officer as a source of comfort and aid. To fill the resulting gap, volunteer advocates could be recruited through existing organizations that serve prisoners and their families, or at-risk youth generally. Police could call on these advocates when they have reason to believe a child may be present at a planned arrest, or shortly after an arrest takes place. The advocate would be there to support and reassure the child, and also to assist in finding a family or other informal placement when child welfare intervention is not deemed necessary.

### Rochelle, 25

*When I was seven, a lady knocked on the door, and the police came. They said, "We're going to the park and we'll be back." At that time, I really did think I was going to the park. I sure didn't think I was going to the shelter, where they ended up putting me.*

*I don't think I really had an understanding about it. It was just, "My mom is gone and I'm here with these people. But I want to be with my mom right now."*

*What would have helped me is talking about it. When you don't know where your mom is, it's really scary for a child. And no one was talking about it. Just, "Here's a placement for you until you she gets herself together." You don't know when she's coming to pick you up—if she ever is going to come.*

*Even if the child doesn't know that person right off the bat, it would help to have someone there for the child who would continue to be with the child through the process. There should be some kind of task force that specializes in dealing with kids whose parents have been incarcerated. That group, or an individual within that group, will stay with that child. It's all about consistency. Someone there who they can call on, and continue to grow a relationship.*

## I HAVE THE RIGHT TO BE HEARD WHEN DECISIONS ARE MADE ABOUT ME.

**When a parent is arrested, children whose chaotic lives may already have left them with little sense of control often feel even more alienated from the events that swirl around them.** Adults they have never met remove their parents with little explanation, then decide where the children will go without consulting them. When children continue to feel unheard within the institutions that govern their lives in their parent's absence, their sense of powerlessness grows.

There are aspects of the lives of children of incarcerated parents that must inevitably remain beyond those young people's control. Children cannot choose whether or when their parents will be taken from them, or how long they will be gone. But when young people are offered a voice within the systems and institutions that come to dominate their lives, they are more likely to respect those institutions, and find some sense of control and optimism in their own lives.



## NEXT STEPS

**Create a voice for children in court proceedings that will affect their lives.**

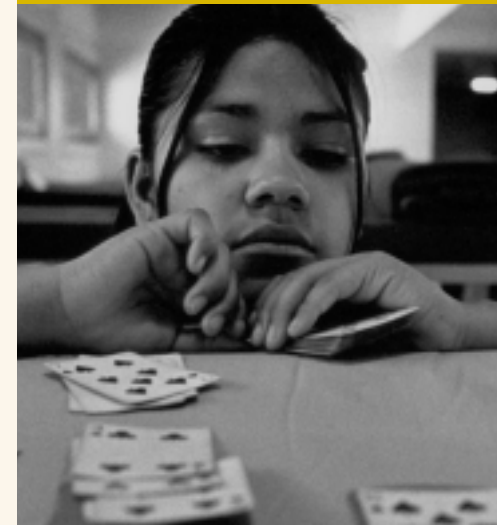
When a violent crime is committed, a victim's relatives may be included in the judicial process and given a chance to speak at sentencing about the impact of the crime on their lives. While a similar role for a defendant's children may not be appropriate or feasible in the case of serious or violent crimes, in the case of drug charges or other low-level offenses, older children could be given a chance to voice their wishes and express their concerns. While their voices would not be determinative, simply being heard and considered could help alleviate the sense of insignificance and alienation many children feel when their parents are tried, sentenced, and taken away from them. Children's input might also increase awareness of the impact on families of sentencing decisions and policy.

### Listen.

Every interaction between a prisoner's child and a representative of the adult world—be it police officer, judge, probation officer, teacher, relative or neighbor—presents both a risk and an opportunity. If young people feel blamed or unheard—if their pain remains secret or their needs go unexpressed—the burden of parental incarceration grows heavier. But if adults make the effort to listen without judgment and learn from children's hard-won experience, each interaction also provides an opportunity to offer solace and respite.

## Adam, 30

*The school system failed me from start to finish. I had been chosen to be in a fifth grade class that was a higher track. People would make fun of me because they could see the holes in my socks through the holes in my shoes. Right around the time my mom disappeared, some kid started a fight with me, probably because I came to school in my holey clothes, and the teacher had me kicked out of that class.*



*The teacher didn't even listen to me, probably because I was a poor kid who had holes in all my clothes. I wish that teacher would have listened. Once I was kicked out of that class, I felt like I'm this lesser person, or this bad person—like somehow I didn't deserve.*



# I HAVE THE RIGHT TO BE CONSIDERED WHEN DECISIONS ARE MADE ABOUT MY PARENT.

**There is no question that tougher sentencing laws—particularly for non-violent drug offenses—have had a tremendous impact on American children.** But as it stands, sentencing law not only does not require judges to consider the impact on children of decisions that will transform every aspect of children's lives; in some cases, it actively forbids them from doing so. A more sensible and humane policy would take as a given that sentencing decisions will inevitably affect family members—particularly children—and strive to mitigate the resulting harm as much as possible.

## NEXT STEPS

**Ensure that sentencing laws, guidelines and decisions fulfill their public safety function without causing unnecessary harm to children.**

As many states face severe budget crises—and public opinion polls show growing numbers of Americans favoring rehabilitation and alternative sentences for drug offenders—sentencing reforms are being contemplated, and enacted, in state houses across the country. At the same time, the number of U.S. prisoners recently reached a record two million, making the nation the world's foremost jailer. In this context, the impact on children of lengthy sentences—and the fiscal impact of associated costs such as foster care or welfare for care-takers—warrants serious consideration, as does the potential positive impact of a shift towards drug treatment and community-based alternatives to prison.

At the same time, children deserve to have their needs taken into consideration when individual sentences are handed down. Expanding the capacity of judges to consider children as they make sentencing decisions—and encouraging them to use what discretion they already have—would go a long way towards protecting children from “doing time” for a parent's crime.

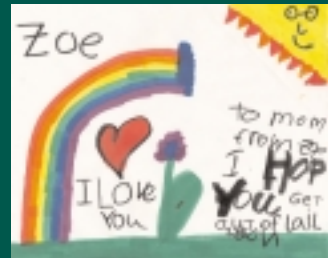
**Turn arrest into an opportunity for family preservation.**

Parental arrest can push an already-vulnerable family to the breaking point. But at best, it can also be an opportunity to intervene and offer support before parents lose the capacity to care for their children, and children lose the opportunity to be cared for by their parents. If questions about the existence, status and needs of dependent children became a part of the intake procedure for arrestees, and efforts were made to connect them and their children with family supports, the criminal justice system could play a role in supporting, rather than undermining, fragile families.

## Adam, 30

*Sending people to prison for victimless crimes—for abusing themselves—doesn't really seem to produce a solution. As a matter of fact, the laws only perpetuate what they're trying to prevent. You take somebody that's in a bad situation and you put them in a worse situation. It doesn't take a brain surgeon to figure out that sending people to prison only perpetuates the prison system, that they only become professional convicts.*

*You're also sending a very, very bad message*



*to their children. The message is that the law and the government don't care about the integrity of the family.*

*Violent criminals, rapists and murderers should be incarcerated. But there's so many people stuck in there for drugs. People become convicts and then after that, if they come back out in the real world, they can't get a job. How is that going to help them become better people? They need to be healed internally, educated mentally, and given skills physically for them to be productive people.*



## I HAVE THE RIGHT TO BE WELL CARED FOR IN MY PARENT'S ABSENCE.

**When a child loses a single parent to incarceration, he also loses a home.** In the most extreme cases, children may wind up fending for themselves in a parent's absence. About ten percent of prisoners' children will spend time in a foster care system where 97 percent of administrators say they have no specific policy in place to address these children's needs. The majority stay with relatives, often elderly and impoverished grandmothers who may be strained personally and financially by the challenge of caring for a second generation.

### NEXT STEPS

#### Support children by supporting their caretakers.

In many cases, relative caretakers receive less financial support than do non-related foster care providers—or no support at all. When the caretaker is an impoverished, elderly grandmother—as is often the case—it can prove particularly difficult for her to meet her family's basic needs. Equalizing payments for relative caregivers would be an important first step towards supporting the children for whom they care. Additional private-sector help—including respite care and group support—for grandparents who parent could also help sustain struggling families.

#### Consider subsidized guardianship for children whose parents are serving long sentences.

Children deserve an opportunity for stability and permanence without being asked to sever permanently their bond with their parent. Guardianship—in which a caretaker gains most of the legal rights of a parent but biological parents do not permanently lose rights—is one way of providing this. If guardians were routinely offered the same level of support as are foster parents, more friends and family members of prisoners might feel able to step into this role. When reunification looks unlikely—as when a parent is serving a life sentence—an open adoption can also provide both a permanent home and an ongoing connection to an incarcerated parent.

### Antonio, 23

*When I was four years old, my mother started doing drugs. She used to be in and out of jail, and then she started going to prison when I was seven years old. That's when we first got taken from her. Her friends took me to Social Services, dropped me off, left me there.*

*I've been in about 18 different group homes since then, and three or four foster homes. I don't care how bad whatever we were going through, I still wanted to be with my mom.*

*At the foster homes they would try to talk to me and I would say "yes" and "no." I didn't tell them anything else, because I was so hurt about it.*

*One foster home I was in, I called the lady there my grandmother, 'cause she took care of me. She always made sure that I got in touch with my mom. Even if my mom was locked up and tryin' to call collect, she could call there. My grandmother knew that mattered in my life.*

*The other places, they didn't care. There was only a couple of people that I lived with that actually took me to see my mom.*

## I HAVE THE RIGHT TO SPEAK WITH, SEE AND TOUCH MY PARENT.

**Visiting an incarcerated parent can be difficult and confusing for children, but research suggests that contact between prisoners and their children benefits both, reducing recidivism for parents and improving emotional adjustment and behavior for children.**

In some circumstances, visitation may not be in the best interests of particular children; in others, parents may choose to forgo visits. The great majority of families, however, want and will benefit from regular visitation. But because increasing number of prisoners are held at prohibitive distances from their families, too many children are denied the opportunity for contact with their incarcerated parents. In 1978, only eight percent of women prisoners had never received a visit from their children. By 1999, 54 percent had not received a single visit.



### NEXT STEPS

**Provide access to prison visiting facilities that are child-centered, non-intimidating and conducive to bonding.**

Visiting a jail or prison is necessarily an intimidating experience for a child, but much can be done to reduce fear and anxiety and improve the quality of the experience. So-called “window visits,” in which visitors are separated from prisoners by glass and converse by telephone, are not appropriate for small children. In facilities such as county jails where these visits are the norm, exceptions should be made for prisoners with children. In facilities where contact visits already take place, visiting rooms should be designed with children’s needs in mind, or separate accommodations should be made for prisoners with children.

**Consider proximity to family members when assigning prisoners to a particular facility, and when making foster care placements for children of prisoners.**

Because distance is the foremost impediment to regular visits—every effort should be made to house incarcerated parents as close as possible to their children.

**Require social services departments to facilitate telephone and in-person contact between children in their care and incarcerated parents.**

Children in foster care—who must depend on over-extended social workers or foster parents—have a particularly hard time gaining access to their parents. At the same time, social services departments have a legal mandate to make “reasonable efforts” to provide families with the support they need in order to reunify, and regular contact is generally a prerequisite for reunification.

*continued on last page*

### Malcolm, 17

*We made the most of each visit that we had. My mom was very special about trying to give time to each little child. Like for my sister she would sit there and braid her hair while she had her little private time to talk to her. She would try to make the three-hour visits enriching.*

*I remember she used to teach me karate. I remember her pushing me on a swing. Me showing her my muscles, even though I didn't have any. Just me being relaxed and having fun with my mother is what I remember most. And me really realizing how much I missed her towards the end of the visit, when someone would tell us we would have to say goodbye.*

*I couldn't even begin to express to you in words how fulfilling that was to my soul to give my mother a hug. For her to give me a kiss. For me to sit in her lap. If I hadn't been able to do that, I would have felt very empty then, as a child, and maybe as well now.*

*Because I didn't have that permanent separation—I always had contact in some form, whether it was writing or phone calls or visits, with my mother—I understand the strength of a family. When it's hard times, you stick together. And that was just a hard time.*





## I HAVE THE RIGHT TO SUPPORT AS I STRUGGLE WITH MY PARENT'S INCARCERATION.

### **Children whose parents are imprisoned carry tremendous burdens.**

Not only do they lose the company and care of a parent, they also must deal with the stigma of parental incarceration and fear for their parent's safety and well-being. Researchers who have interviewed offenders' children have found them prone to depression, anger and shame. One study found that many showed symptoms of post-traumatic stress reaction—depression; difficulty sleeping and concentrating; flashbacks to their parents' crimes or arrests. Despite these difficulties, many will tell you that they rarely receive the support they need as they “do time” along with their parent.

## NEXT STEPS

**Train staff at institutions whose constituency includes children of incarcerated parents—schools, foster care agencies, juvenile detention centers, child care programs—to recognize and address these children's needs and concerns.**

Any institution dealing with vulnerable youth will likely serve numerous children of incarcerated parents. In many cases, children do not feel able to talk about this aspect of their experience, and, in part as a result of this, find little in the way of support among the adults with whom they interact. When adults are sensitive to the needs—not to mention the existence—of children of prisoners, they are better prepared to offer the support these children need.

**Provide access to therapists, counselors and/or mentors who are trained to address children of incarcerated parents' unique needs.**

Some of the same issues that make counseling so essential for many children of prisoners—repeated loss; heightened fear of authority; discomfort in institutional settings; difficulty in forming trusting relationships—can also make providing that care particularly challenging. Children of incarcerated parents need access to therapists or other counselors who have the experience and training to surmount these barriers.

## Shana, 19

*I think there should be a program to help kids cope with the fact that their mother is arrested. Therapy, to see how the child is feeling and let them know what's going on. I know I needed something.*

*When I was five, I wasn't in a five-year-old place. I shouldn't have been able to know what drugs smell like, to see my mom doing it. When a child is exposed to that type of stuff, you can't take it away, but you can put them back in a child's place by getting them involved in childlike things. In my community, all the resources for kids, like the rec centers, are gone or shut down or taken over by drugs.*

*I would have liked to go camping. Horseback riding. Rock climbing. At a young age, that's when you develop your talent. Drawing. Singing. Dancing. Acting. Something like that would have shown me that there is more in the world than bad stuff. You need to know you can go through bad stuff, get out of it, and do so much more. Be so much more.*



I HAVE  
THE RIGHT  
NOT TO BE  
BLAMED,  
JUDGED OR  
LABELED  
BECAUSE  
OF MY  
PARENT'S  
INCAR-  
CERATION.

**Incarceration carries with it a tremendous stigma.** Because young children identify with their parents, they are likely to internalize this stigma, associating themselves with the labels placed on their parent and blaming themselves for their parent's absence. As they grow older, many report feeling blamed or stigmatized by others—neighbors, peers, teachers and other authority figures, even family members—because of their parent's situation. Some try to keep their parent's incarceration a secret. Many describe the shame and stigma they have experienced as the heaviest burden they carry, lasting long after the parent is released or the child becomes an adult.

## NEXT STEPS

**Create opportunities for children of incarcerated parents to communicate with and support each other.**

The shame young people experience when a parent is incarcerated is enhanced when they harbor the misperception that they are alone in their experience. The company of other children of prisoners—whether in support groups or informal activities such as recreation programs or summer camps—can allow young people to unburden themselves of a painful secret, learn that they are not to blame for their family's troubles, and perceive themselves as having potential.

**Create a truth fit to tell.**

"If I were the one placing a child," says Rochelle, 25, who spent her early years with a drug-addicted mother before entering foster care, "I'd say, 'Your mom is away in a place where she's going to try to get some help. For now you'll be placed with family members, or if not, in a foster home. And I'm going to be there for you and with you.'"

If this were the truth, it would be easier to tell. If arrest meant acknowledging a problem and was followed by an attempt to solve it; if children knew they would be reunited with their parent as soon as possible and well cared for in the interim; if those who claimed custody of the parent also offered support and solace to the child, then the criminal justice system might not be so cloaked in shame and stigma that children felt compelled to hide their parent's involvement in it, and view themselves as tainted as a result.

## Richard, 18

*I grew up with other kids whose moms used drugs, so I knew I wasn't the only one. I have a couple friends now, their moms use drugs, and we can sit down and have a conversation about it. It helps just to realize that we're not alone and that we can still do what we're put here to do, 'cause I feel everyone was put here for a reason.*

*I think for young people in my situation, talking amongst each other would be really good. Have an adult present in the room to help guide the conversation, but I notice that it's better if young people amongst each other talk about things. If you and I both told a kid not to go touch that stove, it's hot, he most likely might listen to me, 'cause I got burned by that stove.*



# I HAVE THE RIGHT TO A LIFELONG RELATIONSHIP WITH MY PARENT.

**Research consistently indicates that the strongest predictor of successful prisoner re-entry into society is abiding family bonds.**

Supporting these bonds (unless there is evidence that to do so would endanger the child), and reducing the obstacles to maintaining them, is not only of paramount importance to children; it may also be the best anti-recidivism approach around. But changes in child welfare law—specifically, accelerated timetables for termination of parental rights—have greatly increased the odds that even a relatively short sentence will lead to the permanent severance of family bonds. When this happens, children are forced to forfeit the most fundamental right of all—the right to remain part of their families.



## NEXT STEPS

**Re-examine the Adoption and Safe Families Act (ASFA) as it applies to incarcerated parents to ensure that viable families are not dissolved because of rigid timelines for termination of parental rights.**

Under the 1997 Adoption and Safe Families Act (ASFA), states must begin proceedings to terminate parental rights if a child has been in foster care for 15 of the past 22 months—six months if the child is under three. Over seventy percent of women in state prisons nationwide are serving sentences of 35 months or longer. These clashing timetables mean increasing numbers of women prisoners risk losing their parental rights if their children are in foster care.

Under ASFA, exceptions to the timelines for termination are permissible under two circumstances: when a court determines that “reasonable efforts” have not been made to support reunification, or that termination is not in a child’s best interests. Given the minimal efforts that are generally made to maintain contact and plan for reunification between incarcerated parents and their children—and the obstacles even the most energetic social workers face when they do try to support reunification—terminations in these cases ought receive automatic scrutiny under the “reasonable efforts” clause. When children enter foster care simply because of parental arrest, rather than evidence of abuse or neglect, these cases deserve careful consideration under the “best interests” clause.

**Designate a family services coordinator at prison and jail facilities whose role it is to facilitate contact and support reunification.**

Incarcerated parents often have a hard time arranging visits from behind bars and fulfilling the multiple mandates required for reunification. Investing in a staff member whose job it

## Ahmad, 21

*When I was five, my mother’s parental rights were terminated. I wasn’t even allowed to be by her in the courtroom. But I just knew from her expression, her tears, begging the judge, what had happened. I was reaching out to her, begging, trying to have that last hug. They picked me up and just took me away. Me screaming and yelling, “Mommy, I’m sorry, I won’t be bad again.”*

*All the system saw was a drug-addicted mother. “We don’t want this baby to be affected by this drug-addicted mother. The baby could do better without her.” They wanted to protect little Ahmad. Why didn’t they care about his mother?*

*There are mothers out there that are abusive to their kids, so the system has to step in and do something about that. That’s understood. But when there’s a mother struggling with an addiction, struggling with herself, but is not abusive towards her kids, then the system has to help better that situation. Help the mother as well as the child.*

*My mother was abusive to herself, not to Ahmad. Ahmad ate. Ahmad had clothes. Ahmad had love. But the system associated her abuse of herself with abuse of me. Were they right to do that? No. What would have helped me most is compassion for my mom.*

*continued on next page*

*Right 5 Next Steps continued:*

One option is to establish units within child welfare departments dedicated to serving the children of incarcerated parents. Workers in these units would be trained to deal with prison visitation and other issues specific to this population, and would also be able to establish long-term relationships with prison authorities in order to facilitate contact.

There is no question that extra effort is required to keep children in contact with incarcerated parents. But from a child's perspective, it is only reasonable that such efforts be made.

*Right 8 Next Steps continued:*

is to support these efforts could result in significant child welfare savings down the line, as well as decreased recidivism.

### **Support incarcerated parents upon re-entry, and revise laws that undermine their capacity to care for their children.**

The most basic tasks of parenting—providing food, shelter and clothing—are made immensely more difficult by a criminal record. Beyond the intrinsic challenges of finding work with a criminal record and re-establishing oneself after a forced absence, laws passed in most states as part of welfare reform bar those with felony drug convictions from receiving public assistance—including welfare and housing—for life.

Removing felony conviction restrictions to public benefits for custodial parents, or those actively seeking reunification with their children, would be a first step towards giving struggling families a fighting chance. Prison and jail family services workers could also develop pre-release plans for incarcerated parents and refer them to community agencies that might assist them with housing and employment upon their release. Probation and parole departments could establish family services units dedicated to serving probationers and parolees who are actively working to re-establish themselves as parents.

### **Focus on rehabilitation for non-violent offenders whose children are otherwise at risk of becoming the responsibility of the state.**

The most valuable intervention on behalf of children could take place before a parent ever sees a jail cell. Diversion programs for non-violent offenders, treatment for drug addicts, and other rehabilitation-focused alternatives to incarceration could make a tremendous difference to offenders' children.

## **ACKNOWLEDGEMENTS**

Deepest thanks go to the children of former and current prisoners, and the formerly-incarcerated parents, who shared their time and their stories.

Thanks are also due the following, for providing introductions to young people willing and able to speak about their experience—and for their valuable work: Margaret Norris at the Omega Boys Club; Linda Evans, Dorsey Nunn and Donna Wilmott at Legal Services for Prisoners with Children; Christa Gannon and Winnie Johnson at Fresh Lifelines for Youth; Jennifer Tait and Loretta of Friends Outside of Santa Clara County; Gretchen Newby of Friends Outside; Lauren Ostbaum of Community Works; Geri Silva of Families to Amend California's Three Strikes; Monica Pratt of Families Against Mandatory Minimums; Sayyadina Thomas; Alfred Perez of the Pew Commission on Children in Foster Care; Whid Medford, Amy Lemley and Deanne Pearn of The First Place Fund for Youth; Ida McCray of Families with a Future; and Shirley Melnicoe of the Northern California Service League.