

***The Effects of Parental Incarceration on Children:
Needs and Responsive Services***

Report of the Advisory Committee
Pursuant to House Resolution 203 and
Senate Resolution 52 of 2009

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The Joint State Government Commission was created by the act of July 1, 1937 (P.L.2460, No. 459) as amended, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

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INTRODUCTION

House Resolution No. 203, Printer's No. 1321, of 2009 was adopted on June 3, 2009, and Senate Resolution 52, Printer's No. 708, of 2009 was adopted on June 8, 2009.¹ The resolutions directed the Joint State Government Commission to establish an advisory committee to study the effects of parental incarceration on children of the incarcerated parents; to recommend a system for determining and assessing the needs of children of incarcerated parents, services available to them, and barriers to accessing those services; and to report recommendations to the House and the Senate.

A 38-member advisory committee was appointed over the course of several months. Ann Schwartzman, Director of Policy of the Pennsylvania Prison Society, served as the chair. The advisory committee includes staff from the Pennsylvania Board of Probation and Parole, the Department of Public Welfare, the Department of Corrections, the Pennsylvania Commission on Sentencing, the Department of Aging, county government centers, police, and the Harrisburg School District. It also includes a judge, attorneys, college professors, representatives of various community-based and faith-based support services and the Pennsylvania District Attorneys Association.

The advisory committee held its organizational meeting on December 4, 2009 and met again on October 14, 2010 and January 16, 2011.

To accomplish its purpose, the advisory committee divided into the following five subcommittees, each representing a cross-section of the full committee:

- Arrests and Judicial Proceedings
- Family and Corrections Interaction
- Family Caregiver Support
- Foster Care and Support Services
- Reentry and Reunification Planning

Later in the process, the Family Caregiver Support and Foster Care and Support Services subcommittees were combined to form Caregiver and Support Services subcommittee. The final list of the subcommittees is as follows:

- Arrests and Judicial Proceedings
- Caregiver and Support Services
- Family and Corrections Interaction
- Reentry and Reunification Planning

¹ Copies of the resolutions are provided in Appendix A.

The subcommittees met several times by teleconference and reported the results of their work to the full advisory committee for further consideration of the issues.

In addition to these meetings, in March 2011 the advisory committee members had an opportunity to visit several state prisons: SCI Chester, SCI Muncy, SCI Mercer and SCI Camp Hill, as well as the Lehigh County jail. The Department of Corrections and the Pennsylvania Prison Society organized these visits to provide the advisory committee members and Commission staff with first-hand knowledge and experience of existing programs and services at Pennsylvania's prisons and jails. The advisory committee members had a chance to see visiting areas and to talk to inmates who participate in parenting programs offered at these facilities.²

The full advisory committee was able to hear from two nationally recognized experts, who attended the meeting on April 29, 2011:

- Ms. Ann Adalist-Estrin, Director of the National Resource Center on Children and Families of the Incarcerated, Family and Corrections Network,

and

- Ms. Jane A. Siegel, Ph.D., Associate Professor of Criminal Justice, Department of Sociology, Anthropology and Criminal Justice, Rutgers University.

Ms. Adalist-Estrin emphasized the growing public awareness of the impact of parental arrest and incarceration on children and analyzed several crucial issues such as minimizing the child's trauma; incorporating the facts about the children in the Family Impact Statement for the judge to consider in sentencing; special training of the corrections, probation and parole officers; various problems associated with visiting a parent in prison; and the need to provide economic, logistical and emotional support to caregivers who take care of the children during their parents' incarceration.

Dr. Siegel highlighted the need for data, for the implementation of new policies and new procedures and commented on several specific aspects of helping children to maintain contact with their parents, of providing effective supportive services to families upon reentry, and of the necessary caution in the process of data sharing and collaboration among service agencies.

Both experts had an opportunity to review the proposals the subcommittees had generated by that point, and both expressed their approval. Additional suggestions made by Ms. Adalist-Estrin and Dr. Siegel were taken into account in finalizing the advisory committee recommendations.

² A summary of the SCI visits is provided in Appendix B.

The House and Senate Resolutions reflect the growing awareness that children of incarcerated parents face unique obstacles unlike those of their peers. The first step in determining the needs of children of the incarcerated and designing effective interventions is to identify these children. Presently, no mechanism exists in Pennsylvania to collect and analyze data of this nature, thus the number and characteristics of these children cannot be ascertained.

National observations indicate that the number of American children who have a parent in prison exceeds 1.7 million.³ Many more probably have a parent in jail. In 1997 an estimated 2.8 percent of all children under the age of 18 had at least one parent in a state or federal prison or in a local jail; about 1 in 40 children had an incarcerated father, and about 1 in 359 children had an incarcerated mother.⁴ Certain ethnic groups are affected more than others. According to the data from the Bureau of Justice Statistics, African-American children are seven and a half times more likely than white children to have a parent in prison, and for Latino children the rate is two and a half times higher than for whites.⁵ Most of the children with a parent in prison (58 percent) are less than ten years old.⁶ Children of the incarcerated have been described as “invisible victims” or “collateral damage” in a much broader social phenomenon - that of mass incarceration. This term – ‘mass incarceration’ – has been often used lately to describe the exponential growth of prison population in the U.S. today.⁷ According to a study commissioned by the Pew Charitable Trusts, in 2008 the United States had more people behind bars than any other country in the world.⁸ By that year, nearly one in 100 adults in the U.S. was incarcerated.⁹ As a result of a fundamental change in criminal justice policies, prison population grew at a historically unprecedented rate, and its composition changed significantly: more people are sent to prison for non-violent (mostly drug) crimes. Many of these non-violent drug offenders are women. Women under supervision by various justice system agencies were mothers of an estimated 1.3 million minor children; an estimated 72 percent of women on probation, 70 percent of women held in local jails, 65 percent of those in state prisons, and 59 percent of those in federal prisons have minor

³ Glaze, Lauren E. and Laura M. Maruschak. *Parents in Prison and Their Minor Children: Bureau of Justice Statistics Special Report*. Washington, D.C.: U.S. Department of Justice Office of Justice Programs, August 2008. Revised 3/30/10. NCJ 222984

⁴ Greenfield, L.A. and T.L. Snell. *Women Offenders: Bureau of Justice Statistics Special Report*. NCJ 175688. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1999. Revised 10/3/2000. <http://bjs.ojp.usdoj.gov/content/pub/pdf/wo.pdf>

⁵ Glaze, Lauren E. and Laura M. Maruschak. *Parents in Prison and Their Minor Children: Bureau of Justice Statistics Special Report*. Washington, D.C.: U.S. Department of Justice Office of Justice Programs, August 2008. Revised 3/30/10. NCJ 222984.

⁶ Mumola, Christopher. *Incarcerated Parents and Their Children*. NCJ 182335. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics. August 2000. <http://bjs.ojp.usdoj.gov/content/pub/pdf/pptmc.pdf>

⁷ See, for example, Phillips, Susan D. “The Past as Prologue: Parental Incarceration, Service Planning, and Intervention Development in Context”. In *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners* / Ed. by J. Mark Eddy and Julie Poehlmann. Washington, DC: The Urban Institute, 2010. P. 13.

⁸ The Pew Center on the States. *One in 100: Behind Bars in America 2008*. Washington, D.C. February 2008.

⁹ Ibid.

children.¹⁰ Today, women constitute a bigger segment of prison populations than ever before.

The percentage of women in prison is still significantly lower than of men; however, the rate of growth of female incarceration has been much higher than male. Many of these women are mothers, and prior to the arrest, many of those had been their children's primary caregivers. According to the data from the U.S. Department of Justice Bureau of Justice Statistics, two-thirds of incarcerated mothers were the sole custodial parent before incarceration.¹¹ The number of incarcerated mothers who were not living with their children at the time of admission is considerably lower than the number of fathers: 36 percent of state and 16 percent of federal inmate mothers and 56 percent of state and 45 percent of federal inmate fathers.¹² Some scholars and practitioners argue that losing the mother to prison is more traumatic for the child, particularly because it often involves a change in caregivers, moving to a different household and a different school.¹³ Whether one accepts this claim or not, it is clear that separating children from their mother through incarceration is qualitatively different than separating them from their father due to differences in traditional male and female parenting roles. Incarceration of a father who used to be the main (or the sole) financial provider and the main disciplinarian will result in an economic fallout for the family and the loss of an authority figure for the children. Even nonresident fathers, particularly in certain minority groups, often buy toys or clothing and demonstrate their paternity in other ways significant to them and to their children, so their imprisonment will still have an adverse effect on the children notwithstanding the absence of a formal legal and residential family relationship. Losing his mother to prison usually means total disruption of the family life, splintering of the family, with the child being separated not only from his mother, who took care of his basic needs, but also from his siblings and, in case of foster care placement, also of other relatives and friends. Incarceration of either the father or the mother usually causes major negative economic, social and psychological consequences for the child. They vary, but many of them have life-long repercussions.

Traditionally, research and interventions were parent-centered. However, in the last ten years, growing awareness of the dramatic impact parental incarceration has on children led to the shift of focus. A turning point may be the adoption of the Children of Incarcerated Parents Bill of Rights in San Francisco in 2003.

¹⁰ Greenfiled, L.A. and T.L. Snell. *Women Offenders: Bureau of Justice Statistics Special Report*. NCJ 175688. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1999. Revised 10/3/2000. <http://bjs.ojp.usdoj.gov/content/pub/pdf/wo.pdf>

¹¹ Ibid.

¹² Mumola, Christopher. *Incarcerated Parents and Their Children*. NCJ 182335. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics. August 2000. <http://bjs.ojp.usdoj.gov/content/pub/pdf/pptmc.pdf>

¹³ *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families and Communities*. Washington, DC: The Urban Institute Press, 2003. P. 18. Parke, Ross D. and K. Alison Clarke-Stewart. *Effects of Parental Incarceration on Young Children*. Washington, D.C. U.S. Department of Health and Human Services, 2002. Retrieved on July 13, 2011 from <http://aspe.hhs.gov/hsp/prison2home02/parke&stewart.pdf>.

The Bill declares that these children are entitled to the following essential 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.¹⁴

The list of “rights” composed by California child advocates and used by several other states does not imply that these rights are legally enforceable. Instead, it brings into light this formerly “invisible” population and reminds scholars, social workers and policymakers of the detrimental effects parental incarceration has on the child and the necessity to find ways to modify and relieve these effects. In the past ten years, more research has been done elucidating the specifics of how a parent's imprisonment affects the child. Understanding these dynamics is the first step before effective intervention can be developed. It is important to realize that

incarceration is not a single or discrete event but a dynamic process that unfolds over time. To understand the impact of the incarceration process on children it is necessary to consider separately the short-term effects of the arrest and separation of the child from the parent, the impact of the unavailability of the parent to the child during the period of incarceration, and the effects – both positive and negative – of reunion after the incarceration period.¹⁵

The present report traces all these stages and investigates a variety of impacts.

¹⁴ *Children of Incarcerated Parents: A Bill of Rights*. San Francisco: San Francisco Partnership for Incarcerated Parents, 2003. P. 1.

¹⁵ Parke, Ross D. and K. Alison Clarke-Stewart. *Effects of Parental Incarceration on Young Children*. Washington, D.C. U.S. Department of Health and Human Services, 2002. Retrieved on July 13, 2011 from <http://aspe.hhs.gov/hsp/prison2home02/parke&stewart.pdf>.

The kind of impact parental incarceration has on a child can differ significantly and require a different kind of intervention dependent on a number of factors. A very important factor is the child's age, which is why psychologists emphasize the developmental perspective. Problems and needs of a two-year-old, who cannot comprehend why his mother has been taken away from him, and a teenager, struggling under the stigma of having his father in prison in addition to facing a host of other economic and social issues, will be very different and require different interventions. According to the statistics, the majority of affected minor children are less than ten years old.¹⁶ Some are even born while one or both of their parents are in prison or jail. Dependent on the age when the child had to lose his or her parent to prison, as well as on a number of other factors, impacts of parental incarceration can be felt throughout adolescence and even adulthood.

Parental incarceration generates a wide range of problems for the child, from economic to psychological. Arrest and imprisonment of a parent often means loss of income for the family (it may be the parent's wage or salary if he or she had been employed before arrest or social benefits if she had received those). This loss will also create a heavier burden on families that are already at the lower end of the financial spectrum. The remaining or newly found caregiver often struggles financially without adequate income and with the additional legal expenses and the money required for maintaining connections with the inmate, whether it is by visits or by telephone (exorbitant telephone costs for prison collect calls have been the center of attention for quite a while now). Having to deal with a family member incarceration and with the need to take care of the child, the caregiver may be practically and emotionally overwhelmed and unable to address the child's emotional needs. Often she will also lack knowledge allowing her to find the right way of conveying the information to the child in an age-appropriate form and to render the necessary support. The whole family may share the stigma and shame associated with having a family member in prison. Small children may feel they are in some way to blame for the parent's disappearance. Many will feel anger either at the parent for subjecting them to such a disaster or at the police officers who arrested the parent and the justice system that keeps the parent away from the child.

While the initial arrest causes nightmares and flashbacks in young children, long-term psychological effects may include insecure attachments; internalizing problems such as anxiety, withdrawal, hypervigilance, depression, shame and guilt; and externalizing behaviors such as anger, aggression and hostility towards caregivers and siblings.¹⁷ A combination of fear, resentment and the sense of loss makes it extremely difficult for the child to focus on studies and to maintain normal social life. Decreasing school performance, acting out at school, problems with peer relationships, sometimes even

¹⁶ Glaze, Lauren E. and Laura M. Maruschak. *Parents in Prison and Their Minor Children: Bureau of Justice Statistics Special Report*. Washington, D.C.: U.S. Department of Justice Office of Justice Programs, August 2008. Revised 3/30/10. NCJ 222984. Mumola, Christopher. *Incarcerated Parents and Their Children*. NCJ 182335. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics. August 2000.

¹⁷ Parke, Ross D. and K. Alison Clarke-Stewart. *Effects of Parental Incarceration on Young Children*. Washington, D.C. U.S. Department of Health and Human Services, 2002. Retrieved on July 13, 2011 from <http://aspe.hhs.gov/hsp/prison2home02/parke&stewart.pdf>

criminal behavior are quite common among these children. The most profound effect of parental incarceration may be the loss of a child's sense of stability and safety. The parent is usually a staple of those for the child, so when that pillar of stability is removed, the child may feel his or her whole world has fallen apart; the trauma of abandonment and insecurity may last for a very long time. Being moved to a different kinship household or to a foster home exacerbates and perpetuates this feeling, particularly in case of multiple foster care placements. On the other hand, if a child had not even really known his parent before the parent's arrest or if the parent had been abusive and if the child is happy in his foster home, the child may be worried about the stability of these arrangements and unwilling to lose them once the parent gets out of jail. Either way, the child's sense of stability and safety that is so crucial to his emotional well-being is undermined.

The emotional trauma of the loss of a parent and formidable practical difficulties of disrupted family life are exacerbated by the lack of societal support, by the feeling of rejection and shame, of real or perceived prejudice against not only inmates themselves but against their children and their family members as well. Summarizing multiple adverse impacts parental incarceration has on a child's life, researchers make a broader conclusion about the erosion of the social capital of these children:

Associated sociological and criminological theories point to three prominent ways in which the effects of parental imprisonment on the social capital of children might be understood. These involve the strains of economic deprivation, the loss of parental socialization through role modeling, support, and supervision, and the stigma and shame of societal labeling.¹⁸

Among various adverse outcomes for children of incarcerated parents, one in particular seems to almost justify this stigma and has caused concerns for policymakers and judicial system professionals: it is an increased likelihood that such children will engage in antisocial behavior and eventually join the prison population themselves either as juveniles or as adults. Cases of two or sometimes three generations represented in the same prison or even sharing the same cell have been reported. It is a common belief that children of the incarcerated are much more likely than their peers to end up in prison themselves. Researchers, however, are divided on this issue. The challenge of assessing what part parental incarceration plays in future criminal activity of children lies in the difficulty of disentangling this factor from a number of other risks that the child may be subjected to. Based on their systematic review of a large number of the existing studies, the most authoritative international experts on the issue, Joseph Murray and David P. Farrington, in cooperation with Ivana Sekol and Rikke F. Olsen, came to the following conclusion:

¹⁸ Allard, Patricia and Judith Greene. *Children on the Outside: Voicing the Pain and Human Costs of Parental Incarceration*. Justice Strategies, 2011.
<http://www.justicestrategies.org/sites/default/files/publications/JS-COIP-1-13-11.pdf>

These studies all showed that children of prisoners are more likely than other children to show antisocial and mental health problems. However, it was unclear whether parental imprisonment actually caused these problems. They might have been caused by other disadvantages in children's lives that existed before parental imprisonment occurred . . . More research is required to determine whether or not parental imprisonment causes an increase in child antisocial behaviour and mental health problems.¹⁹

The main findings of their meta-analysis are that “children of the prisoners have about twice the risk of antisocial behaviour and poor mental health outcomes compared to children without imprisoned parents” and that “all but one of the studies suggested that parental imprisonment might cause an increase in these outcomes for children.”²⁰ However, the reviewers believe that while parental imprisonment is quite a strong risk factor for these outcomes, it is not known yet whether it is a causal risk factor and new research is necessary “that can estimate the causal effects of parental imprisonment on children more accurately, and investigate mediators and moderators of its effects.”²¹ Such moderators include the child's sex and his or her age at parental imprisonment, maternal versus paternal imprisonment, the child's age at the observed outcome, parental habits before imprisonment, the child's home arrangements after parental incarceration and the level of contact with the incarcerated parent, and other factors. Murray and his co-authors submit that “because parental imprisonment predicts undesirable outcomes for children, it could be used to indicate that children might be in need of extra support.”²² As parental incarceration is associated with economic strain and instability in children's care and living arrangements, it might be useful for human services and child healthcare workers to include questions about it in their case assessment. Although professionals need to be aware of the risks associated with parental imprisonment and screen for them, it is important for them, as well as for policymakers and the general public, to remember that “parental imprisonment is far from deterministic in predicting undesirable outcomes. Many children of prisoners do not develop antisocial or mental health problems,” as Murray and other researchers emphasize.²³

Although it is acknowledged that continuing long-term studies of the impact of parental incarceration on children are needed, certain policy implications have emerged clearly. According to an authoritative review, current theory and empirical evidence indicate that policies derived in this area should address three aspects of incarceration:

¹⁹ Murray, Joseph, David P. Farrington, Ivana Secol and Rikke F. Olsen. “Effects of Parental Imprisonment on Child Antisocial Behaviour and Mental Health: A Systematic Review”. *Campbell Systematic Reviews*. 2009:4. P. 6.

²⁰ *Ibid.*, p. 8.

²¹ *Ibid.*, p. 8.

²² *Ibid.*, p. 57.

²³ *Ibid.*, p. 58.

First, generally speaking, separation from the parent injures children and, therefore, policies aimed at minimizing periods of separation and maintaining parent-child contact during incarceration should be encouraged. (. . . there are exceptions in which children may be better off when an abusive or disruptive parent is no longer a part of their lives.) Second, discontinuity in all its forms, including shifts in residence, changes in schools and peer groups, and disruptions in care giving arrangements, can harm children with incarcerated parents. Policies to increase stability for the child should be encouraged. Third, economic stress often accompanies parental incarceration and has negative effects on children; policies aimed at minimizing the economic hardship surrounding incarceration should be advocated.²⁴

The advisory committee members' experience and observations corroborate these conclusions, and its recommendations encompass the above-mentioned areas.

Acknowledging the well-documented adverse effects of parental incarceration on children and its significant costs to communities, researchers identify two groups of recommendations that could help to solve or mitigate this problem. One includes measures to reduce the number of parents sentenced to prison. These measures would include legal reforms, particularly reforms to drug laws, aimed at reducing incarceration rates and addressing state and local budget crises. Such reforms would allow or expand judicial discretion to place those convicted of drug offenses and those who commit other nonviolent crimes into diversion programs including treatment when necessary. Alternative, community-based sentencing is recommended primarily for nonviolent female offenders who act as their child's caregiver. The second group consists of ameliorative measures to address the economic and emotional pain of the children whose parents are incarcerated.²⁵ This group incorporates

- providing counseling to children of the incarcerated and their caregivers;
- training child care workers, school teachers and counselors as well as corrections officials, to recognize and address the pain and hardship experienced by these children;
- improving children's economic security, by providing financial support to kin caregivers, similar to that offered to non-relative foster parents;

²⁴ *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families and Communities*. Washington, DC: The Urban Institute Press, 2003. P. 221.

²⁵ See, for example, Allard, Patricia and Judith Greene. *Children on the Outside: Voicing the Pain and Human Costs of Parental Incarceration*. Justice Strategies, 2011. <http://www.justicestrategies.org/sites/default/files/publications/JS-COIP-1-13-11.pdf>; Murray, Joseph, David P. Farrington, Ivana Secol and Rikke F. Olsen. "Effects of Parental Imprisonment on Child Antisocial Behaviour and Mental Health: A Systematic Review". *Campbell Systematic Reviews*. 2009:4. P. 58; and *Report to 2006 SCR 128 Task Force Children of Incarcerated Parents*. Hawaii, 2006. <http://hawaii.gov/dhs/main/reports/LegislativeReports/2006Leg/2005%20SCR%20128%20Children%20of%20Incarcerated%20Parents.pdf>.

- making an effort to keep siblings together;
- facilitating good-quality contact with the incarcerated parent when appropriate via various channels; and
- promoting successful reentry and resuming of their parental roles by offering individuals parenting programs while they are still in prison and eliminating obstacles in their job and housing search after they are released back into the community.

In accordance with the HR 203 and SR 52, the present report focuses on the second group of measures – those aimed at ameliorative intervention, at mitigating the negative impacts of parental incarceration on children, and assisting these children in becoming healthy, productive, and responsible adults.

RECOMMENDATIONS

Pursuant to HB203 and SR52, the advisory committee has made several recommendations set forth below and organized topically.

ARRESTS AND JUDICIAL PROCEEDINGS

Arrests

- Provide training for criminal justice agency professionals to understand, empathize and respond appropriately to children whose parents are arrested and incarcerated as a measure to protect public safety; include evidence-based best practices in effective alternatives to arrest and incarceration.
- Establish an arrest protocol for situations involving the arrest of a parent of a minor child. Proposed legislation is set forth in the chapter “Proposed Legislation” found later in this report.

Judicial Proceedings

- Recognize that parents involved with the legal system often have childcare needs which require attention. Establish an appropriate and safe area for children within the courthouse to accommodate the needs of the child while his/her parent is involved in a legal proceeding.
- Urge an entity (whether it is the county children and youth agency, the Department of Public Welfare, or the courts themselves) to provide training to the judges and judicial staff on the needs of children and the parents who are involved in the judicial system.
- Utilize more detailed pre-sentence investigation (PSI) reports which include comprehensive information about the children of a convicted parent and the needs of the children and the parent in attempting to maintain an appropriate relationship post-sentencing.

- Ensure that communication of sentencing requirements is made to the post-sentence entity in charge of the parent who has been convicted, to make certain that special considerations addressed by the court are noted and complied with.

Probation and Parole

County probation, parole, and intermediate punishment, including anyone supervising county probation, county parole, and county intermediate punishment, court staff supervising intermediate punishment sentences, state parole agents supervising “special probation” cases, and facilities/services used as conditions of county-based sentences should address the following recommendations:

- Provide Training for Officers
 1. Mandatory training for all new probation and parole (P/P) officers on the issues of children with parents under criminal justice supervision.
 2. Mandatory training as part of the 40 hours of ongoing training required of county P/P officers.
- Improve/Update Agency Policies and Procedures
 1. In case planning, the county probation/parole (P/P) office must consider the entire family.
 2. Complete information should be obtained on all children in the offender’s life. When making field visits, an effort must be made to observe any children in the home and conditions in which they live.
 3. Agencies should have clearly defined policies for reporting suspected cases of child abuse/neglect.
 4. Facilities should have clearly defined policies regarding the visitation of children (taking into consideration the need for childcare, as well as other needs of the children themselves, of parents involved in the criminal system).
 5. There should be clearly defined policies for dealing with children during both in-the-office and field arrests.
 6. There should be designated liaisons between county children and youth and county probation and parole. Training on, and copies of, policies and procedures should be available/provided to judges.

CAREGIVER AND SUPPORT SERVICES

Community Resources and Information Availability

- Develop and expand community-based resources to help parents and other caregivers address children's needs when their parents are arrested and incarcerated. This resource would keep children informed about what is happening to their parents, provide transportation for children, coordinate any needed screening of potential caregivers, provide emergency assistance for caregivers, arrange for counseling and emergency assistance to children, follow up on children and move children if original caregivers are unable to continue. Such agencies, similar to A Second Chance or Bethany Christian Services – Safe Families for Children Program, could work in conjunction with Children, Youth and Families or independently.²⁶
- Design pamphlets and easy-to-carry “What to say when...” cards with advice on telling children of different ages where their parents are. Provide these materials to parents, caregivers, police, magistrates, court personnel, teachers, clergy and service providers.
- Provide effective literature that offers tips for supporting children and points the way to concrete resources and help. Such literature could be distributed to family members in court, in the waiting area at prisons and jails, or on agency-sponsored family transportation to prisons. Brochures could be distributed to churches, libraries and clinics.
- Develop a website with information and a resource library on services and support mechanisms for caregivers of children with incarcerated parents.

Governmental Agencies Programs and Policies

- Provide cross-training for leaders and practitioners from relevant systems in contact with children of incarcerated parents (corrections, child welfare, provider association, schools, health, mental health, juvenile justice, and courts) to highlight the impact of incarceration on children and families and to teach strategies for improving coordination.
- Develop subsidized guardianship programs, through which relative caretakers could receive the support and services normally associated with foster care without having to relinquish custody of the children in their care and without

²⁶ The Department of Public Welfare agrees with the concept, but suggests that in the latter case, prior to the child being referred to such a program, an assessment should be made to ensure there are no abuse, neglect or safety concerns that would warrant a referral to the county children and youth agency. Other advisory committee members, however, believe that such a requirement would, effectively, close the independent option.

threatening the legal standing of the parent-child relationship. In the event of subsidiary guardianship, ensure equity between relative and non-relative caregivers. (These plans typically come into effect only after a child has been in foster care for a designated period, though some states, including Kansas, Kentucky, New Jersey, Nevada, Ohio and the District of Columbia, offer preventive subsidized guardianship programs. These programs aim to prevent children from entering into the foster care system by providing support, in the form of a modest monthly subsidy and sometimes other services, to kinship caregivers.)²⁷

- Develop more effective, more standardized caseworker practice protocols at the time of initial intervention to ensure that key decisions for kinship caregivers are not made in haste and to take advantage of key opportunities for intervention and support that present themselves immediately after a parent is first arrested or incarcerated.
- Create specialized units within child welfare departments, or if it presents too big a challenge for a county, the county should identify a liaison(s) to work with prison and/or jails.
- Establish processes within county agencies to better connect children of incarcerated parents and their caregivers to services and support mechanisms including mental health services, substance abuse treatment, parenting courses, employment services, housing aid, and financial assistance. Create lines of communications for caregivers to discuss their needs with service providers.
- Streamline the process for ensuring that children of incarcerated parents receive adequate health care services. Provide training for state and county staff regarding eligibility criteria for children in kinship care and other custodial situations to receive health benefits. Training should include information about the special needs of children of incarcerated parents and their caregivers.

Data Collection and Coordination Across Service Systems

- Require the Department of Corrections and any other pertinent agency to collect the necessary data to acquire an accurate count of the number of children in the Commonwealth who have an incarcerated parent.
- Promote the information sharing among the Department of Corrections and other relevant state and county agencies.

²⁷ The Department of Public Welfare agrees with the concept; however, its representatives express concern about fiscal resources and maintain that exploration of fiscal resources is necessary.

- Engage in cross-system collaboration. Develop clear protocols between the agencies of the criminal justice system and children, youth and family services to ensure that caseworkers got the information they need to develop service plans and implement them while parents are incarcerated. Develop standardized releases of information shared by all state agencies. Develop state collaborative information systems between partner agencies and other state systems so that data on criminal justice, child welfare, and social service populations can be effectively shared and analyzed, as appropriate.²⁸
- Establish close collaboration between the Department of Welfare and the Department of Corrections in order to remove some of the barriers to the maintenance of family ties during imprisonment.
- Designate an agency, or agencies, to collect data on programs to provide services to children of incarcerated parents and to analyze the data to determine the effectiveness of each program.
- Coordinate efforts between corrections agencies, child welfare personnel and community providers to help ensure children receive needed services while a custodial parent is incarcerated.
- Develop a defined set of questions relating to parenthood to be asked of all inmates at intake and/or as part of the classification interview. These questions could serve as the benchmark in indentifying and screening parents for associated programs and evaluating what is in the best interest of the child.
- If a referral may be indicated, this information should be shared with a County Human Services Children and Youth Office, community-based agencies and the local Domestic Relations office, when applicable.
- Establish a permanent commission on children of incarcerated parents to research and monitor conditions of these children, or ensure that these children become a focus area for the Governor's Commission for Children and Families.
- Identify and support funding opportunities.

Parental Rights, Foster Care and Permanence

- Provide inmates, upon admission to jail or prison, with information regarding state laws and other pertinent information on termination of parental rights

²⁸ At present there is no child welfare information technology system that has real time data at the state level. However, the Department of Public Welfare has a multi-year plan to have real/near-real time data at the state level.

and information regarding child support obligations and the means to modify payment orders while incarcerated.

- Make it possible for children, when they reach a certain age, to have a say in where they are placed as long as the placement is safe and able to meet the child's needs.
- Implement policies and establish procedures for limiting the disruption and trauma that children of incarcerated parents in foster care may experience, especially for children with multiple placements, based on individualized review of each family's case history. Such policies may address placement of siblings together, when appropriate; placement with relatives and/or near the child's home, when appropriate; stable school enrollment regardless of changes in foster placement; preservation of relationships with other family members, friends, and important adults in the child's life.
- Ensure that incarcerated parents have an opportunity to participate meaningfully in dependency proceedings and case planning for their children and that they are provided legal representation that is competent and consistent. There should be more training provided for parent and child attorneys on issues pertaining to children of incarcerated parents. Standards should be established for attorneys who represent incarcerated parents and their children.
- Encourage legal remedies to make family unification possible and assist incarcerated parents involved in custody proceedings in getting access to legal information, advice and representation, particularly when the inmate has been a primary caregiver and has maintained ties with the child while in prison.
- Modify the Pennsylvania Adoption Act to clarify that incarceration alone is not sufficient grounds to terminate parental rights and modify the Pennsylvania Juvenile Act to establish that parental incarceration may in some circumstances be an exception to the requirement to file a petition to terminate parental rights.

Emotional Support and Guidance for Children with Incarcerated Parents

- Support effective mentoring programs for children of the incarcerated, such as those run by Big Brothers Big Sisters, Amachi, and Senior Corps.
- Develop and expand afterschool programs for children of the incarcerated.
- Establish more support groups, in a variety of community settings, for these children that would give them an opportunity to share their feelings and develop healthy ties within the community.

FAMILY AND CORRECTIONS INTERACTION

Visiting and Communications

Include the following language in the mission statements of all correctional facilities and criminal justice training academies: “Support evidence-based and research-informed programs that facilitate the bonds between arrested and incarcerated parents and their children and families and reduce recidivism.”

Policies and Practices

- Strive for contact visits between an incarcerated parent and their child at all state correctional facilities and county jails.
- Provide for video visitation opportunities to supplement, not replace, contact visits, telephone calls, and correspondence.
- Provide for appropriate electronic mail contact between an incarcerated parent and his or her child.
- Permit incarcerated parents to schedule telephone calls based on the availability of their child and their child’s caregiver.
- Provide detailed information in plain language regarding visitation policies, telephone calls, correspondence and any other approved communications tools to incarcerated parents, their families and their child’s caregivers.
- Encourage schools to provide incarcerated parents with copies of school calendars, progress reports, and report cards.
- Provide orientation for first-time visitors.
- Provide an ombudsman or other appropriate contact person in each jail and correctional facility for families to contact regarding information or concerns.
- Provide for easier and less expensive communications between an incarcerated parent and his or her child, including, but not limited to, free stationary and stamps, reduced charges for telephone calls, and earned time opportunities for telephone calls to the children.
- Provide a visitation area within the jail or correctional facility that is comfortable for the children of incarcerated parents, including, but not limited to, interactive games, books, crafts, and age-appropriate videos.
- Furnish visitation rooms in all county jails and correctional facilities to enable greater interaction between incarcerated parents and their children.

- Establish flexible visiting hours that accommodate the schedules of schoolchildren and families.
- Identify and disseminate a model program for a reservation system for jail and prison visits to reduce wait times, eliminate turn-aways and allow for all clearances and travel arrangements to be completed in advance.
- When a child is in state custody and a Children, Youth and Family Services representative or designee supervises a child's visit with his or her parent, agency-supervised visitation should be considered a high priority and not subject to cancellation barring emergency circumstances.
- Recommend that all school districts change their policies so that a prison or jail visit with a parent by a student is considered an excused absence.

Evidence-Based and Research-Informed
Family-Strengthening Programs

- As parenting programs and other individualized, prescribed rehabilitative programming will benefit family reunification and stability upon offender reentry, corrections administrators should afford incarcerated parents with the proper programs in order to promote family stability and reduce recidivism and encourage incarcerated parents to complete a parenting program prior to release.
- Provide for and fund programs intended to improve parenting skills. Require that all approved and funded family-strengthening programs in jails and prisons include both co-parenting and facilitated, child-healthy visits in the curriculum. Encourage the establishment of a communications journal between an incarcerated parent and his or her child utilizing various communications tools.
- To maximize the effectiveness of family-strengthening programs, develop coordinated multimodal intervention that would involve inmates, children and their caregivers and that would take place both during the period of incarceration and post-release.

REENTRY AND REUNIFICATION PLANNING

- Reduce and eliminate post-incarceration penalties which hinder the ability of formerly incarcerated individuals to acquire housing, employment, and education.

- Require providers of prison/jail job training, employment and education to continue services to the individual after reentering the community. Require all government-provided employment and housing programs to assess and serve formerly incarcerated individuals and their families.
- Establish community housing programs to support housing for offenders reentering communities and reuniting with their children and families.
- Develop policies requiring correctional institutions to notify Family Court and Children and Youth Services when an individual released is involved in a dependency case.
- Require that an individual released select persons to be notified.
- Re-establish a statewide reentry task force and encourage counties to promote and develop reentry initiatives within their current Criminal Justice Advisory Board committees.
- Establish and fund “Case Management” positions for reentry planning within each correctional facility.
- Where such programs/services are available, encourage and promote parenting education for those under community supervision.
- Encourage objective, evidence-based research on family-strengthening programs, conducted inside and outside the walls of correctional facilities, to measure the improvement of participants’ parenting capacity and of family outcomes. Longitudinal studies should also be supported to measure not only the offending parent’s recidivism, but also the child’s interaction with the juvenile and criminal justice systems, when applicable.
- Continue and expand the use of innovative and collaborative programs and partnerships, including Parenting Universities through local intermediate units or school districts, and community and faith-based supervision, treatment and support services that serve as local resources and liaisons to the newly released parents and their children.
- Encourage the Department of Corrections, the Pennsylvania Board of Probation and Parole and county correctional facilities to work with community providers that conduct parenting and related programs, create incentives for those agencies and community providers to work together, and make it easier for providers to have access to inmates and offenders supervised in the community.

- Encourage judges and the Pennsylvania Board of Probation and Parole to include a parenting element for all parents enrolled in Reentry Programs and related programs, but not as a condition of treatment or graduation.
- Expand the use of pre-release and post-release group family conferencing as an effective means to facilitate successful reentry and re-establishment of family relationships. Make family group conferencing a part of parents' reentry plans for all families, including both those who are involved with the child welfare system and those who are not.
- Guarantee a continuity of case management when the inmate is transferred from the Department of Corrections to the Pennsylvania Board of Probation and Parole, and plan in advance for the transition.
- When making arrangements for an incarcerated parent's reentry, the best interests of the child should always be a priority, and individualized plans should be developed dependent on what, if any, reunification services a particular child may need.

ARRESTS AND JUDICIAL PROCEEDINGS

SUBCOMMITTEE PROCESS

A child's life changes significantly when a parent goes to jail. The impact of parental incarceration is complex, and its different facets affect the child in different ways. As two leading experts in the field, the editors of the "Children of Incarcerated Parents: A Handbook for Researchers and Practitioners", J. Mark Eddy and Julie Poehlmann, explain,

like all children, the day-to-day lives of children with incarcerated parents are imbedded in family, school and community contexts. Unlike other children, however, the lives of children of incarcerated parents are heavily influenced by a powerful fourth context, the criminal justice system, which encompasses various subcontexts with distinct subcultures, including the police, the courts, jails, prisons, and probation and parole.²⁹

The subcommittee on arrests and judicial proceedings focused mainly on the first two components of law enforcement: the police and the courts. The subcommittee had four teleconferences: on March 31, 2010; May 27, 2010; September 22, 2010; and March 2, 2011. Initially, the subcommittee concentrated its efforts on the issue of arrests; then it turned its attention to the subject of judicial proceedings.

ARREST PROTOCOLS

A child may be traumatized and even endangered when a parent is taken into custody and the arresting officers are not trained to handle children who are present at the scene. Many states and counties do not have arrest protocols that provide police officers with guidelines as to how they should handle children involved either when they are present during parental arrest or away at school to return later to find the parent, often the only caregiver, gone. Nationwide, there have been numerous reports of disturbing cases such as that of a child as young as six years old who was simply left behind in the apartment by the officers who arrested his mother and left without answering his questions or making any arrangements for him and his baby brother (the boy tried to take care of himself and his baby brother for weeks until a neighbor noticed him with the stroller and called Child Protective Services); of a teenage boy left alone to fend for himself; or of three minor children dropped on the freeway after a traffic stop and arrest of their uncle (one of them, a three-year-old boy, was hit by a car, and two of his siblings

²⁹ Eddy, J. Mark and Julie Poehlmann. "Multidisciplinary Perspectives on Research and Intervention with Children." In *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners*. Washington, D.C.: The Urban Institute Press, 2010. P. 4.

ended up at the hospital with pneumonia).³⁰ These cases, though extreme, are far from unprecedented. Less extreme but still highly undesirable consequences such as exacerbated trauma for the child are quite common when an arresting officer is incapable or unwilling to take into account the fear and confusion of a child witnessing his or her parent's arrest. A national survey by the American Bar Association (ABA) Center on Children and the Law showed that only one-third of patrol officers said they would handle a situation differently if children were present; of that third, only one in five will treat a suspect differently if children were present, and only one in ten will take special care to protect the children.³¹ According to the same national study, almost 70 percent of children who were present at a parent's arrest watched their parent being handcuffed, and almost 30 percent were confronted with drawn weapons.³² In view of such statistics, several state and local governments, for example, New Mexico, California and Oregon, have developed policies and training to ensure consistent and reasonable approach to handling children in the event of parental arrest, to achieve safety for the children and to mitigate their trauma.

Having reviewed current practices in Pennsylvania, the subcommittee observed that there exists no uniformity in different counties' procedures that would reduce trauma for children whose parents are arrested. Several subcommittee members contended that burden should be on the Office of Children and Youth to respond and take control of the situation. In some Pennsylvania counties, Children and Youth employees are not present for arrests and sometimes are not even notified. Different circumstances, including time of the arrest, may affect who needs to be present. It was acknowledged by the subcommittee that police have to be careful about who they leave children with at the time of arrest. At the same time, if a parent is being arrested, his or her choice of a new caregiver for the child should be taken into account when appropriate. The majority believed that there needs to be a way to ensure that the county Office of Children and Youth is notified and engaged when an arrest is going to occur and children are involved. The general agreement was that police protocols be put in place and enforced throughout the state. Protocols should apply when children 18 and under are involved, with special attention given to children 16 and under. New Mexico and San Francisco were mentioned as places that have arrest protocols for handling situations where children will be present. As a result of their discussion, the subcommittee chose the New Mexico protocols as a model for their recommendations.³³ Another basis for the subcommittee recommendations was the arrest protocol developed and tested in Allegheny County, which involved meeting with the police to provide training.³⁴ Officers were educated by sergeants during roll calls; placards were developed. Experience with the Allegheny

³⁰ Bernstein, Nell. *All Alone in the World: Children of the Incarcerated*. New York; London: The New Press, 2005. Pp. 14-15, 19.

³¹ Smith, Barbara E. and Sharon Goretzky Elstein. *Children on Hold: Improving the Response to Children Whose Parents Are Arrested and Incarcerated*. Washington, D.C.: American Bar Association Center on Children and the Law, 1994. Cited in Bernstein, Nell. *All Alone in the World: Children of the Incarcerated*: New York; London: The New Press, 2005. P.9.

³² *Ibid.*

³³ The New Mexico legislation that was ultimately signed into law was 2007 House Bill 271.

³⁴ See *Keeping Children Safe When Parents Are Arrested: Methods for Allegheny County Police Officers: Report to Judge Kim Berkeley Clark from the Arrest Protocol Committee*. Pittsburgh, 2008.

County pilot program proved that it is helpful to involve the police chiefs early on, and the program has been well received by the police.

JUDICIAL PROCEEDINGS

Arrest protocols that would ensure child safety and minimize the child's trauma during the parent's arrest is the first and the most obvious step that needs to be taken to protect children from unintended adverse effects of the law enforcement actions against their parents. Further, the subcommittee recognized that children should be taken into account at every stage of the subsequent judicial proceedings. To trace the possible impacts and determine ways of mitigation, the subcommittee studied a flowchart of the judicial process and case progression.³⁵

The courts need to be cognizant of the potential presence of children during hearings and other court appearances. In this regard, the courts should be urged to maintain an area in the courthouse that is appropriate to accommodate and provide care for waiting children. Recognizing that creating and maintaining an appropriate waiting area for children will incur certain costs, the subcommittee did not want to impose an unfunded mandate but rather to strongly encourage the courts to be cognizant of the issue and to take action on their own.

Education of judges and court staff in regard to the needs of children during a parent's involvement in the judicial process is critical.

In their discussion of judicial proceedings, the subcommittee members noted the need to address short-term versus long-term incarceration; to handle pre-trial period, when the parent is in and out of custody, differently; to develop a special protocol for magisterial district judges; to compare county confinement and state confinement; and to be careful about exposing more children to the state system.

Researchers point out that the best way to minimize adverse effects on children of those who have committed certain criminal acts is not to incarcerate their parents but to select alternative penalties if the parents are able and willing to continue providing care for their children, at the same time mandating drug treatment and making it available. They argue that

the most valuable interventions on behalf of children might take place before a parent even sees a jail cell. Diversion programs, drug treatment, restorative justice initiatives, and other rehabilitation-focused alternatives to incarceration must be the starting place for any serious effort to improve the lives and prospects of children whose parents have run afoul of the law.³⁶

³⁵ A copy of the chart illustrating the Pennsylvania Criminal Justice workflow is provided in Appendix E. The chart was submitted by advisory committee member Mark H. Bergstorm.

³⁶ Bernstein, Nell. *All Alone in the World: Children of the Incarcerated*. New York; London: The New Press, 2005. P. 268.

Community-based sentencing, a type of alternative sentencing, allows for avoidance of many of the problems associated with separation from the parent caused by parental imprisonment. Research indicates that “these sentencing alternatives may be especially relevant for women in light of recent evidence that women are more amenable to non-incarceration alternatives and more willing to endure them for longer periods than men, especially if they are their children’s primary caregivers.”³⁷ These cost-effective alternatives for mothers include house arrest, halfway houses where they can reside together with their children, and day programs in which women stay in a correctional institution during the day but are permitted to return home to their children at night. According to the survey of 24 community-based programs for mother and children in 14 states, “community sentencing programs yielded reduced recidivism and increased family preservation – outcomes that have positive implications for children’s adjustment.”³⁸

Researchers further recommend that the courts devise and implement sentences that encourage accountability to children, pointing out that parental incarceration makes it almost impossible for parents to assume many of those responsibilities while they are behind bars: “Alternative sentences should be looked to not only for their capacity to rehabilitate, but also to allow and encourage parents to fulfill their obligations to their children.”³⁹ For the judge to be able to take into account potential consequences for the children, he or she needs to be aware of the family situation. While the judges are deliberating their decision, they need good information about the needs of the children whose parents are facing incarceration. Pre-Sentence Investigation (PSI) reports must be used more extensively, and they need to be more detailed, especially as it relates to the children of the defendant. Some researchers make a specific suggestion of adding a new component to the PSI: “a family impact statement, which would include an assessment of the potential effect of a given sentence on children and families, and recommendations for the least detrimental alternative sentence in this context.”⁴⁰ An important aspect of the family impact statement that the judge could find useful in sentencing is the family living arrangements prior to the parent’s arrest and imprisonment. Researchers contend that this factor is not taken into account to a sufficient degree. R. Park and K.A. Clarke-Stewart write, “Unfortunately, the nature of the prior living arrangements is not generally considered in assessments of the impact of incarceration on children, but it would be expected that incarceration would carry different meanings and have different consequences for children who do or do not reside with their parents before incarceration.”⁴¹ While non-resident parents may or may not maintain meaningful social

³⁷ *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families and Communities*. Washington, DC: The Urban Institute Press, 2003. P. 216.

³⁸ Devine, Kevin. *Family Unity: the Benefits and Costs of Community-Based Sentencing Programs for Women and Their Children in Illinois*. Chicago: Chicago Legal Aid to Incarcerated Mothers, 1997. Cited in *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families and Communities*. Washington, DC: The Urban Institute Press, 2003. P. 215.

³⁹ Bernstein, Nell. *All Alone in the World: Children of the Incarcerated*. New York; London: The New Press, 2005. P. 260-261.

⁴⁰ *Ibid.* P. 261.

⁴¹ Parke, Ross D. and K. Alison Clarke-Stewart. *Effects of Parental Incarceration on Young Children*. Washington, D.C. U.S. Department of Health and Human Services, 2002. Retrieved on July 13, 2011 from <http://aspe.hhs.gov/hsp/prison2home02/parke&stewart.pdf>.

relationships with their children, the removal of a parent the child lives with, particularly when this parent is a sole caregiver, will clearly cause an immediate and significant disruption in the child's life, so pre-arrest residential arrangements should be part of the PSI. In single-parent households it is much more common for children to be living with their mother than with their father. The household structure and the allocation of child care responsibilities prior to incarceration is one of the factors that the sentencing judge should be aware of. In Pennsylvania, the use and content of PSI reports vary from county to county. It appears that in some Pennsylvania counties PSI reports are uncommon. Others, such as Berks County, use PSI reports in nearly all cases, but these reports contain only the most basic information. Improvement in the preparation and use of PSI reports can allow judges to have better awareness of the defendant's children's needs and take these needs into consideration in the judicial disposition.

After sentencing, it is critical that ongoing communication be maintained between the presiding court and the prison, jail, or other supervising agency regarding the status of the children involved. Often, breakdowns in communication occur between one point in the system and another; therefore, special attention must be paid to communication between the court and corrections.

County probation, county parole and county intermediate punishment also need to develop special protocols to handle these issues and to provide training for their employees to sensitize them to the children involved and to make them aware of the children's needs and of the services available to meet them. Probation and parole officers could be an effective referral source for caregivers.

SUMMARY OF RECOMMENDATIONS

Provide training for criminal justice agency professionals, judges and judicial staff on the needs of children whose parents are involved with the judicial system and law enforcement to increase awareness of these needs and to find better ways for addressing them.

Legislatively establish an arrest protocol for situations involving the arrest of a parent of a minor child.

Utilize more detailed pre-sentence investigation (PSI) reports which include comprehensive information about the children of a convicted parent and the needs of the children and the parent in attempting to maintain an appropriate relationship post-sentencing.

Ensure that communication of sentencing requirements is made to the post-sentence entity in charge of the convicted parent.

CAREGIVER AND SUPPORT SERVICES

SUBCOMMITTEE PROCESS

The Caregiver and Support Services Subcommittee was created as a result of combining two subcommittees: Family Caregiver Support and Foster Care and Support Services. Before the unification, each subcommittee had one teleconference: Foster Care and Support Services on March 22, 2010, and Family Caregiver Support on March 24, 2010. The newly formed Caregiver and Support Services Subcommittee had its first joint teleconference on June 17, 2010 and then another one on January 25, 2011.

For the purposes of this study, caregivers are defined as “the adults responsible for day-to-day interactions with children, including supporting children’s growth and development at home, school, and in the community; providing supervision and discipline; and often regulating contact between children and incarcerated parents.”⁴²

The following issues emerged as crucial for providing help to the children of the incarcerated and their caregivers:

- Data collection and data sharing between agencies;
- Placement, in particular the impact of foster placements on children and the rights of incarcerated parents;
- Family caregivers and the problems they face;
- Prison and jail policies regarding access to information and visitation;
- Transportation and logistics;
- Maintaining contact with incarcerated mothers and fathers in a variety of ways;
- Economic problems;
- Maintenance and expansion of programs currently available to these families at the state and local levels.

⁴² Poehlmann, Julie and J. Mark Eddy. “A Research and Intervention Agenda for Children of Incarcerated Parents.” In *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners* / Ed. by J. Mark Eddy and Julie Poehlmann. Washington, DC: The Urban Institute Press, 2010. P. 333.

DATA COLLECTION AND COLLABORATION BETWEEN STATE AGENCIES

The initial step to planning and providing support services to children of the incarcerated is locating these children, which may be a harder task in some counties than others. Pennsylvania does not have a centralized database that contains such information. If a child comes into state care as a result of parental incarceration, this child will be in the Adoption and Foster Care Analysis and Reporting System (AFCARS) database. If, however, the child has already been in foster care when a parent gets incarcerated, the Department of Public Welfare will not be aware of that. The department is currently working on a system that would allow collection of data from the counties. At present, every county takes incarceration into account when determining child placement, but some do it more consistently than others. For example, the Children and Youth Services in Lehigh County conduct weekly meetings to discuss post-placement details, the status of the incarcerated parent and specific services that can be offered to ensure a successful relationship between child and parent. This initiative was established as a result of supervisors from Children's Mental Health, Children and Youth, Drug and Alcohol, and Probation and Parole getting together to discuss and evaluate individual cases. It can serve as an example of productive collaboration between agencies that can be a key to success.

It is important to remember that county and state agencies only know the children and families included in their caseloads. Most children of incarcerated parents – more than 90 percent by most estimates – are cared for by their own parent, extended family members, or family friends, with no additional public support.⁴³ This strength of family commitment significantly mitigates the disruption of children's experience. However, it also increases the children's invisibility.

A possible way of identifying the children of the incarcerated and their caregivers, with the purpose of providing support to both, would be to collect information about the children from inmates, which is not currently done. Another appropriate and an even earlier stage to collect such information would be at sentencing. Once the information is obtained, the crucial following step would be to share it with all the agencies that might be involved in providing support services to the children and their caregivers and in ensuring connection between the child and the parent when it is in the best interest of the

⁴³ See Glaze, Lauren E. and Laura M. Maruschak. *Parents in Prison and their Minor Children*. Washington, D.C., US Department of Justice, Bureau of Justice Statistics Special Report, August 2008. NCJ 222984. Based on surveys of prisoners, the authors state that 2.9 percent of the children of state and federal prisoners (2.2 percent of men's children and 10.9% of women's children) are in foster care or under the supervision of a public agency. Estimates of children whose parents are in jail who are in the foster care system are similar. In a formal survey of parents in the Allegheny County Jail, the Pittsburgh Child Guidance Foundation found that 4% of the men's children and 6% of the women's children were in foster care with strangers or had been adopted. See Walker, Claire. *Parents behind Bars Talk about Their Children*. April 2003, www.PittsburghChildGuidanceFoundation.org/Reports. For a discussion of why these numbers may somewhat undercount the number of children who are under the supervision of public agencies, see U.S. Government Accountability Office. *Child Welfare: More Information and Collaboration Could Promote Ties Between Foster Care Children and Their Incarcerated Parents*. Washington, D.C., September 2011. GAO-11-863.

child. Information sharing would be instrumental in keeping children's interests in focus at all stages of the process.

Consistency and coordination of efforts between human services, corrections, and educational institutions are necessary for effectively providing services to children of the incarcerated during and after parental imprisonment. This is one of the most important conclusions researchers have made. Ross D. Parke and K. Alison Clarke-Stewart in their chapter entitled "The Effects of Parental Incarceration on Children: Perspectives, Promises, and Policies" explain it in detail:

The systems that provide services for children and families affected by incarceration need to coordinate their efforts across time to permit continuity of services. For example, decisions and services on behalf of family members during incarceration need to be recognized in the planning of post incarceration services to ensure continuity across the transition from prison to home. The criminal justice system, including correctional officers and prison administrators, needs to be involved in decision making about family contacts and family support. The social welfare system needs to be involved with the family members of incarcerated parents to provide coordination between their services and the needs of the imprisoned parent (visitation, reentry services), and, in turn, these activities need to be coordinated with the criminal justice system, including prison and later parole systems. Schools need to be partners in the support provision process so that children's needs beyond the family setting are recognized. Only when all the various players – courts, prisons, community and social service agencies, schools, and policymakers – begin to coordinate their efforts will we be able to develop and implement programs that will maximally support children, families, and kin of incarcerated parents.⁴⁴

These authors, as well as others, also emphasize that in order to reach the maximum effect, social policies, social services, and intervention programs need to be culturally sensitive and should be tailored to the needs of different cultural groups.⁴⁵

PLACEMENT: THE IMPACT OF INCARCERATION ON PARENTAL RIGHTS

In their approach to placing a child whose parent is incarcerated, child welfare agencies in Pennsylvania differ considerably in their policies and goals. Some of them favor reunification with parents while others advocate permanent placement. State prisons have many inmates with terminated parental rights and thus, fewer visitations.

⁴⁴ *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families and Communities*. Ed. by Jeremy Travis and Michelle Wall. Washington, DC: The Urban Institute Press, 2003. P. 224.

⁴⁵ *Ibid.*, p. 225.

The subcommittee recommends adopting a consistent state-wide policy regarding parental rights of the incarcerated.

NGA Foster Care Policy Academy

New policies and initiatives have been developed by national advocacy groups, including the National Governors' Association (NGA) and the Casey Family Foundation, that may benefit children of the incarcerated. Pennsylvania is one of six states chosen to participate in the NGA Foster Care Policy Academy to safely reduce the number of children in foster care. Sixteen Pennsylvania counties participate in the NGA program. The academy is being conducted in partnership with Casey Family Programs. This policy academy offers state "teams" the opportunity to work with national and state experts to improve outcomes for children and youth who come to the attention of the child welfare system. Pennsylvania, which began its NGA efforts in fall 2008, deployed a diverse state team comprised of representatives from the Office of Children, Youth and Families (OCYF), the Office of Mental Health and Substance Abuse Services (OMHSAS), county children and youth agencies, county juvenile probation officers, the Juvenile Court Judges Commission (JCJC), Administrative Office of The Pennsylvania Courts (AOPC), the Department of Education, and private child welfare providers.

Pennsylvania's plan calls for the Department of Public Welfare, along with its NGA partners, to work with sixteen counties to develop county-specific reduction plans that focus on four key strategies: increasing safety, reducing reliance on out-of-home care, improving permanency and reducing reentry into the system. The lessons learned from the sixteen counties will then be modeled throughout the Commonwealth.

The Office of Children, Youth and Families set a three-year goal of safely reducing the number of Pennsylvania children in foster care by 15 to 20 percent, or approximately 2,000 to 3,000 children and youth by 2010.

The county-specific work is being accomplished by county NGA teams that are comprised of members from the NGA core team and/or representatives from their agencies or offices, county integrated teams including children and youth, juvenile probation office, MH/MR, judicial and educational representatives from the sixteen NGA counties as well as children and youth representatives from non-NGA counties which agreed to be partners.

A large part of the NGA initiative is having the NGA team members and county teams come together on scheduled intervals, depending on the county preference, to conduct case reviews of out-of-home placements. In this review, the reasons for the placements are examined, and together the team reviews the decisions that led to the placement to determine if a better decision could have been made and also discusses a case plan for next steps for the youth. These in-depth reviews help aid the counties in identifying their drivers for out-of-home placements. Finally, every quarter the NGA team and all sixteen counties, and their integrated team members, come together to network and share lessons learned.

Since the fall of 2008, these sixteen counties have reduced their placements by 22 percent.⁴⁶

Permanency of Placement Requirement and Its Impact on Prisoners' Parental Rights

Apparent grounds for termination of parental rights of the incarcerated individuals may be a result of a combination of circumstances, such as the lack of incarcerated parents' knowledge of their legal rights and unintentional barriers presented by both the foster care agencies and correctional institutions because of workload demands or failure to prioritize this issue.

In their examination of adoption, subcommittee members agreed that length of placement should be balanced with the type and length of incarceration, recognizing that placement must always be in the best interest of a child. While returning to a less than desirable environment, for example, involving a parent's drug use, may not in the best interest of a child, or some children may be unwilling to go back to their former home environment, in many cases it is beneficial to keep children with their natural parents when possible or at least allow them to maintain contact. A potential remedy could be an open adoption where a parent, once released, could visit the child. There is a delicate balance between a need to see their natural parents that many adopted children experience, parental rights of the incarcerated, and the right of the new parents who adopt children from foster care to decide if they want to maintain contact between the child and the natural parent.

Visiting is very important to placement because visits are very helpful in determining if reunification after incarceration would be successful. However, the role of child welfare agencies in regard to visitations with incarcerated parents is unclear; many create or fail to identify barriers to child-parent visits. Visitation policies vary significantly from county to county.

Incarceration may have a dramatic impact on parental rights, and sometimes termination of parental rights occurs as a direct result of incarceration. A change in law that would provide for flexibility, make it possible under such circumstances to delay a filing for the termination of parental rights similar to one recently instituted in New York was suggested as a possible line of action in Pennsylvania. Under current practices, when a mother is arrested, she can lose her parental rights and be permanently separated from her child even when she never gets convicted of a crime. According to anecdotal evidence offered by the subcommittee members, parental rights can be at risk even when a person has to spend several months in jail waiting for the trial at which all charges against her are eventually dismissed. Sometimes even getting into the court system can be a lengthy process, and it can jeopardize parental rights regardless of the eventual resolution of the criminal case. "In various surveys, half or more of child welfare

⁴⁶ A personal e-mail to the Commission from Cathy A. Utz, Director of the Bureau of Policy, Programs and Operations of the Department of Public Welfare Office of Children, Youth and Families, of March 14, 2011.

supervisors have confirmed that even in cases where an arrested parent is released within a few days and there is no indication of abuse or neglect, they will not automatically return a child to his parent's care."⁴⁷

Many incarcerated parents, mothers in particular, face a lot of difficulties trying to stay in contact with their children. Two factors may make it more difficult for women than men: there are fewer prisons for women, so women are often incarcerated farther from the place of residence, and, according to the corrections' professionals, women tend to have fewer visits than men (if a child's father is incarcerated, the mother is usually still the child's caregiver, and she is more likely to bring the child for a visit than a foster parent or an elderly grandmother who often ends up taking care of the child in case of the mother's arrest).

Pennsylvania prisons run few events designed to facilitate family connections: SCI Graterford has an annual holiday and summer fun day; Philadelphia has an annual holiday party for women at Riverside Correctional Facility; York County jail hosts Family Nights. Visits can be hard to organize and to finance. Inability to spend time with the child, lack of involvement in the child's life not only can be emotionally devastating for both the child and the parent, but may also lead to the loss of parental rights.

Incarcerated parents and their children are a group that have turned out to be inadvertently, but adversely affected in some cases by the Federal Adoption and Safe Families Act (ASFA) of 1997,⁴⁸ which was a modification of the Adoption Assistance and Child Welfare Act of 1980.⁴⁹ As Benjamin de Haan, a noted expert with extensive experience of working in the fields of both corrections and child welfare, explains it, "ASFA was intended to improve outcomes for children involved in the foster care system. However, ASFA neglected to accommodate the unique needs of children whose parents are in prison and has potentially increased damage to families affected by parental incarceration."⁵⁰ ASFA created new challenges for such families because it mandates developing a permanency plan for a child within twelve months of entering foster care instead of within eighteen months, as previous legislation required. Moreover, the new act requires the state to file a petition to terminate parental rights when a child has been in non-kinship care for fifteen of the most recent twenty-two consecutive months (the so-called "fifteen-months" guideline). The average sentence length in state prison is seventy-five months.⁵¹ That means that most incarcerated parents face the federally mandated termination of their parental rights and permanent placement of their children before they are released.

⁴⁷ Bernstein, Nell. *All Alone in the World: Children of the Incarcerated*. New York; London: The New Press, 2005. P. 155.

⁴⁸ Public Law 105-89, amending the Social Security Act.

⁴⁹ Public Law 96-272, amending the Social Security Act.

⁵⁰ De Haan, Benjamin. "The Interface between Corrections and Child Welfare for Children of Incarcerated Parents." In *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners*. Ed. by J. Mark Eddy and Julie Poehlmann. Washington, D.C.: The Urban Institute Press, 2010. P. 274.

⁵¹ Glaze, Lauren E. and Laura M. Maruschak. *Parents in Prison and Their Minor Children: Bureau of Justice Statistics Special Report*. Washington, D.C.: U.S. Department of Justice Office of Justice Programs, August 2008. Revised 3/30/10. NCJ 222984.

Analysts from the Urban Institute Justice Policy Center gathered data showing that about 9 percent of mothers in state prisons have a child in a foster home or agency and that the average sentence for an incarcerated parent ranges from 80 to 103 months, and concluded that “many inmates risk losing custody of their children prior to their release, regardless of desire or willingness to parent.”⁵² Researchers have presented data showing that the percentage of incarcerated individuals whose parental rights have been terminated has increased significantly since ASFA.⁵³ While securing permanent placement may be in the best interest of some of the children whose parents are in prison for extended periods of time and have never had an emotional bond with them, there are also others whose parents (mostly mothers) had been their primary caregivers before arrest and want to stay involved in their lives. In such cases, ASFA can lead to detrimental consequences to both the children and their incarcerated parents as the legal and permanent severance of parent-child bond does not benefit either party. Frequently, despite strong parent-child ties and a parent’s commitment to caring for the child, the family simply runs out of time for reunification.

To address the problem that ASFA has inadvertently created for this group of families, several states have come up with different remedies. One remedy lies with the state departments and involves better training for both the child welfare and the corrections personnel and an appropriate change in policies within the systems as well as better collaboration between them, which is what the advisory committee also recommends for Pennsylvania. The other remedy is statutory clarification. According to Benjamin de Haan, “in response to ASFA, at least 25 states have passed statutes for termination of parental rights and/or adoption that pertain specifically to incarcerated parents.”⁵⁴ Some states, recognizing the unique challenges that incarceration poses for a family, have relaxed the ASFA timelines when a parent is facing incarceration or have modified their termination of parental rights statutes to clarify that parental incarceration alone is not sufficient to permanently sever the parent-child relationship. For example, Colorado does not require that termination of parental rights petitions be filed despite the child having been in placement for fifteen months when this time has elapsed “due to circumstances beyond the control of the parent such as incarceration of the parent for a reasonable period of time.”⁵⁵ Nebraska prohibits the filing of a termination of parental rights petition when the sole factual basis for the petition is parental incarceration.⁵⁶ New

⁵² LaVigne Nancy, Elizabeth Davies and Diana Brazzell. *Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents*. Washington, D.C.: The Urban Institute, February 2008. http://www.urban.org/UploadedPDF/411616_incarcerated_parents.pdf

See also Travis Jeremy, Elizabeth Cincotta McBride and Amy L. Solomon. *Families Left Behind: The Hidden Costs of Incarceration and Reentry*. Washington, D.C. The Urban Institute, October 2003; revised June 2005. http://www.urban.org/uploadedpdf/310882_families_left_behind.pdf

⁵³ See Hairston, Creasia Finney. *Prisoners and Families: Parenting Issues During Incarceration*. <http://aspe.hhs.gov/HSP/prison2home02/Hairston.htm>. Accessed 3.04.2010 Bernstein, Nell. *All Alone in the World: Children of the Incarcerated*. New York; London: The New Press, 2005. P. 149.

⁵⁴ De Haan, Benjamin. “The Interface between Corrections and Child Welfare for Children of Incarcerated Parents.” In *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners*. Ed. by J. Mark Eddy and Julie Poehlmann. Washington, D.C.: The Urban Institute, 2010. P. 274.

⁵⁵ Colo. Rev. Stat. Ann. § 19-3-3-604(2)(k)(IV).

⁵⁶ Neb. Rev. Stat. §43-292.02(2)(b).

Mexico has statutory language virtually identical to Nebraska's.⁵⁷ Massachusetts, Missouri, and Oklahoma also have statutes clarifying that parental incarceration alone is not sufficient to terminate parental rights.⁵⁸ New York, with bipartisan support, passed the ASFA Expanded Discretion Act in 2010,⁵⁹ which permits child welfare agencies discretion to not file termination of parental rights petitions in circumstances where the parent is incarcerated and termination of parental rights is not otherwise in the child's best interests. The recent United States Government Accountability Office report on ties between foster care children and their incarcerated parents includes a special table summarizing selected state statutory provisions related to incarcerated parents and the termination of parental rights.⁶⁰

Currently, Pennsylvania law does not include much flexibility for families with incarcerated parents, and the rigidity of timeframes for reunification set by the ASFA is a clear barrier to reunification. In compliance with AFSA, the Pennsylvania Juvenile Act requires that the Department of Human Services file to terminate parental rights when a child has been in foster care for fifteen of the past twenty-two months. While in some circumstances termination of parental rights will best serve the needs of a child, the reality is that strict adherence to ASFA timelines can result in the destruction of the parent-child relationship even in cases where reunification is feasible and in the child's best interest. Members of the advisory committee recommend that the Juvenile Act be modified to address this situation, by first, clearly stating that incarceration alone is not grounds to terminate parental rights, and second, by establishing that incarceration for a reasonable period of time is an exception to the requirement to file a petition to terminate parental rights. After thorough consideration, the proposed statutory modifications won the approval of the Caregiver and Support Services subcommittee. However, when they were brought up for the general discussion at the entire advisory committee meeting, two members expressed their concerns though the majority of the advisory committee supported the change.

Objections to the proposed statutory recommendations were based on a number of reasons. One argument was that the current language is already sufficient as it encourages social service professionals and judges to examine cases on an individual basis. The Juvenile Act requires that during a permanency hearing the court determine if a petition to terminate parental rights has been filed or if a compelling reason not to file has been documented. Even if a petition to terminate parental rights has been filed, the court makes a determination to terminate rights based upon evidence provided, and it does not result in an automatic termination of parental rights. Opponents of the modifications also dispute the need to place in statute one example of a compelling reason to not terminate parental rights while others exist, thus creating an exception for one group of parents

⁵⁷ N.M. Stat. Ann. § 32A-4-28(D).

⁵⁸ See Mass. Gen. Laws Ann. Ch. 210 § 3, Mo. Rev. State. § 211.447, and 10A Okl. St. Ann. § 1-4-904.

⁵⁹ New York Social Services Law § 384-b.

⁶⁰ Appendix III: Provisions from Selected State Statutes on Termination of Parental Rights and "Reasonable Efforts" That Specifically Address Incarcerated Parents. In United States Government Accountability Office. *Child Welfare: More information and Collaboration Could Promote Ties Between Children and Their Incarcerated Parents*. Washington, D.C., September 2011.
<http://www.gao.gov/products/GAO-11-863>.

involved in the dependency system while the current Pennsylvania statute gives no weight to any particular reason nor does it exclude any particular reason. However, the recommended statutory modifications do not presume to claim an exemption for children of the incarcerated parents from the possibility of termination of parental rights, nor do they define parental incarceration as a blanket exception to the fifteen-months rule.

Rather, the proposed statute provides an example of what may be an appropriate reason not to terminate parental rights. In keeping with both the federal Adoption and Safe Families Act and the Pennsylvania Juvenile Act, each family and each case must be assessed individually, and parental incarceration may be considered as a compelling reason among other factors in an individual case. Two child advocates on the advisory committee expressed concern that the new language may

“transform what should be an evidentiary showing at a hearing before a judge into a discretionary decision by the children and youth agency, i.e., that rights should not be terminated, hence they do not need to file the petition.”⁶¹

Proponents of the recommended modification counterargue that

“this concern is unfounded. A judge overseeing a child welfare case must always oversee the permanency plan and rule on its appropriateness at every hearing.⁶² The proposed statute in no way divests a judge of this role. . . . As the statute illustrates, at every permanency hearing the judge must review whether a hearing on the termination of parental rights has been filed, and if not whether the county agency has documented compelling reasons not to file a TPR petition. The proposed language in no way alters or amends this judicial function.”⁶³

Child advocates on the advisory committee emphasized the need to highlight the best interest of the child in any legislation. To alleviate this and other concerns they expressed, the proposed statutory modifications were adjusted, and the best interest of the child is clearly stated as the main priority.

At present, the Pennsylvania Department of Public Welfare sometimes follows the fifteen-months guideline and sometimes does not. Incarcerations may be considered one of the “compelling reasons” for the parent not to maintain connections with the child, but this factor is often overlooked. A representative of the Department of Public Welfare suggested that additional analysis should be undertaken to determine the impact this

⁶¹ A personal e-mail to the Commission from Tracey Thomasey, Director of Social Work of the Support Center for Child Advocates, received on 05.25.2011.

⁶² 42 Pa.C.S. § 6351.

⁶³ A personal e-mail to the Commission from Kathleen Creamer, Staff Attorney of the Community Legal Services and Stoneleigh Foundation Fellow, received on 05.31.2011.

change would have on child outcomes.⁶⁴ Judge Clark, an advisory committee member, spoke strongly in favor of the proposed statutory modifications, as, in her view, judges need such a clarification and would benefit from it. The general consensus appears to be that better understanding of the circumstances and the language is required, that case-by-case approach is most productive, and that the child's best interests should be a priority.

Access to Legal Aid in Custody Proceedings

Incarceration sets significant limits on the ability of parents to participate in life-changing legal decisions for themselves and their children. Moreover, it may lead to the permanent loss of parental rights because of to inadequate legal representation. If a child is in the custody of the Children and Youth Services, the parent is in dependency court and is legally entitled to a lawyer.⁶⁵ The quality of the representation the incarcerated parent will get, however, varies significantly. The advisory committee recommends improved legal representation for parents and children in dependency proceedings. Specific recommendations include providing more training for parent and child attorneys pertaining to children of incarcerated parents, and establishing standards for attorneys who represent these parents and children. The American Bar Association provides guidance on representing parents who are incarcerated. These guidelines include in-person meetings between council and parents, advocating for regular visitation, and ensuring the client can participate in court proceedings. These guidelines may serve as the basis for the trainings recommended for lawyers representing parents and children in these cases.

Unlike in dependency court hearing, parents are not entitled to legal representation in custody proceedings. Although the court may appoint counsel for the child, this does not extend to the parents, who frequently represent themselves.⁶⁶ Self-representation can have a dramatic impact on the results of the hearing. Many incarcerated parents have no opportunity to participate in the hearings at all or can do it only by telephone. A majority of legal services nonprofit organizations do not represent incarcerated parents. Federal law prohibits any organization receiving federal legal aid funds from providing legal representation to someone who is incarcerated.⁶⁷ Thus, individuals in prison can lose rights to their children because they cannot afford legal help. This can be illustrated by the case of a woman the advisory committee members met during their visit to the SCI Muncy. The woman has a son, age 2.5 years old; she gave temporary custody rights to her mother, who brought the child to see his mother at prison as often as possible, two weekends per month. The mother wanted to be a part of her child's life as much as possible and had been the sole caregiver since her son's birth until she was incarcerated. Now the son's father, who currently has joint custody, wants sole custody of the child. Mid-Penn Legal Services stated that the agency does not

⁶⁴ A personal e-mail to the Commission from Cathy A. Utz, Bureau Director of the Bureau of Policy, Programs and Operations of the Department of Public Welfare Office of Children, Youth and Families, received on 02.25.2011.

⁶⁵ See 42 Pa.C.S. § 6337.

⁶⁶ See 23 Pa.C.S. § 5335.

⁶⁷ 45 C.F.R. § 1637.3.

represent persons who are incarcerated, and the grandmother of the boy is over the income level to be eligible for Mid-Penn assistance, even though she can no longer afford legal representation in court to fight for custody. If the custody rights for the inmate's mother are terminated, the incarcerated woman will have no rights to see her son or be part of his life now or later, upon release. She has a relatively short sentence of 4 to 8 years and has served one year. In cases like this, when an incarcerated parent had been the child's primary caregiver before incarceration, has maintained ties with the child while in prison, and would be able and willing to resume care of the child upon release, it would be beneficial for both the child and the parent if the incarcerated parent had legal remedies to make this family reunification possible. Awareness of this problem may spur creative solutions. The subcommittee recommends that law student clinics or other entities give incarcerated parents advice on how to proceed in custody cases, *pro bono* professional legal help be made available to them, or prison law librarians be supplied with basic custody information and forms to share. It would also be beneficial if incarcerated parents could participate in court proceedings via video conferencing.

Newborn Babies and Prison Nursery Programs

There are cases when a baby is born while its mother is incarcerated. Presently in Pennsylvania, the new mother is allowed to spend one day with her newborn, then returns to prison. The infant is placed with a relative if possible, or other arrangements are made for the child. Afterwards, the baby is brought for regular visits, as any other child, provided the caregiver is willing and able to bring him or her to prison or jail. As it is well known that physical and emotional contact with the mother, including breast-feeding, is vital for healthy child development, several states have programs that allow women to keep their young children with them for extended periods of time.

An example of such a program is The Achieving Baby Care Success (ABC's) Nursery Program at the Ohio State Prisons, where women who give birth while incarcerated are allowed to keep their children with them for eighteen months, which increases bonding and connects families.⁶⁸ To be eligible for the program, an inmate must meet several specific criteria:

- she is pregnant at the time she is incarcerated;
- she gives birth while in the custody of the Ohio Department of Rehabilitation and Correction;
- she is eighteen years or older;
- she has never been convicted of a violent crime or any type of child abuse or child endangering;
- her sentence of imprisonment does not exceed eighteen months, with a minimum or medium security status;
- she and her child meet established medical and mental health criteria; and
- she is the legal custodian of the child.⁶⁹

⁶⁸ Inskeep, Steve. *In Ohio, Inmate Mothers Care for Babies in Prison: NPR*. <http://www.npr.org/templates/story/story.php?storyId=93548405>.

⁶⁹ Trim, Ginine. *Commentary: A Warden's Perspective on Prison Moms*.

The Achieving Baby Care Success program began in June 2001 at the Ohio Reformatory, the largest female prison in Ohio. The babies sleep in cribs in their mothers' cells, and during the day, mothers take their children to the in-house nursery for scheduled activities. Mothers are taught parenting skills, and later, when they prepare for release, they are partnered with community resources, which provides an opportunity for a smooth transition to the community.

In-house nursery programs like the ABC are rare in this country, although New York, Illinois, Indiana and Nebraska have similar systems. The nursery program at the Bedford Hills correctional facility in New York is the oldest in the country, being founded in 1901. The Illinois Department of Corrections runs a successful program, "Moms and Babies," at the Decatur Correctional Center. The program has existed for four years, and no offender who has participated in it has returned to prison on new charges since its inception.⁷⁰ To be eligible for "Moms and Babies", mothers must have a projected release date before the baby turns twenty-four months old.⁷¹ The Department carefully screens pregnant inmates for eligibility in the program. Fathers are encouraged to visit their young children and to participate in family programs along with the mother; that helps strengthen healthy relationships within the family structure and increases chances of successful family reintegration upon release. A noteworthy comment about this program is that, according to the statement of Debbie Denning, Coordinator of Women and Family Services for the Illinois Department of Corrections, "Moms and Babies" is a budget-neutral program: ". . . items have been donated, volunteers have worked hard, and other state agencies have stepped up and contributed to the success of this program making it a no cost endeavor for taxpayers."⁷²

The Illinois experience deserves attention as it may help alleviate concerns that such programs, designed to meet the unique needs of incarcerated mothers and their babies are too expensive. Investments in these programs appear to be worthwhile as they have positive long-term effects. Lower recidivism for the mothers and the formation of maternal/child bonds are the most significant benefits these programs have demonstrated.⁷³ Holistic programs like those in Ohio and Illinois are focused on both the mother and the child and are aimed at reducing recidivism and keeping the next generation out of prison. Although research is limited, there are indications that prison nurseries do reduce recidivism among participating mothers. For the baby, staying and bonding with the mother in the first several months is crucial for the formation of attachments, of the ability to recognize secure relationships and can bring lifelong benefits.

http://www.essence.com/news/hot_topics_4/commentary_wardens_perspective.

⁷⁰ IDOC "Moms and Babies" Celebrates 4th Anniversary.

http://www.wifr.com/news/headlines/IDOC_Moms_and_Babies_Celebrates_4th_Anniversary_118855134.html?ref=134

⁷¹ Ibid.

⁷² Ibid.

⁷³ *Mothers, Infants and Imprisonment: A National Look at Prison Nurseries and Community-Based Alternatives*. Institute on Women and Criminal Justice, May 2009. Retrieved on August 2, 2011 from wpaonline.org/pdf/Mothers%20Infants%20and%20Imprisonment%202009.pdf.

Another kind of a program allowing young children to stay with their mothers is a community-based residential parenting program. Similar to prison nurseries, these programs are designed for low-level, non-violent offenders with relatively short sentences, and both of these kinds of programs have demonstrated in initial evaluations that children can be provided for safely in either of these settings.⁷⁴

Examples of community-based residential programs include

- Lovelady Center, Birmingham, Alabama
- Women’s and Children’s Halfway House, Waterbury, Connecticut
- MOM’s Program, Chicago, Illinois
- Summit House, Greensboro, Charlotte and Raleigh, North Carolina
- Spectrum Women and Children Program, Westborough, Massachusetts
- Lund Family Center, Burlington, Vermont.

A GAO report described several programs for incarcerated parents and their children.⁷⁵ California and Nebraska have allowed young children to live with their mothers in “residential drug treatment programs as an alternative to incarceration.”⁷⁶ The GAO report cites two California programs as models: the Family Foundations Program, run by the California’s correction department since 1999, which provides substance abuse treatment and other services to mothers with nonviolent convictions and sentences of 36 months or less, and a new program called the “Alternative Custody Program”, which started in September 2011 and is aimed at reuniting low-level offenders with their families. The latter program, described in the California Penal Code § 1170.05, “allows non-serious, non-violent offenders to serve the remainder of their sentence in certain community settings, such as a residential home, a residential substance abuse treatment program, or a transitional care facility that offers individualized services.”⁷⁷ Some residential drug treatment programs, focused on reuniting and strengthening families and on long-term recovery, allow mothers to bring their children to live with them during treatment.

Judging by the experience of the existing national and international programs, prison nurseries and community-based residential parenting appear to be viable alternatives for non-violent female offenders with young children.

⁷⁴ Ibid.

⁷⁵ United States Government Accountability Office. *Child Welfare: More information and Collaboration Could Promote Ties Between Children and Their Incarceration Parents*. Washington, D.C., September 2011. <http://www.gao.gov/products/GAO-11-863>.

⁷⁶ Ibid.

⁷⁷ Ibid.

Legal Custodianship, Informal Kinship Care and Other Child Care Arrangements

Since the 1990s a variety of programs have been developed in Pennsylvania that provide more flexibility in placement; they include placement with a relative, designating a permanent legal custodian, which is similar to subsidized guardianship programs, and informal kinship care. Pennsylvania Kinship Care Program serves as a guide to handling these issues.⁷⁸ Promising as these programs are, the source of funding is an important question. Availability of federal funds and the possible caveats must be considered.

The Pennsylvania Department of Public Welfare Office of Children, Youth and Families (OCYF) developed policies promulgated in the bulletins Kinship Care Policy (OCYF Bulletin Number 00-03-03) and Child Placements with Emergency Caregivers (OCYF Bulletin Number 3140-03-08/3490-03-04). These two bulletins provide a framework and guidelines for the placement of children with individuals with whom they already have an established positive relationship, which should minimize their trauma when out-of-home placement is required. The Child Placements with Emergency Caregivers bulletin provides guidelines for the immediate approval of kinship caregivers when out-of-home placement of child becomes necessary unexpectedly, which is often the case when a parent is arrested. In developing policies based upon best practice, Office of Children, Youth and Families extended the length of time of emergency placement to sixty calendar days. This extended period allows more time for the county to consider different options, to assess the caregiver's home, to conduct a criminal record check, and to approve persons who were initially approved as emergency caregivers as foster parents. The Kinship Care Policy bulletin provides guidelines for the placement of children with kinship caregivers and covers both formal and informal kinship care as placement options. The bulletin recognizes the importance of kinship caregivers as temporary substitute care resources as well as their role in providing permanent homes for children who cannot be reunited with their parents. It is based on the understanding that stability and preservation of connections are essential in promoting overall well-being of children in substitute care. The policy outlined in the bulletin provides a stronger support system and services to kinship caregivers than currently exist. Both bulletins require written notification to caregivers regarding payments and other benefits that may be available for the children in their care as well as placement and permanency options available. These notices are intended to assist caregivers in making informed decisions about their ability to provide placement and permanency for the children.

The bulletin Permanent Legal Custodian Policy (OCYF Bulletin Number 3130-10-02/3140-1-03) issued on July 30, 2010 stipulates the guidelines and requirements for choosing permanent legal custodianship (PLC) as a permanency option for children and for exercising the option to subsidize that permanency choice. This bulletin introduces new legislation that allows states to use federal funding to subsidize relative/kinship PLC caregivers in eligible cases. Though permanent legal guardianship does not provide the same level of permanence as adoption, it has numerous advantages: it provides a long-term, stable environment for the child based on an already established relationship; it

⁷⁸ Enacted by the act of September 30, 2003 (P.L. 169, No. 25) as an amendment to the Public Welfare Code, act of June 13, 1967 (P.L.31, No. 21).

allows the child to maintain family connections, and it reduces the county agency involvement if the court does not deem continued agency intervention necessary. The child is expected to remain with the person who has been approved as his or her permanent legal custodian, without continued agency intervention, until the child reaches the age of 18.

A considerable advantage of permanent legal custodianship for families of the incarcerated is that it does not require parental consent and parental rights need not to be terminated. When appropriate, the parents should be involved in the development of the child's placement, permanency and visitation plan as well as financial support. A stumbling block for some families of the incarcerated is a requirement that a child must be in the custody of a county agency for at least six months and that there must be at least one permanency hearing prior to the court's determination that a PLC placement is the most appropriate permanency goal for the child. Many families are fearful to hand over their children to a county agency for such an extended period of time when the child can be placed with strangers and in view of an even scarier prospect of an unfavorable final decision that would take the child out of the hands of the applicant forever. To alleviate these fears, some states have eliminated the six-month time frame requirement. A subsidy to the eligible permanent legal custodian for the adequate care of the child is provided by the subsidized permanent legal guardianship program, which encompasses subsidized funding from three possible funding streams: federal, state and county.

In addition to various kinds of placement for children of inmates set up and controlled by the state, there exist non-traditional, private arrangements. An innovative and efficient program independent of the Department of Human Services is operating in Philadelphia. Mennonite Caregivers Program was an informal arrangement in which incarcerated women turned over their children to Mennonite families unsupervised by any government agency.⁷⁹

In Northeast Philadelphia, The Riverside Correctional Facility chaplain and a Philadelphia nonprofit organization that worked in the prison, Maternity Care Coalition's MOMobile, assisted women who were interested in the program. The birth mothers and the Mennonite families filled out a simple, one-page custody agreement, and each party kept a copy. The foster families did not receive any payment, but they were able to get Medicaid and baby formula through the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), which is a federal program. One of the requirements of the custody agreement was that the foster families kept birth mothers involved in their child care. The Mennonite families brought children for visits, sent pictures, and asked mothers' opinions on certain matters. According to the custody agreement, the families and birth mothers "mutually agree" to return the children to their birth mothers if "mother is ready to take care and custody of the child."⁸⁰

⁷⁹ Davis, Carolyn. "Mennonites' Informal Lifeline for Jailed Mothers." *The Philadelphia Inquirer*. Monday, March 7, 2011.

http://www.philly.com/philly/news/20110307_Mennonites__informal_lifeline_for_jailed_mothers.html

⁸⁰ Ibid.

In the last twelve years, more than ninety babies born to mothers held at the Riverside Correctional Facility have been fostered by Mennonite families in Central Pennsylvania.⁸¹ The program was running smoothly, and the birth mothers appreciated the care their children received. In 2010, however, a complaint was filed to the Department of Human Services concerning a former inmate who did not want her child to live with the Mennonites anymore, and Philadelphia Inspector General launched an investigation. The Office of the Inspector General came to the conclusion that the Mennonite group that arranges foster care for babies born to incarcerated women in Philadelphia would need to meet the same licensing and oversight requirements as any foster program, and have the children in its care monitored by the Department of Human Services.⁸²

The Riverside Correctional Facility developed a new policy that instructs its social workers to help inmates find placement for their babies. If no relative can be found, the Department of Human Services is notified. In most cases, the birth mother should still be able to decide who will care for her child.⁸³ Responses to the decisions made by the Office of the Inspector General have been mixed: there is disappointment that a simple and helpful program has been closed, but a “Mennonite ministry outside Pennsylvania is planning to develop a foster-care program that will meet city and state guidelines.”⁸⁴ Despite its recent closure at Riverside Correctional Facility (it still exists in the state prisons), the Mennonite Caregivers Program is a noteworthy example of a non-governmental arrangement of care for the children of the incarcerated, and similar programs deserve further study.

FAMILY CAREGIVERS AND THE PROBLEMS THEY ARE FACING

In her introductory article to “Children of the Incarcerated: A Handbook for Researchers and Practitioners” published in 2010, Creasie Finney Hairston, one of the leading national experts in the field, summarized well the host of problems that children and families have to face when a parent goes to prison:

“Incarceration creates new child responsibilities for family members, presents financial problems related to general living and legal obligations, poses difficulties in maintaining family ties, and presents social and emotional challenges for families and prisoners alike.”⁸⁵

⁸¹ Ibid.

⁸² Davis, Carolyn. “Mennonites’ Informal Lifeline for Jailed Mothers”. *The Philadelphia Inquirer*. Monday, March 7, 2011.

http://www.philly.com/philly/news/20110307_Mennonites__informal_lifeline_for_jailed_mothers.html

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Hairston, Creasie Finney. *Children of the Incarcerated: A Handbook for Researcher and Practitioners*. Washington, D.C.: The Urban Institute, 2010. P. XIII.

Based on their analysis of the 2004 survey of state and federal prisoners, the authors of the 2011 report on foster care children of incarcerated parents prepared by the United States Government Accountability Office conclude that “close to 90 percent of all parents in state and federal prison (mothers and fathers) with a child in foster care reported that they had shared or had been providing most of the care for their child prior to their incarceration.”⁸⁶ When one or both parents are arrested and sent to prison or jail, financial challenges can be quite severe for many of these families whose income has already been low.

As all practitioners know, “during imprisonment, most parents are not able to provide financial support to their families . . . Inmates typically receive money from their families, not the other way around.”⁸⁷ Some researchers believe that “economic supports to minimize disruptions in the child’s life associated with residence changes and to keep incarcerated family out of poverty” are “most critical”.⁸⁸ Many of the children whose parents have been incarcerated need economic support from the state, but the exact number of children of incarcerated parents enrolled in state and federal health care, housing, and income support programs is unknown. It is believed that many of those children probably qualify for support though they may not receive it.

According to the U.S. Bureau of Justice Statistics, 36 percent of mothers in prison report receiving government benefits prior to incarceration.⁸⁹ Many kinship caregivers indicate the need for assistance in accessing and paying for health care and dental care for the children, in finding affordable housing, in securing emergency funds and food assistance, and assistance with school-related issues such as getting school supplies for children, homework assistance, and school-excused absences for prison visits. The advisory committee recommends providing training for state agencies that administer TANF and SNAP to help them better respond to caregivers of inmates’ children and to parents returning home from prison and jail and also creating a navigation system to assist caregivers in accessing information, resources, and benefits.

In several states, including Washington, New York, Kentucky, and Connecticut, lawmakers have appropriated funds for expanding or creating kinship navigator programs to assist caregivers with service referral and support. Many caregivers express a wish to have information on how to explain to children what happened to the incarcerated parent and why, how to help them cope with the situation, and how to prepare them for prison visits. The advisory committee recommends designing special materials with helpful advice on how to talk to children about their incarcerated parents in an age-appropriate and compassionate way and to distribute such materials to parents, caregivers, police,

⁸⁶ United States Government Accountability Office. *Child Welfare: More information and Collaboration Could Promote Ties Between Children and Their Incarcerated Parents*. Washington, D.C., September 2011. <http://www.gao.gov/products/GAO-11-863>.

⁸⁷ *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families and Communities*. Washington, DC: The Urban Institute Press, 2003. P. 19.

⁸⁸ *Ibid.* P. 222.

⁸⁹ Glaze, Lauren E. and Laura M. Maruschak. *Parents in Prison and Their Minor Children: Bureau of Justice Statistics Special Report*. Washington, D.C.: U.S. Department of Justice Office of Justice Programs, August 2008. Revised 3/30/10. NCJ 222984. <http://bjs.ojp.usdoj.gov/content/pub/pdf/pptmc.pdf>

court personnel, teachers, clergy, and service providers. Pamphlets and easy-to-carry “What to say when...” cards could be distributed to caregivers in court, in the waiting area at prisons and jails, or in agency-sponsored family transportation to prisons. Brochures could also be distributed to churches, libraries, and clinics where caregivers may have access to them. A website with information and a resource library on services and support mechanisms for caregivers of children with incarcerated parents would also be helpful.

The prevalent family caregivers are mothers (in case of the father’s imprisonment) and grandmothers. Occasionally, children are taken in by their aunts or uncles or, more rarely, by other relatives. If the father is incarcerated, children usually stay with their mother. In fact, according to the data from the U.S. Department of Justice Bureau of Justice Statistics, almost 90 percent of the children who lived with their father continued to live with their mother after their father’s incarceration while in case of the mother’s arrest and imprisonment, more than half of the children went to live with a grandparent.⁹⁰

In many cases, when fathers are sent to prison, families face increasing financial difficulties (for 68 percent of incarcerated fathers, their wages were the primary source of income for their families⁹¹), but the children experience less disruption than in the case of their mother’s arrest as they stay in their own household, with their own mother, who had usually taken the primary role in taking care of them even before the father’s arrest. However, when the mother or both parents are incarcerated, children are often left with their grandparents, frequently their grandmothers. Whenever grandparents have to assume parental responsibility for their grandchildren, they are facing serious challenges: they may themselves be physically frail; their financial circumstances may be unstable; often they do not have official custody, so they cannot even attend parent/teacher conferences.

The Department of Aging may offer some help through the Federal Caregiver Support Program. 10 percent of its funding is allocated for grandparents. Most support falls on local efforts, through such organizations as the United Way, Salvation Army, and county services. The Dauphin County Systems of Care and New Beginnings, Inc., in particular, offer valuable services such as youth enrichment programs, family group conferencing, counseling and referrals for children and their caregivers. However, many grandparents providing care for their grandchildren do not receive any support or assistance at all.

One of the first problems pointed out by several subcommittee members is the difficulty in identifying grandparents and other family caregivers. There is a conflict between respect for privacy of the families of the incarcerated and the need to identify them in order to inform them of available services. Children of the incarcerated have

⁹⁰ Mumola, Christopher. *Incarcerated Parents and Their Children*. NCJ 182335. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics. August 2000.

<http://bjs.ojp.usdoj.gov/content/pub/pdf/pptmc.pdf>

⁹¹ Ibid.

special needs, and often both the children and their caregivers would benefit from counseling. If teachers knew about these children, they could be a referral source. Programs like the one at Crispus Attucks Community Center in Lancaster, PA, obtain the children's names from counselors.

Some grandparents take care of their grandchildren fully or partially even before the parents' arrest. If the missing parents are incarcerated, the difficulties are exacerbated, due to the loss of parental income, among other factors. Economic problems that family caregivers often face may be significant because usually they fall into the low-income spectrum.

One of the major challenges to caregivers is helping children maintain contact with their incarcerated parents, which is very important for the children. Economic, logistical and transportation challenges make visiting difficult. Though some grandparents as caregivers may be more motivated to bring their grandchildren to visit their mother or father than foster parents or welfare workers, they often face formidable challenges in doing so. Prison rules often make it impossible for children to visit their parents because visiting hours coincide with their school day. Certain school districts even refuse to consider visiting a parent in jail as excused absence. Another obstacle is that grandmothers often have no transportation and have no way to bring the children for a visit. The Prison Society runs buses from Philadelphia on a regular basis, and Families Outside arranges bus rides from Pittsburgh. Behind Bars Program run by Girl Scouts used to bring children to visit their mothers. There are a few other local programs that help facilitate visitation and maintain ties between the incarcerated parents and their children, among them the Fatherhood Program and the murals project, where children participate in joint artistic activities with their fathers.

While parents are incarcerated, their children and those who take care of them need access to community support. In spite of the need, families are often fearful of reaching out to the Department of Human Services, and sometimes their fear is well-grounded because there can be adverse consequences. A helpful alternative would be community support services available without foster care.

SUPPORT SERVICES AND PROGRAMS AVAILABLE TO CHILDREN OF THE INCARCERATED AND THEIR CAREGIVERS

Comprehensive Community-Based Support Services

Parental incarceration creates a wide range of challenges for children and those who have to take care of them in the new circumstances. Development of community-based resources to help parents and other caregivers address children's needs when their parents are arrested and incarcerated has emerged as one of the most important recommendations in the subcommittee and the total advisory committee discussions. These resources would keep children informed about what is happening to their parents, provide transportation for children to visit their parents in prison, coordinate any needed screening of potential caregivers, provide emergency assistance for caregivers, arrange

for counseling and emergency assistance to children, follow up on children, and move children if original caregivers are unable to continue. Such agencies, similar to A Second Chance or Bethany Christian Services – Safe Families for Children Program, could work in conjunction with the county Children, Youth and Family Services.

A Second Chance (ASCI) was created in 1994. It operates as “a community-based entity whereby all regional offices of Allegheny CYF can refer families, children and youth for holistic professional services.”⁹² Since its inception, over 10,500 children have received services through ASCI.⁹³ A Second Chance has a contract with the Allegheny County Office of Children, Youth and Families. It deals with formal foster kinship care. The bulk of its responsibilities include orientation and training of kinship foster families, approval and certification of kinship foster family homes, monitoring and assessment of families, re-certification of kinship caregivers’ homes and after-care assistance. A Second Chance is responsible for licensing family members. Within 60 days after referral, it takes care of clearances (FBI, police checks) and physicals for caretakers. After that, it offers training for the approved caretakers. Caretakers are then recertified annually.

A Second Chance provides annual case management that includes monthly home visits, follow-up medical and dental care. It offers transportation to visit the incarcerated parent and supervises visits. ASCI ensures that the child receives regular medical and dental check-ups. It may also provide transportation for doctor’s visits.

ASCI’s main focus is safety outcomes. It strives at increasing the children’s well-being, permanency (through its adoption program), and living skills development. During her monthly visits, an ASCI representative looks at the parental protective capacity of the caregiver and watches how he or she interacts with the child. Recently ASCI introduced a new assessment tool – Family Kinship Empowerment Assessment Tool, which is designed to ensure quality and consistency of the case managers’ assessments.⁹⁴

It is important that A Second Chance operates on the principle of “one-stop shop”: it provides integrated family services, from transportation to the clinical program for the youth, respite services, and the clothing bank. ASCI collaborates with other agencies, including schools, and offers tutoring and behavioral referrals when necessary. Licensed social workers at ASCI may take care of short-term interventions and then offer referrals to counseling services if longer help is desirable.

A Second Chance assists qualified caretakers in getting subsidized permanent legal custodianship when appropriate. Subsidized permanent legal custodianship, which has been approved since 2003, often presents a desirable option to the children and their caregivers as under its terms parents do not lose their legal parental rights.

⁹² A Second Chance, Inc.: Kinship Care. <http://www.asecondchance-kinship.com/about-the-agency/asci-history.html>

⁹³ Ibid.

⁹⁴ A telephone interview with Ms. Lisa Walker, Senior Vice-President of Training, Education, Community Development and Quality Improvement, on December 16, 2010.

Building on its successful operation in Pittsburgh, A Second Chance has expanded to Philadelphia, where its regional office works in tandem with the Philadelphia DHS authorities.

Safe Families for Children (SFFC), a program run by the Bethany Christian Services, has started recently in Dauphin County, Pennsylvania, and its positive impact has already been noticed. It is important to point out that while the program operates in close contact with the Pennsylvania Department of Welfare (the Dauphin County Office of Children and Youth monitors the program and refers clients), the children served by the SFFC are not in the custody of the State. Parents place their children with a host family voluntarily and remain actively involved in their child's lives during placement. Children of the incarcerated are just one category among several that this program may help. It has worked very well in other states, such as Georgia.

Based on their record of success in Pennsylvania and other states, the advisory committee recommends that agencies and programs similar to A Second Chance and The Safe Families for Children be supported and expanded as an important resource for children of the incarcerated and their parents/caregivers.

Mentoring Programs

With the grave disruption that parental incarceration usually causes in children's lives and the numerous new challenges, economic, structural and emotional, that they are facing, it is very important to address their emotional needs and provide support services for them.

Mentoring has been shown to bring positive outcomes for children of the incarcerated but only when it is done correctly. If mentoring is not done properly, for example, when the mentor does not stay with the mentee for an extended period of time, it may, actually, become harmful as it reinforces the sense of abandonment, the idea of inevitability of loss and breeds mistrust in adults, all of which the child in such circumstances may already be experiencing.

Big Brother Big Sisters (BBBS) and the Amachi were acknowledged as programs doing valuable work with children of the incarcerated.

Amachi, a national faith-based mentoring program for children of incarcerated parents, was founded by the Reverend W. Wilson Goode, the former mayor of Philadelphia. Currently, Big Brothers Big Sisters and Amachi are part of the statewide Keystone for the Future Initiative program, in which 1,100 children of incarcerated parents will be matched with mentors. The children, ages seven to seventeen, come from each of the twenty-six Big Brothers Big Sisters agencies in Pennsylvania.⁹⁵ Successful mentoring can be an effective way to break a vicious cycle in which the next generation follows in the footsteps of the parents ending up in jail, so programs like Big Brothers

⁹⁵ Greenwood, Jill King. "Ex-Philly Mayor Seeks Mentors for At-risk Youths." *The Pittsburgh Tribune-Review*. March 3, 2011. http://www.pittsburghlive.com/x/pittsburghtrib/news/state/print_725524.html

Big Sisters and Amachi appear to be worth supporting both for humanitarian and for financial reasons. As Jan Glick, CEO of Big Brothers Big Sisters, pointed out, it costs about \$1,200 a year for the agency to keep a mentor and child matched; “by comparison, the cost to house a child in the Allegheny County Shuman Juvenile Detention Center in Highland Park averages \$70,000 annually.”⁹⁶ Unfortunately, as a result of federal budget cuts in 2011, the U.S. Department of Health and Human Services is no longer funding the Big Brothers Big Sisters program for children with incarcerated parents, so for the program to stay active in Pennsylvania, alternative sources of funding will have to be found.

Several branches of Big Brothers Big Sisters – those of Southeastern Pennsylvania, of the Capital Region and of Greater Pittsburgh – have been successfully working with children of the incarcerated, along with other at-risk children, for many years. Through their evidence-based program Mentoring Children of Prisoners, Big Brothers Big Sisters matches children between the ages of seven and seventeen with “rigorously screened, specially trained adult volunteers in professionally supported one-to-one mentoring relationships.”⁹⁷ These mentoring matches, known as “Big” and “Little,” meet two to four times per month for a minimum of one hour, each meeting. All mentors commit to a minimum of twelve months and all mentoring matches are community-based. A BBBS mentor in a child’s life becomes a caring adult that serves as an advisor, motivator and friend, often providing a stable and trustful relationship with an adult that a child might otherwise lack.

By helping to build protective factors (participation in pro-social community involvement, positive peer group affiliation, family bonding, etc.) while diminishing risk factors (transition and mobility, poor academic performance, early initiation of drug and alcohol use, etc.), this program changes the life trajectory for children and helps them improve the competencies that they will need to develop the necessary skills to be “fully prepared” to succeed as adults, and thus avoid the behaviors that may lead them to prisons.⁹⁸

Big Brothers Big Sisters emphasize they operate “as part of the social fabric of the communities they serve – not separate of the community, but of the community.”⁹⁹ They recruit volunteers from the community and from volunteer-rich organizations. The organization also works with schools (teachers and counselors) to publicize benefit of mentoring programs for children. Having identified children and volunteers for its program, BBBS completes the screening process for mentors, interviews mentors, youth and their parents/caregivers, and makes matches based on information from those interviews including personalities, interests, and life experiences. It then facilitates the initial meeting between the child, his or her parent/caregiver and the mentor. To ensure

⁹⁶ Ibid.

⁹⁷ Big Brothers Big Sisters Southeastern Pennsylvania. Program Abstract–Mentoring Children of Prisoners. Submitted to the Commission by advisory committee member Ted Qualli.

⁹⁸ Ibid.

⁹⁹ Ibid.

that all the matches are safe, stable, and likely to produce positive results for children, BBBS provides training for its mentors and suggests activities for the matches; it observes the matches for safety, relationship development, and youth development, and it supports the matches through regular phone calls and in-person meetings with the mentor, the youth, and the caregivers.

Big Brothers Big Sisters considers collaboration and partnerships with government and community organizations key to the success of its Mentoring Children of Prisoners program. The Pennsylvania Department of Corrections has worked with BBBS to institute specific questions during the intake process to identify whether inmates have children that live within the BBBS service area. It also allows the BBBS to make visits to state correctional institutions to meet with prisoners, show them a special recruitment video and to recruit their children. The Philadelphia Prison allows such visits as well, as do Chester County Prison and Montgomery County Prison. Public/Private Ventures provides names of children through visits to prisons during the Amachi Training Institute as well as through other community relationships. City of Philadelphia assists in the recruitment of children through the Department of Human Services' Juvenile Justice and Children and Youth Divisions and through the Mayor's Office of Ex-Offenders.¹⁰⁰ Other children referrals come from the Philadelphia, Chester Upland, Coatesville, Norristown and Bridgeport School Districts and from the Angel Tree Fellowship. Delaware County Court provides referrals of youth who have an incarcerated parent appearing before the judge as a result of alleged delinquent behaviors.

BBBS Southeast PA (BBBS SEPA) determines whether a child will be a good candidate for the mentoring program through in-person interviews with the child and the parent/caregiver. When a child is identified as having an incarcerated parent, he or she is "fast-tracked" in the enrollment and matching process so that such a child gets priority for matching.

To recruit volunteers, BBBS prefers targeted recruitment through smaller, more intimate sessions that allow for a better exchange of information; such a process has turned out to be more efficient than large-scale events. After a preliminary training session explaining the requirements of the program and the needs of the children, the more committed volunteers who are prepared to fulfill these requirements proceed through the screening process. Working closely with community organizations, the BBBS recruitment team tailors its efforts to the needs of the children they intend to serve taking into account the children's gender, geographic location, and potential career tracks.

Once a match between "Big" and "Little" is made, each mentor is individually advised and trained on the skills necessary to work with his mentee and the activities they can share that would help address the challenges faced by a child with an incarcerated parent and develop the child's strengths.

¹⁰⁰ Ibid.

Since 2001, BBBS SEPA has matched more than 2,000 children of incarcerated parents in one-to-one mentoring relationships.¹⁰¹ The results are encouraging: “A two-year analysis of children in the program in 2008 and 2009 found that 88 percent passed all their classes; 92 percent were not arrested, convicted of crimes, or put on probation; and 98 percent did not become pregnant. They also scored well in terms of school attendance, good behavior in school, and avoiding alcohol and drug use.”¹⁰² Big Brothers Big Sisters of Greater Pittsburgh and Big Brothers Big Sisters of the Capital Region have also been very successful in their work with this category of children.

BBBS of the Capital Region has been running a growing program for children of the incarcerated in cooperation with the Harrisburg School District since 2008. Spearheaded by a symposium that assembled teachers, service providers, grassroots groups, faith-based organizations as well as police and probation and utilizing a counselor-training grant that the Shippensburg University had at the time, the school-based mentoring program called Brighter Futures was established; it has been active ever since. It has also been expanded to “enhanced school-based” status, which means the mentors and their mentees can also see each other outside of school.¹⁰³ BBBS of the Capital Region regards consistency as a priority. As children of the incarcerated often have to move from caretaker to caretaker, which also means a change of school, BBBS of the Capital Region tries to ensure that the mentors they match with the children of the incarcerated are willing to follow their mentees. The length of their matches currently is three years.¹⁰⁴ At times, the relationship with the mentor remains the only stabilizing factor in the life of a child who is forced to move from one aunt or cousin to another and from one school to the next. Each match is assigned a “Match Support Staff,” who works with the child, his parent or caregiver and his mentor to ensure the mentoring relationship can develop successfully, to the highest benefit of the child.

BBBS of the Capital Region has assigned specific staff to work with the school district, which leads to consistency of communication. When developing goal plans for children of incarcerated parents, BBBS considers educational goals and, if needed, coordinates specialized plans with the school or helps make alternative arrangements. In each of the school years 2009-2010 and 2010-2011 over a hundred children in the Harrisburg Area School District who had a parent in prison were matched with a Big Brother or a Big Sister.¹⁰⁵

In addition to cooperating with the Big Brothers Big Sisters of the Capital Region in an effort to help establish beneficial mentoring relationships for those among its students who have a parent in prison, the Harrisburg Area School District has developed a special program for children of the incarcerated called “Through the Wall.” Parents and caregivers are encouraged to contact the Division of Student, Family and Community

¹⁰¹ Ibid.

¹⁰² Olshan, Marlene L. “Really Rethinking Prison Budget.” *The Philadelphia Inquirer*. July 13, 2011. http://www.philly.com/philly/opinion/inquirer/20110713_Really_rethinking_prison_budget.html.

¹⁰³ Personal e-mail to the Commission from Ms. Susan Hair, Vice President of Programs, Big Brothers Big Sisters of the Capital Region, of February 21, 2011.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

Support Services and enroll their children in the program. School counselors working with these students receive special training and work materials to use in their sessions with the children. Activities and exercises included in their lessons are intended to help children acknowledge and understand their often conflicted and painful emotional response, replace negative self-talk with positive self-talk, develop their resilience, self-esteem, and coping skills. Group counseling provides a safe environment for the students to express their concerns and experiences; it gives them an opportunity to overcome loneliness and to build trust. Group sessions are held weekly during the school day. Parents or guardians sign a special communication form, where they indicate whether they allow the children to have written or audio communication with the incarcerated family member. Children participating in this program and their parents/caregivers are promised confidentiality. Group approach has been found most effective for children with incarcerated parents for many years now.¹⁰⁶

A state-wide program for children who have parents in prison or jail was developed by the Pennsylvania Prison Society. It is called SKIP (Support for Kids with Incarcerated Parents). The program is aimed at helping children who have suddenly lost a loved one to incarceration to overcome their feelings of fear, anxiety, anger and sadness and to develop self-esteem, healthy coping strategies, and decision-making skills. A trained facilitator, who is on staff of the Prison Society, targets school students from eight to twelve years old who self-select to join a peer group during school hours. In recruiting SKIP participants, the Prison Society collaborates with other service providers, including state and local prison systems, to identify appropriate families.

The Prison Society works with school counselors to start the program, secure a room and make arrangements for the children to attend group meetings during school time. Groups are small – between four and eight children – and follow a detailed curriculum. Before the child joins the program, the trained facilitator contacts the caregiver and gets permission for the child to participate. This can also serve as a link to information and community resources for the family. Each child is evaluated on a week-by-week basis, as well as at the end of the twelve-week course. The program concludes with a celebration for the participating children and their caregivers. Feedback is gathered from the caregivers, teachers and others involved with the educational and emotional development of the children and can be used to meet the needs of the child moving forward.

The Prison Society coordinates SKIP groups in several schools in Philadelphia and conducts train-the-trainer sessions so that other communities can organize SKIP groups as well. One year, the Prison Society, with the help of Representative Cherelle Parker's office, organized a trip to the circus for SKIP children, past and present. Over forty-five children attended, and for many of them, it was the first visit to the circus and even the first trip out of their neighborhood. An event like that also demonstrates to these children that somebody cares about them, which is psychologically and socially important.

¹⁰⁶ See, for example, *Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families and Communities*. Washington, DC: The Urban Institute Press, 2003. P. 216-217.

In SKIP, the Pennsylvania Prison Society has established a model that provides immediate emotional support to this vulnerable group of children and increases their chances to succeed in the future.

SUMMARY OF RECOMMENDATIONS

Improve collection of information about children of the incarcerated and collaboration between state agencies in taking care of these children.

Develop community-based resources to help parents and other caregivers address children's needs when their parents are arrested and incarcerated.

Maintain and fortify evidence-based and research-informed support programs for children of the incarcerated.

Develop legal custodianship and kinship care programs; ensure that placement and parental rights decisions are always made in the best interest of the child.

Implement policies and establish procedures for limiting the disruption and trauma that children may experience as a result of parental incarceration.

FAMILY AND CORRECTIONS INTERACTION

SUBCOMMITTEE PROCESS

The Family and Corrections Subcommittee had conference calls on March 11, 2010, on June 14, 2010, and on February 11, 2011. The first one was an introductory session with a general discussion of the subcommittee scope, and the other two were devoted to a review of specific programs and existing policies and to the discussion of potential recommendations.

Once an individual has been processed through the judicial system and assigned to a jail or prison, the new inmate immediately faces the challenges and hardship of being separated from family members, especially his or her children. This new way of life poses significant issues for incarcerated mothers and fathers. Not only must they seek to acclimate themselves to the environment of the correctional facility itself, they must also come to the realization that the family they left behind now has its own struggles to encounter and attempt to overcome. Most children of the incarcerated have to go through a traumatic adjustment and to contend with a variety of problems ranging from economic to emotional. Family members who have to assume child-rearing responsibilities face numerous new challenges trying to divide their time and resources between caring for the children and providing support for the imprisoned relative.

This chapter will address how incarcerated parents, their children and caregivers, and the correctional system can interact to maximize the opportunity for incarcerated parents to remain connected to their children and minimize the long-term adverse impacts incarceration will have on the children.

CONTACT BETWEEN INCARCERATED PARENTS AND THEIR CHILDREN

Background

Relationships between children and their incarcerated mothers and fathers are produced, sustained and empowered through strong communication and contact during the time of incarceration.¹⁰⁷ Noted researcher Ann Adalist-Estrin stated that the adjustment and long-term situations of these children will be compromised without the ability to communicate with and visit their incarcerated parents.¹⁰⁸

¹⁰⁷ Adalist-Estrin, Ann. *Children of Prisoners Library, Facts and Issues: CPL 107 "Communications Tips."* Retrieved on May 4, 2011 from <http://www.fcnetwork.org/cpl/CPL107-CommunicationTips.html>.

¹⁰⁸ Ibid.

In 2004, 21.4 percent of all incarcerated parents responded that they had not had any type of contact with their children since being incarcerated.¹⁰⁹ According to the Department of Justice, nearly 80 percent of incarcerated parents with minor children indicated that they had some contact with their children since the time of their admission to prison.¹¹⁰ Significantly more female inmates (85 percent) than male inmates (78 percent)¹¹¹ had some contact, which remains consistent when examining the frequency of the contacts.

Females reported having contact with their children weekly or more by 55.7 percent to 38.5 percent over male inmates.¹¹² Conversely, 39.6 percent of male inmates indicate that contacts with their children occur monthly or less as opposed to 29.3 percent of female inmates. These figures clearly suggest a gender factor involved in the frequency of contacts between incarcerated parents and their minor children. This is further confirmed when looking at the pre-incarceration living arrangements of the children and their parents. In the month before arrest, 55.3 percent of women lived with their minor children and only 35.5 percent of men. Prior to incarceration these same figures are 60.4 percent for women and 42.4 percent for men.

Studies have shown that mothers who maintain higher levels of contact with their children during the time of incarceration experience reduced levels of parental stress.¹¹³ This bodes well for efforts within the facilities to prepare incarcerated mothers for reunification with their children upon release. Research consistently indicates that “frequent visits are positively associated with reduced recidivism, improved mental health, diminished disciplinary problems, and the heightened likelihood of family reunification.”¹¹⁴ Such positive outcomes for incarcerated parents in turn may result in long-term advantages for their children. Child psychologists identified immediate benefits that successful visits with their incarcerated parents may have for children: “visiting with biological parents is significantly associated with emotional adjustment and ... visiting a parent in jail or prison may do much to alleviate a child’s anguish.”¹¹⁵ Visiting a parent behind bars, however, may also be traumatic for a child. For the impact to be positive, such visits need to be carefully prepared. The visiting room environment needs to be child-friendly. Furthermore, some parents may benefit from the participation in a parent effectiveness program.

¹⁰⁹ The Sentencing Project. *Incarcerated Parents and Their Children: Trends 1991-2007*. Washington, D.C., February 2009. Retrieved on January 10, 2011 from http://www.sentencingproject.org/doc/publications/publications/inc_incarceratedparents.pdf.

¹¹⁰ Glaze, Lauren E. and Laura M. Maruschak. *Parents in Prison and Their Minor Children: Bureau of Justice Statistics Special Report*. Washington, D.C.: U.S. Department of Justice Office of Justice Programs, August 2008. Revised 3/30/10. NCIJ 222984. <http://bjs.ojp.usdoj.gov/content/pub/pdf/pptmc.pdf>.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Tuerk, Elena Hontoria and Ann Booker Loper. “Contact Between Incarcerated Mothers and Their Children: Assessing Parental Stress.” *Journal of Offender Rehabilitation*. Vol. 43 (1), 2006. Pp. 23-46.

¹¹⁴ Pittsburgh Child Guidance Foundation. *Advocating for Children of Prisoners: First Report to the Community*. Pittsburgh, PA: PCGF, March 2005. P. 17.

¹¹⁵ Ibid.

Appendix C contains data from the United States Justice Department's Bureau of Justice Statistics showing the frequency of all types of contacts (mail, telephone and personal visits) between incarcerated parents and their children.

Dissemination of Visitation Rules and Policies

Currently, all inmates in Pennsylvania upon entry receive a copy of the "Inmate Handbook" and a "Facility Inmate Handbook Supplement." The advisory committee believes that the sharing of consistent and updated information on important communications policies will assist families in maintaining contact with incarcerated parents.

The Ohio Department of Rehabilitation and Correction has a policy requiring all correctional facilities to develop and implement an orientation program for offender's families and visitors.¹¹⁶ The orientation is to be made available as close as possible to the time of the family member's first visit to the facility. The state policy does not require visitors to participate in the orientation session. First-time visitors to the Dayton Correctional Institution and the Montgomery Education and Pre-release Center are, however, required to complete an orientation session.¹¹⁷

At the orientation, first-time visitors are provided with comprehensive information to clarify many questions the families may have about the correctional facility and its governing policies. This includes the visitation policy, inmate mail and phone procedures.

The Ohio Department of Rehabilitation and Corrections believes that these orientation sessions can help to facilitate family involvement in an inmate's rehabilitation and prepare the inmate for his or her release.

Written Communication

Letters, postcards and other similar written documents are the most common form of contact between children and their incarcerated mothers and fathers. National observations reveal that half of incarcerated fathers and two-thirds of mothers either sent or received mail from their children on a monthly basis or more during their incarceration.¹¹⁸ Adalist-Estrin states that letters between incarcerated parents and their children afford both the opportunity to share their feelings openly without fear or shame and better enable the children to release the anger they have towards their parent clearly.¹¹⁹ As a result, she suggests that whatever strain there is in the relationship, it can

¹¹⁶ State of Ohio, Department of Rehabilitation and Correction, Policy Number 76-VIS-05, April 21, 2007.

¹¹⁷ www.drc.ohio.gov/Public/dci.htm. Accessed on July 26, 2011.

¹¹⁸ Hairston, Creasie Finney. *Focus on Children with Incarcerated Parents: An Overview of the Research Literature*. Annie E. Casey Foundation, October 2007. Retrieved on August 1, 2011 from <http://www.fcnetwork.org/AECFOverview%20of%20the%20Research%20Literature.pdf>.

¹¹⁹ Adalist-Estrin, Ann. *Children of Prisoners Library, Facts and Issues: CPL 107 "Communications Tips"*. Retrieved on May 4, 2011 from <http://www.fcnetwork.org/cpl/CPL107-CommunicationTips.html>.

begin to be repaired in preparation for the incarcerated parent to eventually return to family life.

Though seemingly the most conducive avenue for contact to occur, there are barriers to this form of contact.¹²⁰ Policies at correctional facilities regarding such things as paper, envelopes, and stamps may hinder the ability of inmates to write. Individuals responsible for caring for the children may be less inclined to encourage or even allow such communications. Research has discovered that incarcerated mothers who engage in letter writing with their children feel an increased sense of attachment to their children and improved sense of parental competence.¹²¹

Telephone Calls

The next most common form of contact between incarcerated parents and children is by telephone. This is a very convenient way for contact to occur in these circumstances, and it is generally enjoyed by the parents and children. Although most correctional facilities do not allow children to telephone their parents, the facilities have policies enabling the parents to call their children.¹²²

Dr. Creasie Finney Hairston cites three issues potentially capable of interrupting or even preventing children and their incarcerated parents from communicating by telephone.¹²³ First, she states that individuals providing care for the children sometimes block, refuse or limit collect calls from the parents for reasons ranging from the costs of the calls to strained relations with the parents.¹²⁴ Second, she specifically cites oftentimes prohibitive costs of the collect calls from the facilities.¹²⁵ These costs place a tremendous burden on the families and caregivers and hinder the ability of children to have access to this more intimate form of communication. Third, Dr. Hairston reports that some states receive commissions from telephone companies for prison-based collect calls.¹²⁶ This mechanism allows states to profit from collect calls placed from incarcerated parents to their children while at the same time, added costs severely limit telephone communication, which could otherwise be the easiest and the most widely accessible way for children to communicate with their parents.

¹²⁰ Ibid.

¹²¹ Tuerk, Elena Hontoria and Ann Booker Loper. "Contact Between Incarcerated Mothers and Their Children: Assessing Parental Stress." *Journal of Offender Rehabilitation*. Vol. 43 (1), 2006. Pp. 23-46.

¹²² Hairston, Creasie Finney. *Focus on Children with Incarcerated Parents: An Overview of the Research Literature*. Annie E. Casey Foundation, October 2007. Retrieved on August 1, 2011 from <http://www.fcnetwork.org/AECFOverview%20of%20the%20Research%20Literature.pdf>.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Ibid.

¹²⁶ Ibid.

According to the Pennsylvania Department of Corrections' policy, the schedules for inmates to place telephone calls are determined by each facility.¹²⁷ The advisory committee believes that the importance of telephone communication between incarcerated parents and their children requires that the scheduling of these calls be sufficiently flexible to ensure that children are available to speak with their parents when such calls are permitted.

Research shows that families can spend upwards of \$250 or more on telephone calls each month to correctional facilities.¹²⁸ This is primarily the result of high surcharges placed on collect calls by telephone companies who, in turn, pay large commissions to state governments for the opportunity to provide the telephone service.

The advisory committee believes that these excess charges are inappropriate and create an unnecessary burden on incarcerated parents and their families. The Commonwealth should take steps to ensure that charges for telephone calls by inmates are reasonable and that there are no windfall profits as a result of contracts with telephone companies.

Additionally, the Department of Corrections should consider policies whereby inmates can earn additional telephone time with their children. This will encourage good behavior and enhance communications between the incarcerated parent and their children.

Visits

The third form of contact is the least common, but likely the most important tool in maintaining family relationships during the period of incarceration. According to data presented by the Sentencing Project in 2009, more than half of all men and women inmates in state correctional facilities had never received a personal visit from their child(ren).¹²⁹ Children made personal visits at least once per month to only 12.5 percent of incarcerated parents.¹³⁰

The advisory committee believes that contact visits are vitally important to maintaining the bond between an incarcerated parent and his or her child and should be provided for with maximum flexibility.

The importance and impact of visits can be assessed in the aggregate as well as by gender given the existing research. Contact visitation is the most effective form of visitation as research shows that consistent and continued physical contact between a

¹²⁷ Policy Statement, Pennsylvania Department of Corrections, "Automated Inmate Telephone System," Policy Number DC-ADM 818, November 18, 2009.

¹²⁸ <http://www.asentenceoftheirown.com/Resources%20-%20Fact%20Sheet.html>. Accessed on July 26, 2011.

¹²⁹ The Sentencing Project. *Incarcerated Parents and Their Children: Trends 1991-2007*. Washington, D.C., February 2009. Retrieved on January 10, 2011 from http://www.sentencingproject.org/doc/publications/publications/inc_incarceratedparents.pdf.

¹³⁰ Ibid.

parent and child helps build a parent-child bond that has positive benefits later in life.¹³¹ Children benefit the most when visits to incarcerated parents are normalized to the degree possible, including opportunities for physical contact.¹³² Unless circumstances exist whereby contact with the parent is not deemed to be in the best interest of the child by the court, contact visitation is the most highly recommended form of visitation.

As reported earlier in this chapter, it is mothers who more frequently live with their children both before arrest and before incarceration; therefore, research shows that children's lives tend to be more disrupted by their mother's incarceration than by that of their father. When the mother, as primary caretaker, is imprisoned, the responsibility for the care of the children may turn to other kinship caretakers or, in certain circumstances, the foster care system. Regardless of the strength of the mother-child relationship prior to incarceration, this new living arrangement can pose significant challenges for children depending on their age at the time.

Incarcerated mothers endure trauma and a sense of separation.¹³³ Fathers who are incarcerated have reported that they do not like to have their children see them "behind glass."¹³⁴ It is these factors that policymakers and others must take into account when seeking solutions to the needs of these children. Visits by children to correctional facilities are quite difficult. In many cases, incarcerated parents are assigned to facilities located hundreds of miles from their children's residences making access costly, time-consuming and less frequent. More than five out of ten incarcerated parents are assigned to correctional facilities between 101 and 500 miles from home.¹³⁵ Ten percent are assigned to facilities in excess of 500 miles from home.¹³⁶ Only 15.5 percent of parents are incarcerated within 50 miles of home.¹³⁷

The Pennsylvania Department of Corrections earned a favorable mention in the recent GAO report to Congress on promoting ties between foster care children and their incarcerated parents because it has a formal policy to consider the location of an inmate's family when assigning the inmate to a facility.¹³⁸ Such policies also exist in California and Florida. However, as the authors of the report point out, "circumstances such as mental health or security needs take precedent over proximity to family, according to

¹³¹ *Connecting Children with Incarcerated Parents: Child Protection Best Practices Bulletin*. Advocacy Inc. Corinne Wolfe Children's Law Center; CYFD, New Mexico; a.o. <http://www.f2f.ca.gov/res/pdf/ChildProtectionBPBulletins.pdf>. Accessed 05.03.11.

¹³² *Ibid.*

¹³³ Tuerk, Elena Hontoria and Ann Booker Loper. "Contact Between Incarcerated Mothers and Their Children: Assessing Parental Stress." *Journal of Offender Rehabilitation*. Vol. 43 (1), 2006. Pp. 23-46.

¹³⁴ Tripp, Brad. "Fathers in Jail: Managing Dual Identities". *Applied Psychology in Criminal Justice*, 2009, 5(1). P. 38.

¹³⁵ The Sentencing Project. *Incarcerated Parents and Their Children: Trends 1991-2007*. Washington, D.C., February 2009. Retrieved on January 10, 2011 from http://www.sentencingproject.org/doc/publications/publications/inc_incarceratedparents.pdf.

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ United States Government Accountability Office. *Child Welfare: More information and Collaboration Could Promote Ties Between Children and Their Incarcerated Parents*. Washington, D.C., September 2011. <http://www.gao.gov/products/GAO-11-863>.

officials, and such policies were generally not realizable for women due to the limited number of female prison facilities.”¹³⁹ While the formal inclusion of family location as a factor in determining which state prison facility an inmate will be assigned to is an important step, the impact of such policies is still inevitably limited.

Long distances make it exceptionally difficult for caregivers to take children to visit their parents. Not only are such journeys expensive (gasoline, food and possibly overnight accommodations), they are not always convenient depending on the visiting policies and procedures established by the correctional facilities. Caregivers must schedule visits around visiting hours at the facilities and the children’s school requirements.

Transportation itself is a major concern for many of the children’s caregivers. The long distance to a correctional facility often makes it cost-prohibitive for a caregiver to get a child to see his or her parent. Organizations do exist, such as the Pennsylvania Prison Society, and Family Services of Western Pennsylvania, which arrange for bus trips to correctional facilities across the Commonwealth for children and their caregivers. Even these programs, however, have their disadvantages as facilities often limit visiting rules and/or time when larger groups are in attendance.

In situations where the caregiver is an elderly grandparent, all of these factors compound to less frequent opportunities for children to have personal visits with their incarcerated parents.

When a child is in foster care, his caregivers may be less motivated than family caregivers to facilitate visits to an imprisoned parent. They also face the same logistical difficulties. Children’s caseworkers, entrusted to promote visits when they are in the best interests of the child, do not always do that, partly due to the same logistical challenges and partly due to lack of motivation and heavy caseloads. Corrections agencies in New York, California, Colorado and Nebraska have “specific policies for caseworkers and foster care children, such as visiting hours on weekdays in addition to usual weekend visitation so that caseworkers can transport the children.”¹⁴⁰ Michigan’s child welfare agency, in cooperation with state corrections officials, developed a memorandum to prison supervisors on ways to support child caseworkers working with incarcerated parents. “Specifically, the memorandum required that corrections staff allow inmates to participate via phone in court hearings and planning meetings with child welfare officials, when requested, and any programs that will help improve their parenting skills.”¹⁴¹

While many of the child welfare caseworkers interviewed by GAO said it could be challenging to reach correctional facilities staff and to navigate prison or jail policies, some states offer successful examples of corrections liaisons who facilitate communication between the agencies: “These liaisons understand the procedures and operations of both agencies and work with officials to navigate each system and serve as

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

a single point of contact.”¹⁴² In California, Texas and Alabama, for example, a social worker employed by a women’s prison would assist child welfare caseworkers in locating offenders, and the same social worker would help inmates enroll in classes or services that the child’s case plan requires. Such cooperation is more widespread and efficient between jails and local welfare agencies due to their shared county jurisdiction and geographical proximity than it is at the state level.¹⁴³ In addition to facilitating child-parent visits, liaisons can also prepare child welfare caseworkers and foster parents for visits with incarcerated parents.

The advisory committee recommends consistently implementing law and regulation that already exist in Pennsylvania. Title 55 of the Pennsylvania Code contains clear guidelines for county agencies regarding visits between the child and his or her parent, and the fact of parental incarceration should not invalidate them. The Title reads: “The county agency shall provide opportunity for visits between the child and parents as frequently as possible but no less frequently than once every 2 weeks at a time and place convenient to the parties and in a location that will permit natural interaction. . . .”¹⁴⁴ Several exceptions are listed, such as a clear inconsistency with the placement goal or a written refusal by the parents.¹⁴⁵ Title 55 further indicates specific arrangements a county agency should make to facilitate the visit and to keep parents informed of the child’s placement.

When a visit is arranged, issues often arise creating a less than ideal environment for children and their parents to have meaningful visits together. First, even in facilities where contact visits are permitted, the atmosphere of the visiting room itself often contributes to less than satisfactory visits between parent and child. Facility policies may require visitors to remain seated, sit on opposite sides of a table, or sit side-by-side on a bench.¹⁴⁶ Even the contact itself may be restricted to a hug upon arrival and departure.

According to existing policy of the Pennsylvania Department of Corrections, an incarcerated parent may only embrace a visitor when meeting and before departing. This applies to the children as well.¹⁴⁷ Furthermore, parents may only hold small children 5 years of age or less on their lap, and the visiting room officer has the discretion to determine whether there are concerns about the size of the child being held, the duration of the time the child is being held, and the manner in which the child is being held. If the officer concludes that there is a legitimate reason, he or she can direct the parent to remove the child from his or her lap.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ 55 Pa. Code § 3130.68.

¹⁴⁵ Ibid.

¹⁴⁶ Hairston, Creasie Finney. *Focus on Children with Incarcerated Parents: An Overview of the Research Literature*. Annie E. Casey Foundation, October 2007. Retrieved on August 1, 2011 from <http://www.fcnetwork.org/AECFOverview%20of%20the%20Research%20Literature.pdf>.

¹⁴⁷ Policy Statement, Pennsylvania Department of Corrections, “Inmate Visiting Privileges,” Policy Number DC-ADM 812, February 5, 2007.

Second, the conditions of visiting rooms at Pennsylvania prisons and jails vary extensively.¹⁴⁸ They can be too hot, too cold, without drinking fountains or other vending machines, overcrowded, lacking any special areas where children and their parents can interact more freely, as with books, games, videos and toys.

Third, visiting policies are not uniform and can vary substantially from one facility to another.¹⁴⁹ Among the issues capable of generating an array of policies and standards are the following:

- Biological versus non-biological adults
- Mandatory documentation
- Written permission from custodial parent
- Day and time restrictions
- Access to accommodations.¹⁵⁰

All of the variables described above can adversely affect opportunities for incarcerated parents and their children to maintain family contact during the time the parents are away. Even when all obstacles to travel are cleared, it must be recognized that the visits are to prisons.

Despite the benefits of visitation, prisons necessarily maintain rigid security protocols. Prison administrators often cite security concerns to justify restrictions they place on contact visits. They point out that contact visits involving even babies and toddlers have been used to smuggle drugs and other prohibited materials into correction facilities. According to Edward Sweeney, Director of Corrections for Lehigh County, it has to be recognized that “corrections security may well be compromised to a small degree by allowing parent/child contact visitation. Specifically, there will be an increased opportunity for the introduction of contraband; however, the benefits for the child to have regular physical contact with an approved parent outweigh the associated risk.”¹⁵¹ Mr. Sweeney, who has introduced a carefully designed visitation program in his county, believes that all corrections administrators would be more willing to provide an opportunity for structured parent/child contact visitation if there were “the understanding that the administrators will not be called to strict account for any resultant incident.”¹⁵² The favorable impact that well-planned contact visits tend to have on the children and their parents both during parental incarceration and upon the eventual reunification of the family makes policy changes that would facilitate contact visitation well worth considering.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

¹⁵¹ Mr. Sweeney’s argument in a more extended form, along with the description of the visitation program in the Lehigh County Prison in Allentown, PA, can be found in Appendix B.

¹⁵² Ibid.

In California, 25 of the 33 state correctional facilities have online or telephone reservation systems to assist caregivers in arranging for children to visit their incarcerated parents.¹⁵³ Access to the systems varies from e-mail to voice mail to live operators as do the rules governing how far in advance reservations must be made.

There are several benefits to such a system, according to Dr. Walker. First, it would expedite the process caregivers must endure to enable the children in their care to visit their parents in prison. Second, it prevents visitors, including the children, from being turned away at the door for lack of proper credentials, overcrowding in the visiting room or any other reasons the facility chooses to restrict the number of visitors. Third, it can help the caregivers to be certain that they have acquired all of the necessary information they will need in advance to gain entry to the facility upon arrival.

Dr. Walker cites several examples in California where jails have employed a similar system. These include the Alameda County, San Francisco County and Santa Clara County jails. In Georgia, the Fulton County jail in Atlanta allows for online reservations at least 24 hours in advance for those on an approved visiting list.

Video Visitation

Presently, the Department of Corrections operates a program which provides video conferencing opportunities for Philadelphia area families with relatives in correctional facilities across the Commonwealth. The Pennsylvania Prison Society was the Department's partner on this project for several years, but has recently been replaced by another agency. The Department of Corrections and Family Services of Western Pennsylvania also operate a joint program for video visiting that serves people in the western part of the state. Visitors on an approved visiting list at eight state correctional facilities (SCI-Albion, SCI-Coal Township, SCI-Dallas, SCI-Greene, SCI-Mahanoy, SCI-Pine Grove, SCI-Muncy and SCI-Cambridge Springs) have access to virtual visitation. Virtual visitation is also available for Pennsylvania families with relatives incarcerated at prisons in Virginia.

The advisory committee believes that with the advent of these technologies and the assignment of incarcerated parents to facilities located great distances from their families, virtual visitation offers children greater opportunity to remain connected with their incarcerated mothers and fathers than had been possible. Given the degree of budget reductions within the state corrections system, there is some concern that virtual visitation could supplant contact visits as a means of reducing staffing costs associated with the visiting rooms at facilities. The advisory committee cautions against such a shift in practices.

¹⁵³ "Making Reservations for Visits in Jails and Prisons." Information presented by advisory committee member Dr. Claire Walker of the Pittsburgh Child Guidance Foundation.

Electronic Mail

Department of Corrections policy presently restricts inmates to receiving incoming electronic mail (email) and does not permit the sending of outgoing electronic mail.¹⁵⁴ Electronic mail is more affordable to both the families of the incarcerated and the inmates, so providing for email communications can reduce costs currently burdening the caregivers. The advisory committee believes that under properly supervised and managed circumstances incarcerated mothers and fathers should be afforded the opportunity to communicate with their children through electronic mail. Email communications have shown themselves to be successful. The North Dakota Corrections Department implemented a system in 2008 enabling inmates to receive and send e-mail albeit through less instantaneous means than normal.¹⁵⁵

Schools

One of the most important ways for incarcerated parents to remain connected to and involved in the lives of their children is through their children's education. The advisory committee believes that schools can make a significant contribution to improving the quality of the lives of children by ensuring that parents who are incarcerated remain aware of activities taking place in school as well as the academic progress of their children.

VISITING PROGRAMS

A number of private organizations have developed visiting programs to facilitate contact between children and incarcerated parents. One of the pre-eminent visiting programs in correctional facilities is Girl Scouts Beyond Bars. Founded in Maryland in partnership with the National Institute of Justice, this program includes more than 30 locations across the country involving approximately 800 girls and 600 mothers each year.¹⁵⁶ Riverside Correctional Facility for Women in Philadelphia has introduced a program recently and is encouraged by the mother/daughter troop meetings. According to the program's information, there are three primary aspects of its structure: mother-daughter troop meetings at the facilities; girl-only troop meetings in the community with participation in council-wide activities; and onsite enrichment activities for the incarcerated mothers.¹⁵⁷

¹⁵⁴ Policy Statement, Pennsylvania Department of Corrections, "Inmate Mail and Incoming Publications," Policy Number DC-ADM 803, April 28, 2008.

¹⁵⁵ <http://www.minotdailynews.com/page/content.detail/id/518085/N-D--prison-system-to-offer-inmates-e-mail.html>. Accessed on May 9, 2011.

¹⁵⁶ www.girlscouts.org/program/program_opportunities/community/GSBBGSDCBrochure2007.pdf. Accessed on May 6, 2011.

¹⁵⁷ Ibid.

There are seven program activities and components contained in most Girls Scouts Beyond Bars programs:

- Financial literacy
- Performance and visual arts
- Bullying and gang prevention and intervention
- Personal growth and leadership development
- Transition and reentry planning
- Girl-planned service learning opportunities
- Referrals to community services for girls and caregivers.¹⁵⁸

There are other programs aside from the Girl Scouts. Recognizing the importance of literacy, the Read-to-Me Program encourages incarcerated parents to read to their children during visits.¹⁵⁹ According to the National Resource Center on Children and Families of the Incarcerated, this program has a four-fold purpose:

- personal connections between parents and children during incarceration
- instruction for parents in the use of children's books
- teaching parents how to become their child's first teacher
- breaking the cycle of incarceration and low literacy rates.¹⁶⁰

The state of Indiana has successfully implemented this initiative in several of its correctional facilities.

The state of New York has recognized the degree to which transportation is a hindrance to children being able to visit their parents while incarcerated. It has established the Family Visiting Program which offers free bus service from New York City and Buffalo to state correctional facilities.¹⁶¹

California has, by statute, made it easier for children to visit their incarcerated parents by contracting with private providers to offer various services. Among the services required are shelter from inclement weather, assistance with transportation, information on visiting processing, and referrals to other agencies and services.¹⁶²

¹⁵⁸ Ibid.

¹⁵⁹ www.fcnetwork.org/Resource%20Center/parent-child-program.html. Accessed May 6, 2011.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² www.fcnetwork.org/Resource%20Center/parent-child-program.html. Accessed May 6, 2011.

SUMMARY OF RECOMMENDATIONS

When in the best interest of the child, corrections officials should strive to strengthen the bonds between children and their incarcerated parents. To achieve this goal, they should:

Review and improve visiting and communications policies and practices to make them more child-friendly, to provide for easier and less expensive communications between an incarcerated parent and his or her child.

Provide a visitation area within the county jail or state correctional facility that is comfortable and more conducive to positive situations for the visiting children and that would also enable greater interaction between incarcerated parents and their children.

REENTRY AND REUNIFICATION

SUBCOMMITTEE PROCESS

The subcommittee organized and began its work with a teleconference on March 16, 2010 and immediately addressed the need to not only match inmates and children with the correct services, but to increase awareness of what programs and services are available. Discussion also focused on the Pennsylvania Board of Probation and Parole services provided to post-release parents and their children and on Pennsylvania Department of Corrections parenting programs that have been scaled back, and in some cases eliminated, in recent years. Budget cuts have forced the departments to focus on providing services that evidence-based research can support, and there is little evidence available to show success as a direct result of parenting programs in State Correctional Institutions. Though academic and independent studies, meta-analysis, and interdepartmental research exist, most highlight the causes associated with parental imprisonment, the impact it has on children yet only speculate on potentially beneficial programs.

As the focus shifts to services provided at community correction centers, non-profits, and community settings, the need for in-depth, longitudinal studies is evident to decipher the causal and correlative evidence relating to the short- and long-term impact on the children of incarcerated parents. Coordinating services between all parties involved (the children, incarcerated parents, caregivers, government entities at the state and county levels, and services providers) is just as important as working together to collect and share data. Statistics are needed not just on parents but on the children and their support networks. While discussion in the first meeting centered on programs, it closed with the realization that recommendations must focus on the children and not the incarcerated parents. While the oft-used statement “Planning for reentry begins upon admission to prison” may be true, the impact on the children of incarcerated parents can last a lifetime.

At its June 22, 2010 conference call, the subcommittee continued its discussion of statistics aimed at providing direct, empirical evidence to support parenting and Long Distance Dads programs provided by the Department of Corrections. Some programs still exist at the discretion of individual SCI officials, but many have been eliminated as not being statistically proven to reduce recidivism. Many members were concerned with funding streams that targeted evidence-based programs, doubting whether adequate data will ever be available. At the federal level, the Second Chance Act¹⁶³ demonstrates

¹⁶³ Public Law 110-199, enacted in 2008, this federal law is designed to improve outcomes for reentry. Federal grants are authorized for government agencies and nonprofit organizations to provide employment

growing attention in the corrections field to keeping offenders connected with their families in order to facilitate reentry and lower recidivism. In its report on foster care children with incarcerated parents, GAO cites some activities performed by the United States Department of Justice under the Second Chance Act. In fiscal year 2010, the department administered about \$7.4 million in grants “to state and local government agencies serving incarcerated adults to incorporate family-based treatment practices in their facilities.”¹⁶⁴ Grants from this program can be used to support prison- and jail-based parenting classes and other activities that can promote family relationships for incarcerated parents who will reenter their communities.

Keeping the parents, children and caregivers engaged in the success of an extended or nuclear family is very important to successful outcomes within any program model. Increasing communication between parties involved has helped to eliminate gaps in and coordination of services, but collaborative work must continue to expand.

A draft of recommendations was considered at the subcommittee’s last teleconference on February 23, 2011, and was adopted after a thorough discussion. The recommendations focused on subjects reviewed at previous meetings and included increased coordination and communication, including referrals, intake assessments, visitation, collaboration and funding, reentry planning, and data collection and evaluation. In general, it was agreed that information gathering is critical the moment an inmate comes through the door, which is the point where delivery of services begins. Also agreed upon was that continuity of care does not have to mean the same staff person stays with the inmate, but improved transition and planning is needed to assume a seamless handoff. While there may not be the capacity for increased programming, there can be increased planning, communication, and preparation. The focus in these programs is not only reducing recidivism of the adults, but keeping children out of the criminal justice system as well. Not every parent should be eligible for programming, for a variety of reasons, but the quality of risk assessments and targeted outcomes can be a main driver in having the biggest cost/benefit impact, with limited resources.¹⁶⁵

CLINICAL SUPPORT FOR PROGRAMS

There is a myriad of data available on both fathers successfully returning home after incarceration and the impact on a child that comes from having an incarcerated parent. Research has focused on recidivism of adults, future criminal tendencies and behavioral issues exhibited by children, and on the impact services to both parties have on reducing those risk factors. Within the subcommittee, criticism had been levied against the reliance on subjective, clinical assessments of an offender’s chances of

assistance, substance abuse treatment, housing, family programming, mentoring, victim support and other services to reduce recidivism.

¹⁶⁴ United States Government Accountability Office. *Child Welfare: More information and Collaboration Could Promote Ties Between Children and Their Incarcerated Parents*. Washington, D.C., September 2011. <http://www.gao.gov/products/GAO-11-863>

¹⁶⁵ The synopsis of subcommittee activities was compiled from meeting summaries and notes on subcommittee work that are in the possession of the Joint State Government Commission.

reoffending, which highlights the need for a more evidence-based model using empirical data. Most studies give prevalence to the issues and background or recommend treatment, educational approaches, or policy improvements related to recidivism. Few analyze specific reentry or parenting programs, choosing to offer theoretical advice on what characteristics good reentry models should include. Many of the reports admit further study is necessary.

When inmates are subjected to long absences and the stigma that comes with psychological and physical barriers of incarceration, everyone in the family can suffer. Readjusting to life at reunification can be just as difficult for families as incarceration, which highlights the need for strong family ties during incarceration. According to one school of thought, maintaining family ties leads to “a higher success rate for reentry and job employment and [means offenders] are less likely to repeat crimes and use drugs.”¹⁶⁶ In fact, studies have shown “family was the most important factor in helping the formerly incarcerated stay out of jail.”¹⁶⁷ Helping fathers, specifically, learn basic skills, responsibility and involvement to forge relationships through programs like Long Distance Dads and Inside Out Dad makes a transition easier.¹⁶⁸ Readjustment can be especially difficult for mothers, who often need specialized programs, including prenatal care, parenting education, and counseling. When children are very young, no amount of caregiver support can fully compensate for separation from their mothers.

Despite the lack of studies, the experience of the advisory committee clearly indicates the severity of problems associated with reunification. Reentry planning and coordination are needed, as are life skills, as inmates lead highly regimented lives and are not forced to make decisions on their own while incarcerated. Structured and thoughtful plans, tailored to individuals, along with mentors and increased coordination of services, will help in breaking the cycle of intergenerational incarceration, which will directly benefit children.¹⁶⁹

Even though outcomes for an incarcerated parent are very important, the focus for this advisory committee’s work is on children. Many of the same issues arise, including risk and needs assessments, help with home and school problems, behavior and case management.¹⁷⁰ Matching children with needed services can be difficult without collaboration. Many families are unaware of community-based services, and agencies often miss valuable opportunities to help those in need.¹⁷¹ Some states, for example

¹⁶⁶ Gosnell, Ken. “Fathers Successfully Returning Home.” *Corrections Today*, April 2007.

¹⁶⁷ Ibid.

¹⁶⁸ Long Distance Dads has merged into Inside Out Dad, and is a character-based education and support program to assist incarcerated men to develop skills to become more involved and supportive fathers. A program of the National Fatherhood Initiative, information regarding it can be found at www.promisesoflife.com/ldd.htm

¹⁶⁹ Dalley, Lanette P. “Policy Implications Relating to Inmate Mothers and Their Children: Will the Past Be Prologue?” *The Prison Journal*. Vol. 82 (2002). No. 2.

¹⁷⁰ Mason, Katherine and Nina Williams-Mbengue. “A Different Kind of Jail.” *State Legislatures*, December 2008.

¹⁷¹ Shapiro, Carol and Margaret diZerega. “Asking About Family Can Enhance Reentry.” *Corrections Today*, December 2007.

Oregon, that runs a nationally acclaimed multi-component program Parenting Inside and Out, found that family-oriented case management focused on the entire family unit is a more effective way to measure each individual component where the sum of the whole is greater than the parts.¹⁷²

There is little research in this area, however. In many instances, specific issues in children like aggressiveness, social isolation, depression, or behavioral problems evident at home and school, are difficult to quantify.¹⁷³ In fact, one meta-analysis found that “parental imprisonment may cause an increase in antisocial behavior and mental health problems in children but the science, to date, does not support this claim.”¹⁷⁴ The research does not support the establishment of parental incarceration as a causal factor in negative outcomes for the children, but it can be an associated or contributing factor. There are too many other factors that could be causal, such as poor parental supervision, low family income, neglect, abuse, instability of living arrangements, or exposure to violence, to name a few. Exposure to any one of these experiences could, by itself, be a causal factor. Few of the studies devoted to this issue satisfy rigorous methodological criteria. In fact, compiling her meta-analysis, Marilyn C. Moses identified only 16 studies over a 48-year period of literary review that fit the criteria for inclusion.¹⁷⁵ Another analysis called data into question as well, stating that “quantifying other effects . . . is more complex because many children of prisoners are already living in deprived and turbulent environments.”¹⁷⁶

It is crucial to break the cycle of children of incarcerated parents from exhibiting behavioral problems in later life and from involvement in the juvenile justice and criminal justice systems, but there is no proven remedy. Proposals and programs are based on theoretical solutions that lack evidence-based support.¹⁷⁷ A linkage has been proposed between an incarcerated parent’s prison stay, family involvement and lower recidivism rates, suggesting that maintaining contact lowers recidivism.¹⁷⁸ It has been noted that the children “live in a high risk and potentially emotionally disrupting and damaging environment during . . . incarceration and in the immediate months following release.” However, “there are few definitive studies that clearly demonstrate what effect

¹⁷² *Children of Incarcerated Parents Project: Report to the Oregon Legislature on SB 133*. December 2002. http://www.oregon.gov/DOC/PUBAFF/docs/pdf/legreport_bill133.pdf

¹⁷³ Moses, Marilyn C. “Parental Imprisonment Does Not Cause an Increase in Antisocial Behavior in Children.” *National Association for Children of Incarcerated Parents NEWS*. October 2010.

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*

¹⁷⁶ Eckholm, Erik. “In Prisoners’ Wake, a Tide of Troubled Kids.” *The New York Times*, July 5, 2009.

¹⁷⁷ Commonwealth of Virginia. *Final Report of the Virginia Commission on Youth to the Governor and the General Assembly of Virginia: Children of Incarcerated Parents*. Richmond, 2002.

<http://coy.state.va.us/docs/Incarcerated%20Parents.pdf>

¹⁷⁸ LaVigne, Nancy, Elizabeth Davies and Diana Brazzell. *Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents*. Washington, D.C.: The Urban Institute, February 2008. Retrieved June 17, 2011 from

http://www.urban.org/UploadedPDF/411616_incarcerated_parents.pdf http

men's incarceration has on children" and "only sparse research about the familial aspects of the prison, reentry and rearrested cycle."¹⁷⁹

Parental incarceration has dramatic effects on both the children and parents, but some findings show children suffer the most. A U.S. Department of Justice study concluded that "50% of children in juvenile detention facilities have experienced a parent's incarceration" and that children of incarcerated mothers are "almost three times more likely to be incarcerated as adults."¹⁸⁰ Parental incarceration has been found to have an "independent effect" on a child's behavior and emotional development by "longitudinal and quasi-experimental research." However, parental incarceration usually emerges from a context of instability including family violence, poverty, child abuse ... and a host of other risk factors that, by themselves, could explain the elevated risk factors for children."¹⁸¹

Even a study by the National Conference of State Legislatures concluded that policymaking is "hindered by lack of reliable data on the characteristics of these children and a paucity of sound research on both the effects of parental incarceration and the effectiveness of interventions."¹⁸² Conclusions were drawn by the NCSL on the barriers to maintaining family contact (corrections policies, child-unfriendly facilities, parent-caregiver relationships, and child welfare practices) and the need to protect children through each phase of the criminal justice process (arrest, screening, placement, and incarceration), but few recommendations were offered on ways to overcome the cross-jurisdictional boundaries.

A report from the U.S. Department of Health and Human Services goes to great lengths to identify the problem of providing resources, eliminating barriers to collaboration, and building partnerships to focus programs on a targeted population. It reviews the impacts of separation on both the child and inmate, points out the opportunity prison provides to improve inmates' skills and outlook for reentry, to break the revolving door of recidivism, and highlights the role of community corrections and non-profits in providing services for successful outcomes.¹⁸³ The stark reality is that, despite the research, the clear knowledge of "data-driven strategies ... at every level of government who are committed to addressing recidivism ... is currently lacking in most jurisdictions."¹⁸⁴

¹⁷⁹ Day, Randal D. et al. "Incarcerated Fathers Returning Home to Children and Families: Introduction to the Special Issue and a Primer on Doing Research with Men in Prison." *Fathering*, Fall 2005.

¹⁸⁰ Hoffman, Heath C., et al. "Prison Programs and Services for Incarcerated Parents and Their Underage Children: Results From a National Survey of Correctional Facilities." *The Prison Journal*, 90(4).

¹⁸¹ Ibid.

¹⁸² Christian, Steve. *Children of Incarcerated Parents*. National Conference of State Legislatures, March 2009. Retrieved on January 3, 2011 from <http://www.ncsl.org/documents/cyf/childrenofincarceratedparents.pdf>

¹⁸³ United States Department of Health and Human Services. *From Prison to Home: The Effects of Incarceration on Children, Families and Communities: Conference Report*. January 2002. <http://aspe.dhhs.gov/hsp/prison2home02/conf-sum/report.pdf>

¹⁸⁴ Clement, Marshall, et al. *The National Summit on Justice Reinvestment and Public Safety: Addressing Recidivism, Crime and Corrections Spending*. The Council of State Governments, Justice Center, January 2011. Retrieved on February 3, 2011 from

DEPARTMENT OF CORRECTIONS/PENNSYLVANIA BOARD OF PROBATION AND PAROLE: POLICIES AND PROGRAMS

While recognizing the limitations on data and current research, many opportunities for reform have been identified. Sentencing policies and alternatives to incarceration have been discussed passionately over the last decade, especially in Pennsylvania, and those will continue to be reviewed legislatively as they have since the 1995 special session on crime ushered in many changes. Funding pressures brought on by an explosive growth in the prison populations (649 percent since 1985) may get the headlines, but forging partnerships, developing protocols, working collaboratively, moving towards community-based programming, and small policy changes can have a big impact and need to be evaluated and explored continually. These are important components of many new corrections policies with a 90 percent cut in prevention spending reported since 2002.¹⁸⁵ As Governor Corbett's Administration took office, recent justice reinvestment initiatives called for "a sharper focus on helping prisoners successfully reenter society after their release, not only to ease connection with community services but to foster closer connections with family."¹⁸⁶ The Department of Corrections' treatment programs are assessed as "good" by experts, but the Board of Probation and Parole is working to close gaps in supervision so offenders stay connected and supervised, to enhance successful reintegration.¹⁸⁷ Both agencies acknowledge that while the incarcerated parents have obviously broken the law and been judged in a court of their peers, serious efforts need to be made in meeting the best interests of the children involved.

Reentry Planning

When a parent returns to his or her family after a period of incarceration, it means major changes in the life of the household. A smooth and successful reentry benefits former inmates and their children in many ways. The Departments of Corrections and Probation and Parole are well aware of that and are working separately and collectively in various areas of reentry planning and programming. The reentry process starts upon admission to prison, and inmates immediately undergo a battery of assessments to determine their risks and needs, which help form their path of treatment while in prison. Most are afforded the opportunity to participate in a variety of programs that will increase their probability of successful reentry; however, not all inmates are eligible for these programs, and in some cases there are waiting lists as classes can fill quickly.¹⁸⁸ In

http://www.ojp.usdoj.gov/BJA/pdf/CSG_JusticeReinvestmentSummitReport.pdf

¹⁸⁵ Deyo, Darwynn. "Senate Judiciary Considers Preventative Spending on Prison Costs." *The Pennsylvania Independent*, February 15, 2011.

¹⁸⁶ Gilliland, Donald. "Prison Spending Needs a Makeover, Officials Say." *The Patriot-News*. March 31, 2011.

¹⁸⁷ Gilliland, Donald. "Pennsylvania's Broken Prison System and How to Fix It." *The Patriot-News*. February 28, 2011.

¹⁸⁸ Pennsylvania Department of Corrections *Reentry*. <http://www.cor.state.pa.us/portal/server.pt/community/reentry/17857>. Accessed on January 3, 2011; Pennsylvania Board of Probation and Parole. *Community Reentry*. http://www.pbpp.state.pa.us/portal/server.pt/community/community_reentry/5357 Accessed on January 3, 2011.

addition, many inmates are not eligible for prison programs because they are serving short sentences, and little is in place to prepare them for release.¹⁸⁹ The Department of Corrections believes reentry is a local process and actively solicits partnerships with community and faith-based organizations to connect offenders with resources within their communities. In addition, the department has established 14 Community Corrections Centers around the state to “provide a transitional process by allowing residents monitored contact with jobs and educational opportunities.”¹⁹⁰ The Board of Probation and Parole works with Corrections to develop a Joint Correctional Plan and further attempts to help offenders succeed by developing a reentry plan, part of which involves “the development of community relationships.”¹⁹¹

The first step in the Department of Corrections approach is the Diagnostic and Classification Center (SCI Camp Hill for the men and SCI Muncy for the women), where the assessment includes medical, psychiatric and psychological exams, substance abuse screening, educational assessments, social and criminal history reviews. Classification determines the course of treatment, work and education, along with physical placement at an SCI. Reintegration is viewed as a gradual process. It consists of community orientation and reintegration in two phases, inside and outside, then progresses to Community Correction Centers, parole planning and reunification. The latter is a product of meeting needs of employment, housing, transportation, financial stability, medical care and continued treatment and support. Partners who assist the Department of Corrections in providing reintegration services are the U.S. Department of Justice and Pennsylvania Departments of Labor and Industry through CareerLinks, Public Welfare through the Office of Children, Youth and Families, and the Department of Health for women with dependent children. Community support comes through families, employers, schools, faith-based groups, and mentoring programs, including the Big Brothers Big Sisters program and other local community partners. All work together to achieve successful community reentry.¹⁹² This approach was developed after nearly a decade of internal review and examination of successful and failed approaches in Pennsylvania and other states. A review of static factors (that cannot be changed) and dynamic factors (that can be changed) highlighted the barriers to successful reentry and the need for accountability,

¹⁸⁹ LaVigne, Nancy G., et al. *A Portrait of Prisoner Reentry in Maryland*. Justice Policy Center, Urban Institute: March 2003. Retrieved on January 3, 2011 from http://www.urban.org/UploadedPDF/410655_MDPportraitReentry.pdf

¹⁹⁰ Pennsylvania Department of Corrections. *Community Corrections*, October 2008. Retrieved on January 3, 2011 from <http://www.portal.state.pa.us/portal/server.pt?open=512&objID=14823&mode=2>

¹⁹¹ Pennsylvania Board of Probation and Parole. *Community Reentry*. Retrieved on January 3, 2011 from http://www.pbpp.state.pa.us/portal/server.pt/community/community_reentry/5357

¹⁹² Beard, Jeffrey. *Returning Home Successfully: Community Reentry*. PA DOC PowerPoint document. Retrieved on January 3, 2011 from http://www.cor.state.pa.us/portal/server.pt/community/reentry/17857/community_reentry/614844; Policy Statement, “Inmate Reentry and Transition,” Policy Number 7.3.1, PA DOC, February 6, 2006. Retrieved on January 3, 2011 from http://www.cor.state.pa.us/portal/server.pt/community/department_of_corrections/4604/doc_policies/612830 (retrieved on January 3, 2011).

¹⁹² Pennsylvania Department of Corrections. “Special Issue on Inmate Reentry.” *Research in Review*. Retrieved on January 3, 2011 from http://www.cor.state.pa.us/portal/server.pt/community/department_of_corrections/604/doc_policies/612830

training, treatment, preparation and placement.¹⁹³ This validated the need for targeted treatment, with a focus on high-risk cases that are available in community-based correctional settings.¹⁹⁴

Through a normal reentry plan, the Department of Corrections and Probation and Parole institutional staff assist offenders in securing living arrangements, employment, preparing the appropriate documentation and connecting them with available resources they will need once released. A Reentry Transitional Accountability Checklist is completed as part of the planning process. The reentry plan must be completed prior to the parole interview, which is held four months prior to the inmate's minimum sentence date. The checklist is then provided to the assigned field parole agent to assist in developing a supervision plan for the offender. A risk and needs assessment and parole education classes are also provided prior to the parole interview. Some inmates that require additional treatment and programmatic support to ease full community reentry are assigned to Community Correction Centers, or half-way houses, run by Department of Correction's personnel. Parole agents work directly in the centers to help prepare offenders for full release to the community.¹⁹⁵ The Board's "hands-on" approach to case management has led to more parolees receiving treatment, less parolees becoming parole violators, and parole absconders spending a longer period under supervision prior to absconding. The Board balances a problem-solving case management approach to reduce risk with an enforcement/supervision approach to manage risk. In order to effectively reduce risk, the Board incorporates the principles of evidence-based practices and effective intervention into each individual case plan. Violators are broken down in two groups: criminal parole violators and technical parole violators. Criminals return to prison, but technical violators take on more involved management, which may include Parole Violation Centers to provide "immediate treatment and programming that is specific to individual circumstances."¹⁹⁶

Co-occurring disorders are also a big part of treatment and reentry. Mental health problems, combined with drug and alcohol abuse, or a history of trauma and physical abuse can have a significant impact on the treatment of a prisoner, their successful reentry, their reintegration into a family and their relationship with a child. In addition to Drug and Reentry programs discussed later in this chapter, the Board of Probation and Parole offers a reentry program that "provides intensive supervision and oversight," including substance abuse testing to monitor compliance.¹⁹⁷ A partnership between the Department of Corrections and Temple University called the Therapeutic Community

¹⁹³ Pennsylvania Department of Corrections. "Inmate Reentry": A Special Issue. *Research in Review*. Vol.3. No.3. October, 2000. Accessible at

http://www.cor.state.pa.us/portal/server.pt/community/research_statistics/10669

¹⁹⁴ Pennsylvania Department of Corrections, "Community-Based Corrections/Reentry: A Special Issue." *Research in Review*. Vol.5. No.4. December, 2002. Accessible at

http://www.cor.state.pa.us/portal/server.pt/community/research_statistics/10669

¹⁹⁵ Pennsylvania Department of Corrections. Recidivism Risk Reduction Incentive. March 16, 2010 subcommittee meeting notes.

¹⁹⁶ Pennsylvania Board of Probation and Parole. *Community Reentry*. Retrieved on January 3, 2011 from http://www.pbpp.state.pa.us/portal/server.pt/community/community_reentry/5357

¹⁹⁷ Ibid.

drug treatment program was implemented in 2002 and evaluated over a five-year period. It was determined to have a “strong, significant impact on reducing the probability of incarceration.”¹⁹⁸

Parenting Education Programs

While reentry planning is a shared responsibility, specific programming Corrections offers is unique and can sometimes vary between SCI’s, with locally tailored rules or curricula. Parenting programs, which have received the lion’s share of attention in the wake of budgets cuts that affected their existence, fall into that category. The questions of a cost/benefit analysis with limited resources, the fact that many inmates lack the necessary skill set to have successful reentry as effective parents, and the overriding question of promoting active contact between parent and child that “may not be in the best interest of the child” are constantly revisited by the department.¹⁹⁹ Their effectiveness at rehabilitation and recidivism reduction is evaluated for evidence-based results, which the Department of Corrections strives for in tailoring its programs. The Long Distance Dads Program, a 12-week parenting program, was implemented in the late 1990s to build character and teaches fathers how to be productive, responsible influences in their children’s lives with a new thought process and skill set. Foundation Parenting helps establish an inmate action plan to become a better parent and introduces new techniques for family interaction. The strongest characteristic of program success is the targeting of criminogenic deficiencies, as measured by the Level of Service Inventory-Revised and Criminal Sentiments Scale-Modified.²⁰⁰

As the number of incarcerated parents continues to increase at an alarming rate, the significance of programs and services within state correctional facilities focused on helping these parents better prepare themselves for returning to their families becomes more apparent. Most incarcerated mothers and fathers will return at some point to the outside world and the families they left behind. The question for policymakers to address is this: should they be allowed to return with the same parenting skills and knowledge (or lack thereof) they possessed at the time of incarceration, or conversely, should a concerted effort be made to provide them with the knowledge and skills they either lacked or failed to apply adequately prior to incarceration?

¹⁹⁸ Pennsylvania Department of Corrections; Temple University Crime and Justice Research Center. *A Multi-Site Evaluation of Prison-Based Drug Treatment: A Research Partnership Between the Pennsylvania Department of Corrections and Temple University: Final Report to the Pennsylvania Commission on Crime and Delinquency*. April 16, 2009. Retrieved on September 27, 2011 from <http://www.cor.state.pa.us/stats/lib/stats/TempleTCOutcomeEvaluationFinalReporttoPCCD.pdf>

¹⁹⁹ Pennsylvania Department of Corrections, “Summary and Major Findings of Articles Reviewed,” Research in Review, May 2007, http://www.cor.state.pa.us/portal/server.pt/community/research___statistics/10669. Retrieved on January 3, 2011.

²⁰⁰ Pennsylvania Department of Corrections, Inmate Program Descriptions; Michael E. Antonio et al. “An Evaluation of Pennsylvania’s Department of Corrections Program: Final Report,” *Pennsylvania Department of Corrections*. http://www.portal.state.pa.us/portal/server.pt/document/483041/parenting_evaluation_report_pdf

Opinions on the effectiveness of in-prison parenting education programs vary. According to the Pennsylvania Department of Corrections reviewer, studies have shown that “most parenting programs currently in place are unlikely to have significant impacts on offenders’ relationships with their children absent a strong focus on core criminogenic factors.”²⁰¹ As most parenting programs assume the parent was an active force in their child’s life pre-incarceration, this opens the door to the unnerving gray area of causal versus associated risk factors. Limited evidence was found that Long Distance Dads “improved participants fathering knowledge, attitudes, skills, and behaviors.”²⁰² Increased communication and overall contact, combined with good liaisons with caregivers, showed promise. Some flaws may exist due to lack of training for treatment staff, inadequate pre- and post-testing and assessments of participants, and a lack of accountability for the quality of services being delivered.²⁰³ While the evidence of how strong an impact parenting programs have on successful outcomes is ‘mixed,’ there is clearly room for improvement in the delivery of services. Two examples of locally tailored parenting programs are Project Impact and House of Hope at SCI Muncy. These involve visitation, education, therapy, and treatment components.²⁰⁴

On the national level, an extensive study of parenting programs was performed by two researchers from the University of Virginia. Ann Booker Loper and Elena Hontoria Tuerk published an extensive analysis of parenting programs, including the types of programs available, the outcomes measured, and the overall effectiveness of such programs.²⁰⁵

They stated that the most important goal of parenting programs for inmates is improving their outcomes as well as those of their children.²⁰⁶ The theory is that positive results of educational initiatives while incarcerated will ultimately result in better parenting practices upon release and reunification with their families. However, as Loper and Tuerk indicate in their study, because it is difficult to fully analyze parenting behaviors upon release, most parenting programs implemented within the institutions are directed at such things as parenting attitudes, self-esteem, and the ability to adjust to the institutional setting.

²⁰¹ Pennsylvania Department of Corrections, “Summary and Major Findings of Articles Reviewed,” Research in Review, May 2007, http://www.cor.state.pa.us/portal/server.pt/community/research_statistics/10669. Retrieved on January 3, 2011.

²⁰² Antonio, Michael E., et al. “An Evaluation of Pennsylvania’s Department of Corrections Program: Final Report,” Pennsylvania Department of Corrections.

²⁰³ Latessa, Edward J., et al. *Final Report: Evaluation of Selected Institutional Offender Treatment Programs for the Pennsylvania Department of Corrections*. Cincinnati, Ohio: University of Cincinnati, November 2009. Retrieved on January 3, 2011 from http://www.uc.edu/ccjr/Reports/ProjectReports/PA_Institutions_Final_Report.pdf

²⁰⁴ The Pennsylvania State Correctional Institution at Muncy. Parenting Program: a brochure provided by SCI staff on 3/24/2011.

²⁰⁵ Loper, Ann Booker and Elena Hontoria Tuerk. “Parenting Programs for Incarcerated Parents: Current Research and Future Directions.” *Criminal Justice Policy Review*. Volume 17, Number 4, December 2006. Pp. 407-426.

²⁰⁶ Ibid.

It should be noted, however, that parenting education programs targeted specifically at incarcerated fathers address some issues relevant to them. Issues such as child support payments, anger management and domestic violence are incorporated into programs for fathers.²⁰⁷ Many of the Pennsylvania Department of Corrections' parenting programs for men were cancelled several years ago due to lack of evaluative findings.

As important as it would be for the research to declare without reservation that parenting programs for incarcerated parents have shown long-term and consistent success, Loper and Tuerk conclude that there have been too few published analyses of such programs and too many inconsistencies in the methodology employed to make that determination. Others, however, have determined that parent education programs have produced certain positive results on a consistent basis. These positive results include an increased knowledge of child development; management and support techniques; and overall evaluations by the participants attesting that the courses were enjoyable and helpful.²⁰⁸ Programs like Parenting Inside and Out, the multi-component program developed jointly by the Oregon Social Learning Centers and the State of Oregon, claim many success stories.

Outreach

Since 2006 the Philadelphia Prison System has utilized a program to provide outreach to incarcerated parents. All parents must be afforded the opportunity to be involved in the service planning of their children, including caregiver placements, under city Department of Human Services policy. Social workers are expected to reach out to parents and caregivers in placements, and schedule visitations with the incarcerated parents on a regular basis. This program has shown a proactive approach to involving parents in their children's lives while behind bars; it promotes maintaining the child's connections.²⁰⁹

Alternative Sentencing

The State Intermediate Punishment Program is available to the Department of Corrections inmates that receive a recommendation from their sentencing judge and the prosecutor. After a thorough drug and alcohol screening and risk assessment, a State Intermediate sentence may be imposed with an individualized treatment plan. The sentence is a flat 24 months, seven in prison, four in a therapeutic community, two in community-based treatment and six in outpatient treatment, with the balance in Corrections staff monitored treatment depending on needs and progress. This program combining incarceration and intense drug treatment has shown to reduce recidivism by one-quarter and one-third.²¹⁰

²⁰⁷ Hairston, Creasie Finney. *Focus on Children with Incarcerated Parents: An Overview of the Research Literature*. Annie E. Casey Foundation, October 2007. Retrieved on August 1, 2011 from <http://www.fcnetwork.org/AECFOverview%20of%20the%20Research%20Literature.pdf>.

²⁰⁸ Ibid.

²⁰⁹ The Philadelphia Department of Human Services, Children and Youth Division, Policy and Procedural Guide "Outreach to Parents Incarcerated in the Philadelphia Prison System," June 27, 2006.

²¹⁰ Pennsylvania Department of Corrections, "State Intermediate Punishment,"

Recidivism Risk Reduction Incentive allows non-violent offenders to reduce their minimum sentences by completing programs and maintaining good behavior while incarcerated. This reduces costs to the system and reduces recidivism by giving an incentive for non-violent offenders to embrace the tools that will help them lead more productive lives. The program has also been shown to reduce victimization post release.²¹¹

Innovative Programming Options

Over the last decade, Pennsylvania has seen a growing trend among local Common Pleas judges to embrace so-called specialty, or problem-solving, courts. Designed to “achieve long-term quality recovery and prevent repeat criminal behavior,” they range from Drug and Mental Health courts, to Veterans courts and Reentry programs. A reflection of the shift to recognizing the special needs of low-risk offenders, they serve as a diversion from prison, focus on treatment and reduce costs on a stressed correctional system.

The role of a Reentry Program is to implement plans and set goals for the offender’s post-release life, while maintaining oversight and regular involvement with the individual. After eligibility screenings and needs assessments, acceptance in the program guarantees individual attention in a goal-oriented environment. Progress and problems are reviewed with a coordinator; judicial reviews are conducted with monthly court meetings; substance abuse testing and compliance is monitored with incentive rewards, and offenders are given access to various reintegration, education, job placement, housing and treatment options. Assistance is also given in accessing community resources. The subcommittee feels strongly that all specialty court participants with minor children should undergo a parenting program in addition to treatment and that families should be afforded the opportunity to be involved in the needs assessment screening.²¹²

Another model program that was evaluated was the Erie, Pa, Reentry Project. The 2005 program received a \$2 million dollar federal grant to study inmates being released from SCI’s on parole over a two-year period, and evaluated for successful reintegration. This is a model program involving five state agencies: Corrections, Probation and Parole, Public Welfare, Health and the TEAM PA Workforce Investment Board as well as the non-profit Greater Erie Community Action Team, which employs the case managers and most community-based services. The overall project manager is a Corrections

http://www.cor.state.pa.us/portal/server.pt/community/department_of_corrections/4604/state_intermediate_punishment/617103. Retrieved on January 3, 2011. Pennsylvania Department of Corrections, “Program Evaluation and Research,” January 2009.

²¹¹ Pennsylvania Department of Corrections, “Recidivism Risk Reduction Incentive,” http://www.cor.state.pa.us/portal/server.pt/community/department_of_corrections/4604/recidivism_risk_reduction_incentive/666871. Retrieved on January 3, 2011. Marsico, Edward and David Freed. “Can Pennsylvania Still Afford ‘Do the Crime, Do the Time’.” *The Patriot-News*, February 13, 2011.

²¹² Pennsylvania Board of Probation and Parole. Reentry Court Program. Retrieved on March 18, 2010. <http://www.pbpp.state.pa.us>; Pennsylvania Commission on Crime and Delinquency, Criminal Justice: Problem Solving Courts. Retrieved on January 3, 2011 from <http://www.portal.state.pa.us/portal/server.pt?open=512&objID=5281&&PageID=492186&level=3&css=L3&mode=2>

Department employee who reviews all applications prior to an inmate's parole. The program starts pre-release and includes, at a minimum, victim awareness, parenting, and drug and alcohol components. The inmates' post-release treatment includes job training, education, assistance, secure housing, family skills and mental health and substance abuse treatment.²¹³ This program "recognizes parolees' families as key to successful reintegration ... and addresses not only the participants' needs but also those of the entire family."²¹⁴

The Erie project represents a model of not only public-private partnership, but also of coordinated delivery of services and monitoring outcomes. A new focus is given to "interpersonal relationship and decision-making skills ... [as] key to determining the needs to the target population and when and how to best address those critical areas."²¹⁵ Striving towards success in the community determines the types and intensity of services provided. Often, inmates experience a gap in services or a less than seamless transition between service providers. The partners involved meet regularly to ensure the project is staying on track, and capture, monitor, and evaluate key data collected under intensive post-release supervision. Ultimately, the hope of these assessments and reassessments is to learn what factors should influence placement in programs. The project's success is still being evaluated but deserves recognition as a model team approach to reentry.

While under markedly different circumstances, the families and children of members of our Armed Services face many of the same obstacles and stress as those with incarcerated parents. In fact, a recent study by the RAND Corporation shows service members' children say the largest obstacle they deal with is "everyday life when a parent is deployed, especially because they are left to help the parent who is still at home and also likely stressed."²¹⁶ With nearly 200,000 military members stationed around the world in combat zones, it is easy to see how many children and families are affected.

One program is the Federal Transition Assistance Program, which helps service members separating from the military and returning to civilian life. It provides job search and preparation skills, decision-making skills, and benefits information in workshop settings, and also helps them connect to local services and CareerLink offices. Another program, launched by the Geisinger Medical Center in Danville, PA, is its Reaching Rural Veterans Initiative.

²¹³ Gnall, Kathleen A. and Gary Zajac. "Assessing for Success in Offender Reentry." *Corrections Today*. April 1, 2005.

²¹⁴ Pennsylvania Department of Corrections. Project Abstract – The Erie, PA Reentry Project. Document provided by the Advisory Committee member Jason Stauffer.

²¹⁵ "Military Families: Nation Must Bolster Support Services," *The Patriot-News* Editorial, June 6, 2011.

²¹⁶ Richardson, Amy, et al. *Effects of Soldiers' Deployment on Children's Academic Performance and Behavioral Health*. The RAND Corporation, 2011. Retrieved on June 1, 2011 from http://www.rand.org/content/dam/rand/pubs/monographs/2011/RAND_MG1095.pdf

With the help of both federal and state grants, research and clinical staff meet and access area school guidance counselors' needs as they pertain to families and specifically to children of both active duty and returning service members. When they return home, veterans and their families in rural communities receive help with medical and social issues including "sleep problems, pain, irritability, poor concentration, excessive alcohol consumption, feelings of edginess or being outcast, issues regarding readjustment to home life and employment or even thoughts of suicide."²¹⁷

Another program offered by the military, including the Pennsylvania National Guard, is called "Reintegration: Beyond Reunion". This program teaches patience and understanding when reunion happens, acknowledging that it is a process and not simply a welcome home. Its five phases include a pre-return period, a honeymoon period, a period of disruption, an adjustment period and acceptance. Overall themes deal with the stress of reintegration, preparation for reunion, open communication, accepting change and benefits assistance. Focusing on children, the program emphasizes adjustments for both parent and child; it encourages them to make realistic expectations, and it highlights differences between returning mothers and fathers, bonding with infants, toddlers, preschoolers, young school age children and adolescents. It also builds on the relationships of single parents and custodial parents.²¹⁸

While the mission of the programs targeted on the returning troops is different, and the challenges of families of the incarcerated are unique, there is a lot to be learned from these programs, the approaches taken to stay connected and to reconnect, and the benefits offered within their framework. It is unreasonable to expect opportunities like Skype communication or the programs sponsored with the support of many foundations established to benefit the children and families of those serving our country. However, these model collaborative programs are a direction the corrections system has undeniably taken, and they can result in major cost savings while increasing offender reentry and child success. There is a stark difference to being connected from behind bars and being connected in person, and community-centered approaches have shown much promise towards meeting the demand for programming with successful reentry outcomes.

Additional models were reviewed, such as the La Bodega Family Justice Initiative in Manhattan; Broken Vessel Ministries in Duncannon, PA; The Fortune Academy in West Harlem; Project Impact and Bridge Haven in Williamsport, PA; and the Mentoring Children for Tomorrow partnership in Jackson, MS. These programs show great promise as collaborative efforts and public-private ventures and warrant further examination.

²¹⁷ Dandes, Rick. "More Assistance Available Today for Vets' Transition." *The Daily Item*, Sunbury, PA. November 7, 2010.

²¹⁸ National Guard Family Program "Reintegration Beyond Reunion: A Guide for Service Members and Their Families." 2009.

SUMMARY OF RECOMMENDATIONS

Afford incarcerated parents with family-strengthening programs to promote family reunification and stability and to reduce recidivism.

Continue and expand the use of innovative and collaborative programs and partnerships between correctional facilities and community and faith-based organizations that serve as local resources and liaisons to the incarcerated and their children.

Guarantee a continuity of case management when the inmate is transferred from the Corrections to Probation and Parole and plan in advance for the transition.

When making arrangements for an incarcerated parent's reentry, the best interest of the child should always be a priority, and individualized plans should be developed dependent on what, if any, reunification services a particular child may need.

PROPOSED LEGISLATION

AN ACT

Amending Titles 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes in providing for the physical and emotional well-being of children of incarcerated parents; requiring State and municipal police officers to identify minor or dependent children upon an arrest; providing guidelines and a training program for ensuring child safety upon the arrest of a parent or guardian; further providing for limitations on the termination of parental rights of children of incarcerated parents.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2511(b) of Title 23 of the Pennsylvania Consolidated Statutes is amended by adding language to read:

§ 2511. Grounds for involuntary termination.

(b) Other considerations.--The court in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care if found to be beyond the control of the parent. The rights of a parent shall not be terminated pursuant to any paragraph in subsection

(a) solely on the basis of parental incarceration. With respect to any petition filed pursuant to subsection (a)(1), (6) or (8), the court shall not consider any efforts by the parent to remedy the conditions described therein which are first initiated subsequent to the giving of notice of the filing of the petition.

Section 2. Section 6351 (f)(9) of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding language to read:

§ 6351. Disposition of dependent child.

(f) Matters to be determined at permanency hearing.

(9) If the child has been in placement for at least 15 of the last 22 months or the court has determined that aggravated circumstances exist and that reasonable efforts to prevent or eliminate the need to remove the child from the child's parent, guardian or custodian or to preserve and reunify the family need not be made or continue to be made, whether the county agency has filed or sought to join a petition to terminate parental rights and to identify, recruit, process and approve a qualified family to adopt the child unless any of the following subparagraphs apply:

(i) [the] The child is being cared for by a relative best suited to the physical, mental and moral welfare of the child;

(ii) [the] The county agency has documented a compelling reason for determining that filing a petition to terminate parental rights would not serve the needs and welfare of the child. A compelling reason may include parental incarceration for a period exceeding 15 months, if:

(A) the parent makes efforts, to the extent feasible, to comply with family service plan requirements and otherwise maintain a meaningful role in the child's life during the time of incarceration, and

(B) termination of parental rights is not otherwise necessitated by the needs and welfare of the child; or

(iii) [the] The child's family has not been provided with necessary services to achieve the safe return to the child's parent, guardian or custodian within the time frames set forth in the permanency plan.

Section 3. Title 44 of the Pennsylvania Consolidated Statutes is amended by adding a new Chapter 25 to read:

CHAPTER 25

ARREST PROTOCOLS

Sec.

2501. Training.

2502. Guidelines for identification of minor or dependent children upon arrest.

2503. Program responsibilities.

§ 2501. Training.

A course of training for ensuring child safety upon the arrest of a parent or guardian shall be included in the basic curriculum of each basic training class and as a component of in-service training each year for the following police officers:

(1) Members of the Pennsylvania State Police.

(2) Municipal police officers, as defined in 53 Pa.C.S. Ch. 21 (relating to municipal police education and training).

(3) Constables and deputy constables, as defined in 44 Pa.C.S. Ch. 71 (relating to constables).

(4) County sheriffs and deputy sheriffs.

§ 2502. Guidelines for identification of minor or dependent children upon arrest.

(a) Inquiry upon arrest.--A law enforcement officer described in section 2501 (relating to training) who arrests an individual shall at the time of the arrest inquire as to whether the individual is a parent or guardian of any minor or dependent child who may be at risk as a result of the arrest. The officer shall make reasonable efforts to ensure the safety of any such child in accordance with guidelines under subsection (b).

(b) Establishment of guidelines.—In consultation with representatives of the county children and youth social service agency, the Pennsylvania State Police, the Municipal Police Officers Education and Training Program and the Department of Public Welfare in shall establish guidelines and training programs for State and local law enforcement officers to ensure the safety of a child upon the arrest of a parent or guardian of the child. The guidelines and training program shall include:

(1) Procedures to ensure that officers inquire whether an arrestee has any minor or dependent child who may be present or at another location at the time of the arrest.

(2) Procedures for the proper arrangement of temporary care for children to ensure their safety and well-being.

(3) Education on how the effects of witnessing a violent crime or other event causes emotional harm to children and how officers can assist in mitigating the long-term effects of the trauma.

§ 2503. Program responsibilities.

The Pennsylvania State Police and the Municipal Police Officers Education and Training Program shall:

(1) Receive annual funding to develop and maintain arrest protocol training programs.

(2) Have responsibility for the oversight and coordination of the arrest protocol training programs throughout the Commonwealth.

(3) Regularly evaluate arrest protocol programs and make modifications as necessary.

BIBLIOGRAPHY

A Second Chance, Inc.: Kinship Care 2010 Annual Report. Retrieved on May 9, 2011 from <http://www.asecondchance-kinship.com/news-room/annual-report.html>

Adalist-Estrin, Ann. *Children of Prisoners Library, Facts and Issues: CPL 107 "Communications Tips"*. Retrieved on May 4, 2011 from <http://www.fcnetwork.org/cpl/CPL107-CommunicationTips.html>.

Allard, Patricia and Judith Greene. *Children on the Outside: Voicing the Pain and Human Costs of Parental Incarceration*. Justice Strategies, 2011. Retrieved on May 23, 2011 from <http://www.justicestrategies.org/sites/default/files/publications/JS-COIP-1-13-11.pdf>

Antonio, Michael E., et al. *An Evaluation of Pennsylvania's Department of Corrections Program: Final Report*. Pennsylvania Department of Corrections, Inmate Program Descriptions. Retrieved on September 27, 2011 from http://www.portal.state.pa.us/portal/server.pt/document/483041/parenting_evaluation_report_pdf

Bernstein, Nell. *All Alone in the World: Children of the Incarcerated*: New York; London: The New Press, 2005.

Bernstein, Nell. "A Bill of Rights for Children of Prisoners" CWLA Children's Voice Article, September/October 2004. <http://www.cwla.org/articles/cv0409cop.htm>. Accessed 06.01.10.

Braman, Donald. *Doing Time on the Outside: Incarceration and Family Life in Urban America*. Ann Arbor: Univ. of Michigan Press, 2007.

Brenckle, Lara. "Bethany Christian Services Tests Family Preservation Program in Dauphin County". *The Patriot-News*. January 23, 2011. http://www.pennlive.com/midstate/index.ssf/2011/01/bethany_christian_services_tes.htm Accessed 05.06.11.

Children of Incarcerated Parents: A Bill of Rights. San Francisco: San Francisco Partnership for Incarcerated Parents, 2003.

Children of Incarcerated Parents / Council on Crime and Justice. Minneapolis, January 2006. <http://www.racialdisparity.org/files/CCJ%20CIP%20FINAL%20REPORT.pdf>. Accessed on September 27, 2011.

Children of Incarcerated Parents Project: Report to the Oregon Legislature on SB 133.
December 2002.

http://www.oregon.gov/DOC/PUBAFF/docs/pdf/legreport_bill133.pdf

Accessed on September 27, 2011.

Children's Defense Fund. *States' Subsidized Guardianship Laws at a Glance.* Washington, DC, October 2004. Retrieved on June 11, 2010 from <http://www.childrensdefense.org/child-research-data-publications/data/state-subsidized-guardianship-laws.pdf>

Christian, Steve. *Children of Incarcerated Parents.* National Conference of State Legislatures, March 2009. Retrieved on January 3, 2011 from <http://www.ncsl.org/documents/cyf/childrenofincarceratedparents.pdf>

Clement, Marshall, et al. *The National Summit on Justice Reinvestment and Public Safety: Addressing Recidivism, Crime and Corrections Spending.* The Council of State Governments, Justice Center, January 2011. Retrieved on February 3, 2011 from

http://www.ojp.usdoj.gov/BJA/pdf/CSG_JusticeReinvestmentSummitReport.pdf

Commonwealth of Virginia. *Final Report of the Virginia Commission on Youth to the Governor and the General Assembly of Virginia: Children of Incarcerated Parents.* Richmond, 2002.

<http://coy.state.va.us/docs/Incarcerated%20Parents.pdf>

Connecting Children with Incarcerated Parents: Child Protection Best Practices Bulletin. Advocacy, Inc.; Corinne Wolfe Children's Law Center; CYFD, New Mexico; a.o. <http://www.f2f.ca.gov/res/pdf/ChildProtectionBPBulletins.pdf>. Accessed 05.03.11.

Dalley, Lanette P. "Policy Implications Relating to Inmate Mothers and Their Children: Will the Past Be Prologue?" *The Prison Journal*. Vol. 82 (2002). No. 2, 234-268.

Dandes, Rick. "More Assistance Available Today for Vets' Transition." *The Daily Item*, Sunbury, PA. November 7, 2010

Davis, Carolyn. "Mennonites' Informal Lifeline for Jailed Mothers." *The Philadelphia Inquirer*. Monday, March 7, 2011.

http://www.philly.com/philly/news/20110307_Mennonites__informal_lifeline_for_jailed_mothers.html

Davis, Carolyn. "Mennonite Group That Cares for Babies of Jailed Women Needs to Be Licensed, Says Report". *The Philadelphia Inquirer*. Wednesday, April 20, 2011.

<http://www.philly.com/philly/news/local/120261659.html>

- Day, Randal D., et al. "Incarcerated Fathers Returning Home to Children and Families: Introduction to the Special Issue and a Primer on Doing Research with Men in Prison." *Fathering*, Fall 2005.
- De Haan, Benjamin. "The Interface between Corrections and Child Welfare for Children of Incarcerated Parents." In *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners* / Ed. by J. Mark Eddy and Julie Poehlmann. Washington, DC: The Urban Institute Press, 2010.
- Deyo, Darwyn. "Senate Judiciary Considers Preventative Spending on Prison Costs." *The Pennsylvania Independent*. February 15, 2011.
- Eckholm, Erik. "In Prisoners' Wake, a Tide of Troubled Kids." *The New York Times*. July 5, 2009.
- Eddy, Mark J. and Mindy S. Clark. *Preparing for Reentry with Parent Management Training*. https://www.aca.org/fileupload/177/ahaidar/Eddy_Clark.pdf
Accessed 11.18.11.
- Eddy, Mark J. and Julie Poehlmann. "Multidisciplinary Perspectives on Research and Intervention with Children." In *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners* / Ed. by J. Mark Eddy and Julie Poehlmann. Washington, DC: The Urban Institute Press, 2010.
- Ehrle, Jennifer and Rob Geen. "Children Cared for by Relatives: What Services Do They Need?" *New Federalism: National Survey of American Families*. Series B. No. B-47, June 2002. Washington, D.C.: The Urban Institute.
- Ehrle, Jennifer, Rob Geen and Regan Main. *Kinship Foster Care: Custody, Hardship, and Services*. Snapshots of America's Families. No. 14. Washington, DC: Urban Institute, 2003.
www.urban.org/UploadedPDF/310893_snapshots3_no14.pdf
- Geen, Rob, Pamela Holcomb, Amy Jantz, et al. *On Their Own Terms: Supporting Kinship Care Outside of TANF and Foster Care: A Report Prepared for ASPE, HHS*. The Urban Institute. September, 2001. <http://aspe.hhs.gov/hsp/kincare01>.
Accessed 07.08.10.
- Gilliand, Donald. "Pennsylvania's Broken Prison System and How to Fix It." *The Patriot-News*. February 28, 2011.
- Gilliand, Donald. "Prison Spending Needs a Makeover, Officials Say." *The Patriot-News*. March 31, 2011.

- Gilliland, Donald. "Straight Shooter' Driven to Fix Prison System". *The Patriot-News*. May 29, 2011.
http://www.pennlive.com/midstate/index.ssf/2011/05/john_wetzel_pa_secretary_of_co.html
- Glaze, Lauren E. and Laura M. Maruschak, *Parents in Prison and Their Minor Children: Bureau of Justice Statistics Special Report*. Washington, D.C.: U.S. Department of Justice Office of Justice Programs, August 2008. Revised 3/30/10. NCJ 222984. <http://bjs.ojp.usdoj.gov/content/pub/pdf/pptmc.pdf> Accessed 05.25.10.
- Gnall, Kathleen A. and Gary Zajac. "Assessing for Success in Offender Reentry." *Corrections Today*. April 1, 2005.
- Gosnell, Ken. "Fathers Successfully Returning Home." *Corrections Today*. April 2007.
- Greenfield, L.A. and T.L. Snell. *Women Offenders: Bureau of Justice Statistics Special Report*. NCJ 175688. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 1999. Revised 10/3/2000.
<http://bjs.ojp.usdoj.gov/content/pub/pdf/wo.pdf> Accessed 06.23.11
- Greenwood, Jill King. "Ex-Philly Mayor Seeks Mentors for At-risk Youths." *The Pittsburgh Tribune-Review*. March 3, 2011.
http://www.pittsburghlive.com/x/pittsburghtrib/news/state/print_725524.html
- Hairston, Creasie Finney. *Focus on Children with Incarcerated Parents: An Overview of the Research Literature*. Annie E. Casey Foundation, October 2007. Retrieved on August 1, 2011 from
<http://www.fcnetwork.org/AECFOverview%20of%20the%20Research%20Literature.pdf>.
- Hairston, Creasie Finnie. *Kinship Care When Parents Are Incarcerated: What We Know, What We Can Do*. A Report Prepared for the Annie E. Casey Foundation. May 2009.
http://www.aecf.org/~media/Pubs/Topics/Child%20Welfare%20Permanence/Foster%20Care/KinshipCareWhenParentsAreIncarceratedWhatWeKn/10147801_Kinship_Paper06a%203.pdf
- Hairston, Creasie Finney. *Prisoners and Families: Parenting Issues During Incarceration*. <http://aspe.hhs.gov/HSP/prison2home02/Hairston.htm>. Accessed 3.04.2010
- Hanlon, Thomas E., Steven B. Carswell and Marc Rose. "Research on the Caretaking on Children of Incarcerated Parents: Findings and Their Service Delivery Implications". *Children and Youth Services Review* 29 (2007), 348-362.

Hoffman, Heath C., et al. "Prison Programs and Services for Incarcerated Parents and Their Underage Children: Results From a National Survey of Correctional Facilities." *The Prison Journal*, 90(4).

IDOC "Moms and Babies" Celebrates 4th Anniversary. Retrieved April 4, 2011 from http://www.wifr.com/news/headlines/IDOC_Moms_and_Babies_Celebrates_4th_Anniversary_118855134.html?ref=134

Inskip, Steve. *In Ohio, Inmate Mothers Care for Babies in Prison: NPR*. Retrieved on April 8, 2011 from <http://www.npr.org/templates/story/story.php?storyId=93548405>.

Keeping Children Safe When Parents Are Arrested: Methods for Allegheny County Police Officers: Report to Judge Kim Berkeley Clark from the Arrest Protocol Committee. Pittsburgh, 2008.

Kemeny, Matthew. "Program Aims to Eliminate Truancy for Children Whose Parents Are on Probation in Harrisburg". *The Patriot-News*. March 02, 2010.

Kittle M.D. "Number of Children Who Have a Parent in Prison on the Rise." *Southeast Missourian*. May 11, 2011.
<http://www.semissourian.com/story/1726321.html>

King Greenwood, Jill. "Ex-Philly Mayor Seeks Mentors for At-Risk Youths". *The Pittsburgh Tribune-Review*. Thursday, March 3, 2011.
http://www.pittsburghlive.com/x/pittsburghtrib/news/state/s_725524.html

Latessa, Edward J., et al. *Final Report: Evaluation of Selected Institutional Offender Treatment Programs for the Pennsylvania Department of Corrections*. Cincinnati, Ohio: University of Cincinnati, November 2009. Retrieved on January 3, 2011 from http://www.uc.edu/ccjr/Reports/ProjectReports/PA_Institutions_Final_Report.pdf

LaVigne, Nancy, Elizabeth Davies and Diana Brazzell. *Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents*. Washington, D.C.: The Urban Institute, February 2008. Retrieved June 17, 2011 from http://www.urban.org/UploadedPDF/411616_incarcerated_parents.pdf

LaVigne, Nancy G., et al. *A Portrait of Prisoner Reentry in Maryland*. Justice Policy Center, Urban Institute: March 2003. Retrieved on January 3, 2011 from http://www.urban.org/UploadedPDF/410655_MDPortraitReentry.pdf

- LEARNS. *Mentoring Children of Incarcerated Parents: A Toolkit for Senior Corps Directors*. Corporation for National & Community Service, June 2004. Retrieved on January 7, 2011 from http://www.nationalserviceresources.org/files/legacy/.../MCIP_Senior_Toolkit.pdf
- Loper, Ann Booker and Elena Hontoria Tuerk. "Parenting Programs for Incarcerated Parents: Current Research and Future Directions." *Criminal Justice Policy Review*. Volume 17, Number 4, December 2006, 407-426.
- Lopez, Caroline and Christine Suniti Bhat. "Supporting Students with Incarcerated Parents in Schools: A Group Intervention". *The Journal for Specialists in Group Work*. Vol. 32, No. 2, June 2007, 139-153.
- Main, Regan, Jennifer Ehrle Macomber and Rob Geen. "Trends in Service Receipt: Children in Kinship Care Gaining Ground". *New Federalism: National Survey of America's Families*. Series B. No. B-68, May 2006. Washington, D.C.: The Urban Institute.
- Mason, Katherine and Nina Williams-Mbengue. "A Different Kind of Jail." *State Legislatures*, December 2008.
- "Military Families: Nation Must Bolster Support Services," *The Patriot-News* Editorial, June 6, 2011.
- Moses, Marilyn C. "Children of the Incarcerated Must Be Studied, And Responded to, Comprehensively". *Corrections Today*. June 2010, 58-60.
- Moses, Marilyn C. "Does Parental Incarceration Increase a Child's Risk for Foster Care Placement?" NIJ Journal No. 255. Retrieved on December 30, 2010 from http://www.ojp.usdoj.gov/nij/journals/255/parental_incarceration.html
- Moses, Marilyn C. "Parental Imprisonment Does *Not* Cause an Increase in Antisocial Behavior in Children." *National Association for Children of Incarcerated Parents NEWS*, October 2010.
- Mothers Behind Bars: A State-by-State Report Card and Analysis of Federal Policies on Conditions of Confinement for Pregnant and Parenting Women and the Effect on Their Children* The Rebecca Project For Human Rights. National Women's Law Center. Washington, D.C.: National Women's Law Center, October 2010.
- Mothers, Infants and Imprisonment: A National Look at Prison Nurseries and Community-Based Alternatives*, Institute on Women and Criminal Justice, May 2009. Retrieved on August 2, 2011 from wpaonline.org/pdf/Mothers%20Infants%20and%20Imprisonment%202009.pdf

- Mumola, Christopher. *Incarcerated Parents and Their Children*. NCJ 182335. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics. August 2000. <http://bjs.ojp.usdoj.gov/content/pub/pdf/pptmc.pdf> Accessed on December 27, 2010.
- Murray, Joseph, David P. Farrington, Ivana Secol and Rikke F. Olsen. "Effects of Parental Imprisonment on Child Antisocial Behaviour and Mental Health: A Systematic Review". *Campbell Systematic Reviews*. 2009:4.
- National Conference of State Legislatures. *Ex-Offender Employment Opportunities*. Denver, Colorado; Washington, D.C.: NCSL, 2011. Retrieved on August 8, 2011 from <http://www.ncsl.org/documents/cj/pew/ex-offenderreport.pdf>.
- National Mentoring Month Provides Launch Point for AG Supported Program*: State of Mississippi Attorney General Office Press Release. http://www.ago.state.ms.us/index.php/press/releases/national_mentoring_month_provides_launch_point_for_ag_supported_program/
- Nereim, Vivian. "Old Law Lengthens Pittsburgh Man's Sentence." *The Pittsburgh Post-Gazette*. May 23, 2011. <http://www.post-gazette.com/pg/11143/1148545-84-0.stm>
- Nickel, Jessica, Crystal Garland and Leah Kane. *Children of Incarcerated Parents: An Action Plan for Federal Policymakers*. New York, New York: Council of State Governments Justice Center, 2009.
- Olshan, Marlene L. "Really Rethinking Prison Budget". *The Philadelphia Inquirer*. July 13, 2011. http://www.philly.com/philly/opinion/inquirer/20110713_Really_rethinking_prison_budget.html
- Opilo, Emily. "York County Prison Well-Versed in Treating Pregnant Women". *Daily Record/Sunday News*. December 4, 2010. http://www.ydr.com/ci_16778227.
- Parke, Ross D. and K. Alison Clarke-Stewart. *Effects of Parental Incarceration on Young Children*. Washington, D.C.: U.S. Department of Health and Human Services, 2002. Retrieved on July 13, 2011 from <http://aspe.hhs.gov/hsp/prison2home02/parke&stewart.pdf>.
- Pecora, P.J., R.C. Kessler, J. Williams, K. O'Brien, A.C. Downs, D. English, J. White, E. Hiripi, C.R. White, T. Wiggins, and K.E. Holmes. *Improving Family Foster Care: Findings from the Northwest Foster Care Study*. Seattle, WA: Casey Family Programs, March 14, 2005. Retrieved on December 30, 2010 from <http://www.casey.org/resources/publications/ImprovingFamilyFosterCare.htm>.

Pennsylvania Department of Corrections. *Annual Statistical Report 2009*. Retrieved on April 12, 2011 from http://www.cor.state.pa.us/portal/server.pt/community/research___statistics/10669/annual_reports/567085.

Pennsylvania Department of Corrections. *Managing Population Growth: Budget Presentation 2010*. Retrieved on April 12, 2011 from http://www.cor.state.pa.us/portal/server.pt/community/research___statistics/10669/budget_documents/567424.

Pennsylvania Department of Corrections. *Monthly Population Report as of December 31, 2010*. Retrieved on April 12, 2011 from http://www.cor.state.pa.us/portal/server.pt/community/research___statistics/10669/monthly_population_reports/568195.

Pennsylvania Department of Corrections. "Inmate Reentry": A Special Issue. *Research in Review*. Vol.3. No.3. October, 2000. Accessible at http://www.cor.state.pa.us/portal/server.pt/community/research___statistics/10669

Pennsylvania Department of Corrections, "Community-Based Corrections/Reentry: A Special Issue." *Research in Review*. Vol.5. No.4. December, 2002. Accessible at http://www.cor.state.pa.us/portal/server.pt/community/research___statistics/10669

Pennsylvania Department of Corrections. "Article Reviews (Female Offender Reentry, Assessment at Sentencing and Parenting Programs)." *Research in Review*. Vol.10. No.1. May 2007. Accessible at http://www.cor.state.pa.us/portal/server.pt/community/research___statistics/10669

Pennsylvania Department of Corrections; Temple University Crime and Justice Research Center. *A Multi-Site Evaluation of Prison-Based Drug Treatment: A Research Partnership Between the Pennsylvania Department of Corrections and Temple University: Final Report to the Pennsylvania Commission on Crime and Delinquency*. April 16, 2009. Retrieved on September 27, 2011 from <http://www.cor.state.pa.us/stats/lib/stats/TempleTCOutcomeEvaluationFinalReporttoPCCD.pdf>

Phillips, Susan D. "The Past as Prologue: Parental Incarceration, Service Planning, and Intervention Development in Context." In *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners* / Ed. by J. Mark Eddy and Julie Poehlmann. Washington, DC: The Urban Institute Press, 2010.

Phillips, Susan and Barbara Bloom. "In Whose Best Interest? The Impact of Changing Public Policy on Relatives Caring for Children with Incarcerated Parents." *Child Welfare*. Vol. LXXVII (1998). No. 5. September/October, 531-541.

- Phillips, Susan D., Alaattin Erkanli, Gordon P. Keeler, E. Jane Costello and Adrian Angold. *Disentangling the Risks: Parent Criminal Justice Involvement and Children's Exposure to Family Risks*. Vol. 5. No. 4. 2006. Pp. 677-702. Retrieved on June 8, 2010 from <http://devepi.duhs.duke.edu/library/pdf/20970.pdf>
- Pima Prevention Partnership. *Arizona Children of Incarcerated Parents Bill of Rights Project: Report and Recommendations*. Tucson, AZ: Pima Prevention Partnership, December 2007. Retrieved on July 13, 2011 from http://thepartnership.us/newsite/pdfs/Final_report.pdf.
- Pittsburgh Child Guidance Foundation. *Advocating for Children of Prisoners: First Report to the Community*. Pittsburgh, PA: PCGF, March 2005.
- Pittsburgh Child Guidance Foundation. *Advocating for Children of Prisoners: Second Report to the Community*. Pittsburgh, PA: PCGF, 2006.
- Poehlmann, Julie and J. Mark Eddy. "A Research and Intervention Agenda for Children of Incarcerated Parents." In *Children of Incarcerated Parents: A Handbook for Researchers and Practitioners* / Ed. by J. Mark Eddy and Julie Poehlmann. Washington, DC: The Urban Institute Press, 2010.
- Prisoners Once Removed: The Impact of Incarceration and Reentry on Children, Families and Communities*. Washington, DC: The Urban Institute Press, 2003.
- Report to 2006 SCR 128 Task Force Children of Incarcerated Parents*. Hawaii, 2006. <http://hawaii.gov/dhs/main/reports/LegislativeReports/2006Leg/2005%20SCR%20128%20Children%20of%20Incarcerated%20Parents.pdf>. Accessed June 24, 2011.
- Richardson, Amy, et al. *Effects of Soldiers' Deployment on Children's Academic Performance and Behavioral Health*. The RAND Corporation, 2011. Retrieved on June 1, 2011 from http://www.rand.org/content/dam/rand/pubs/monographs/2011/RAND_MG1095.pdf
- Rollins, Jonathan. "Endangered Innocence". *Counseling Today Online*. 10. <http://www.counseling.org/Publications/CounselingTodayArticles.aspx?AGuid=ffa93d03-3f4a-4be2-aa87-5ca4a6e6c1e617.10>. Accessed January 26, 2011.
- Ross, Timothy, Ajay Khashu and Mark Wamsley. *Hard Data on Hard Times: An Empirical Analysis of maternal Incarceration, Foster Care, and Visitation*. New York: Vera Institute of Justice, August 2004. <http://www.vera.org/download?file=123/Hard%2Bdata.pdf> Accessed on December 30, 2010.
- Shapiro, Carol and Margaret diZerega. "Asking About Family Can Enhance Reentry." *Corrections Today*, December 2007.

- Simmons, Charlene Wear. *Children of Incarcerated Parents*. CRB Note. Vol. 7, No. 2. March 2000. <http://www.library.ca.gov/crb/00/notes/v7n2.pdf>
- Stolzfus, Emilie. *Child Welfare: The Fostering Connections to Success and Increasing Adoptions Act of 2008*. CRS Report for Congress. October, 2008. Retrieved May 19, 2010 from <http://www.nga.org/Files/pdf/0811/WEBCASTFOSTERINGCRSREPORT.PDF>
- Taylor, Daniel. "A Parent in Prison: Tough Hurdle for a Child to Clear". *The Philadelphia Inquirer*. June 8, 2011. http://www.philly.com/philly/insights/in_health/123439079.html
- The Pew Center on the States. *One in 100; Behind Bars in America 2008*. Washington, D.C. February 2010. Retrieved on June 10, 2011 from http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_FINAL_2-1-1_FORWEB.pdf.
- The Sentencing Project. *Incarcerated Parents and Their Children: Trends 1991-2007*. Washington, D.C., February 2009. Retrieved on January 10, 2011 from http://www.sentencingproject.org/doc/publications/publications/inc_incarceratedparents.pdf
- Tierney, Joseph P., Jean Baldwin Grossman, Nancy L. Resch. *Making a Difference: An Impact Study of Big Brothers Big Sisters*. Public/Private Ventures. September 2000. <http://www.ppv.org>
- Travis, Jeremy, Elizabeth Cincotta McBride and Amy L. Solomon. *Families Left Behind: The Hidden Costs of Incarceration and Reentry*. Washington, D.C.: The Urban Institute, October 2003; Revised June 2005. Retrieved on June 20, 2011 from http://www.urban.org/uploadedpdf/310882_families_left_behind.pdf
- Trim, Ginine. *Commentary: A Warden's Perspective on Prison Moms*. http://www.essence.com/news/hot_topics_4/commentary_wardens_perspective. Accessed April 8, 2011.
- Tripp, Brad. "Fathers in Jail: Managing Dual Identities". *Applied Psychology in Criminal Justice*, 2009, 5(1).
- Tuerk, Elena Hontoria and Ann Booker Loper. "Contact Between Incarcerated Mothers and Their Children: Assessing Parental Stress." *Journal of Offender Rehabilitation*. Vol. 43 (1), 2006. Pp. 23-46.

- United States Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. *Kinship Caregivers and the Child Welfare System: A Factsheet for Families*. Washington, DC, March 2005. (Child Welfare Information Gateway) Retrieved on May 27, 2010
http://www.childwelfare.gov/pubs/f_kinshi/f_kinshi.pdf
- United States Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. *Adoption and Foster Care Analysis and Reporting System (AFCARS) Preliminary FY 2008 Estimates as of October 2009* (16). Retrieved on May 26, 2010 from
http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report16.htm
- United States Department of Health and Human Services. *From Prison to Home: The Effects of Incarceration on Children, Families and Communities: Conference Report*. January 2002. Retrieved on January 3, 2011 from
<http://aspe.dhhs.gov/hsp/prison2home02/conf-sum/report.pdf>
- United States General Accounting Office. *Women in Prison: Issues and Challenges Confronting U.S. Correctional Systems*. Washington, D.C., December 1999.
<http://www.gao.gov/archive/2000/gg00022.pdf> Accessed on January 3, 2011.
- United States Government Accountability Office. *Child Welfare: More information and Collaboration Could Promote Ties Between Children and Their Incarcerated Parents*. Washington, D.C., September 2011. <http://www.gao.gov/products/GAO-11-863> . Accessed on September 26, 2011.
- Vacca, James S. "Children of Incarcerated Parents: The Invisible Students in Our Schools – What Can Our Schools Do to Help Them?" *Relational Child & Youth Care Practice*. Vol. 21. No. 1, 49-56.
- Walker, Claire A. *Children of Incarcerated Parents: Full Report of the Pittsburgh Child Guidance Foundation*. Pittsburgh, PA, 2005. Available at
<http://www.pittsburghchildguidancefoundation.org/> (click on Reports & Media)
Accessed 12.05.11.
- West, Heather C. and William J. Sabol. *Prisoners in 2007*. NCJ 224280. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, December 2008.
<http://bjs.ojp.usdoj.gov/content/pub/pdf/p07.pdf> Accessed on January 5, 2010.

What About Me? Children with Incarcerated Parents. Michigan Family Impact Seminars Briefing Report No. 2002-1. Ed. by Eileen Trzcinski, Deborah Satyanathan, and Lynda Ferro. Wayne State University School of Social Work; Michigan State University Institute for Children, Youth, and Families.

http://www.familyimpactseminars.org/s_mifis05report.pdf. Accessed January 26, 2011.

Winokur, Marc A., Graig A. Crawford, Ralph C. Longobardi and Deborah P. Valentine, Matched Comparison of Children Care and Foster Care on Child Welfare Outcomes. *Families in Society: The Journal of Contemporary Social Services*. Alliance for Children and Families, 2008. www.familiesinsociety.org

Young, Noelle, for Hope House. *Children with Incarcerated Parents: Information for School Staff*. Univ. of Wisconsin Whitewater. Retrieved on January 7, 2011 from <http://www.hopehousedc.org/papers/educators-and-schools.htm>

APPENDICES

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 203 Session of 2009

INTRODUCED BY PARKER, BELFANTI, BISHOP, BRIGGS, BROWN, COHEN, CREIGHTON, DALEY, DePASQUALE, DONATUCCI, FABRIZIO, FRANKEL, FREEMAN, GEORGE, HARPER, HELM, JOHNSON, JOSEPHS, KIRKLAND, KORTZ, KULA, LENTZ, LONGIETTI, MANDERINO, McGEEHAN, MUNDY, MYERS, M. O'BRIEN, OLIVER, PAYTON, QUINN, ROEBUCK, SIPTROTH, STABACK, VULAKOVICH, WATERS, WHEATLEY, WILLIAMS AND YOUNGBLOOD, MARCH 26, 2009

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MARCH 26, 2009

A RESOLUTION

- 1 Directing the Joint State Government Commission to establish an
2 advisory committee to study the effects of parental
3 incarceration on children of incarcerated parents; to
4 recommend a system for determining and assessing the needs of
5 children of incarcerated parents, services available to them,
6 and barriers to accessing those services; and making a report
7 with recommendations to the House of Representatives by
8 November 30, 2010.
- 9 WHEREAS, In the United States, more than 2 million children
10 have a parent who is currently incarcerated; and
- 11 WHEREAS, Nearly 10 million children in the United States have
12 or had a parent who was under correctional supervision at some
13 point in the child's life; and
- 14 WHEREAS, Approximately 65% of the women in State prison are
15 mothers of children under 18 years of age, and nearly two-thirds
16 of
17 are
18

1 fathers of children under 18 years of age, and nearly half of
2 these fathers lived with their children before they were
3 arrested and incarcerated; and

4 WHEREAS, Parental imprisonment and involvement in the
5 criminal justice system can impose serious financial hardships
6 on a family and can lead to disrupted living arrangements for
7 children, factors which are linked to an increased risk of
8 delinquency; and

9 WHEREAS, Children of incarcerated parents suffer emotional
10 and psychological effects when separated from their parents,
11 beginning with the trauma of arrest and continuing through
12 incarceration; and

13 WHEREAS, Incarcerated parents often lose contact with their
14 children and once they lose contact, it is very difficult to
15 reestablish that relationship when the parent is released; and

16 WHEREAS, More than half of all incarcerated parents in the
17 United States report never receiving a personal visit from their
18 children; and

19 WHEREAS, Several barriers exist that affect the overall
20 experience of parent-child visits in prison, including
21 inadequate or inconvenient visiting hours, difficulty in
22 scheduling visits, geographical location of prison facilities,
23 visiting procedures or facilities that are uncomfortable or lack
24 child-friendly visiting areas; and

25 WHEREAS, Finding ways for a child to connect with his or her
26 incarcerated parent helps the child understand why his or her
27 parent is absent, eases family reunification when the parent
28 returns home and helps reduce the parent's chance of recidivism;
29 therefore be it

30 RESOLVED, That the House of Representatives direct the Joint

1 State Government Commission to establish an advisory committee
2 to study the effects of parental incarceration on the children
3 of incarcerated parents; to recommend a system for identifying
4 and assessing the needs of the children of incarcerated parents,
5 the services available to them and the barriers to accessing
6 those services; and be it further

7 RESOLVED, That the advisory committee be comprised of
8 approximately 30 members and include persons representing all
9 relevant aspects of the criminal justice and social welfare
10 systems, representatives of academia, the faith community, child
11 advocates, private and public organizations involved in criminal
12 justice and social welfare issues, and other persons who have an
13 interest and expertise in the issue of children of incarcerated
14 parents; and be it further

15 RESOLVED, That the advisory committee report to the House of
16 Representatives with its findings and recommendations no later
17 than two years from the date that this resolution is adopted.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. **52** Session of
2009

INTRODUCED BY GREENLEAF, WASHINGTON, PILEGGI, MUSTO, KITCHEN,
O'PAKE, McILHINNEY, LEACH, M. WHITE, TARTAGLIONE, WILLIAMS,
MELLOW, SMUCKER, STACK, FONTANA AND BROWNE, MARCH 19, 2009

REFERRED TO JUDICIARY, MARCH 19, 2009

A RESOLUTION

- 1 Directing the Joint State Government Commission to establish an
2 advisory committee to study the effects of parental
3 incarceration on the children of incarcerated parents, to
4 recommend a system for determining and assessing the needs of
5 the children of incarcerated parents, the services available
6 to them and the barriers to accessing those services and to
7 make a report with recommendations to the Senate.
- 8 WHEREAS, In the United States, more than 2 million children
9 have a parent who is currently incarcerated; and
- 10 WHEREAS, Nearly 10 million children in the United States have
11 or have had a parent who was under correctional supervision at
12 some point in the child's life; and
- 13 WHEREAS, Approximately 65% of the women in State prison are
14 mothers of children under 18 years of age, and nearly two-thirds
15 of these mothers lived with their children before they were
16 arrested and incarcerated; and
- 17 WHEREAS, Approximately 55% of the men in State prison are
18 fathers of children under 18 years of age, and nearly half of
19 these fathers lived with their children before they were
20 arrested and incarcerated; and

1 WHEREAS, Parental imprisonment and involvement in the
2 criminal justice system can impose serious financial hardships
3 on a family and can lead to disrupted living arrangements for
4 children, factors which are linked to an increased risk of
5 delinquency; and

6 WHEREAS, Children of incarcerated parents suffer emotional
7 and psychological effects when separated from their parents,
8 beginning with the trauma of arrest and continuing through
9 incarceration; and

10 WHEREAS, Incarcerated parents often lose contact with their
11 children and once they lose contact, it is very difficult to
12 reestablish that relationship when the parent is released; and

13 WHEREAS, More than half of all incarcerated parents in the
14 United States report never receiving a personal visit from their
15 children; and

16 WHEREAS, Several barriers exist that affect the overall
17 experience of parent-child visits in prison, including
18 inadequate or inconvenient visiting hours, difficulty in
19 scheduling visits, geographical location of prison facilities
20 and visiting procedures or facilities that are uncomfortable or
21 lack child-friendly visiting areas; and

22 WHEREAS, Finding ways for a child to connect with the child's
23 incarcerated parent helps the child understand why the parent is
24 absent, eases family reunification when the parent returns home
25 and helps reduce the parent's chance of recidivism; therefore be
26 it

27 RESOLVED, That the Senate direct the Joint State Government
28 Commission to establish an advisory committee to study the
29 effects of parental incarceration on the children of
30 incarcerated parents, to recommend a system for determining and

1 accessing the needs of the children of incarcerated parents, the
2 services available to them and the barriers to accessing those
3 services; and be it further

4 RESOLVED, That the advisory committee be comprised of
5 approximately 30 members and include persons representing all
6 relevant aspects of the criminal justice and social welfare
7 systems, representatives of academia, the faith community, child
8 advocates, private and public organizations involved in criminal
9 justice and social welfare issues and other persons who have an
10 interest and expertise in the issue of children of incarcerated
11 parents; and be it further

12 RESOLVED, That the advisory committee report to the Senate
13 with its findings and recommendations no later than two years
14 from the date that this resolution is adopted.

APPENDIX B: SUMMARY OF SCI SITE VISITS

These prison tour reports were prepared for the advisory committee by Ms. Ann Schwartzman, with input from other participating advisory committee members and the Joint State Government Commission staff.

PRISON TOUR REPORTS

Prison Tour: SCI Muncy

Date: March 24, 2011

Participants: Jean Bickmire; Mary Finck; Malissa Gamble; Melissa Murielle; Maureen Racquet; Ann Schwartzman; Danyell Williams; Yelena P. Khanzhina, Project Manager; David S. John, Jr., Executive Director; Mr. Sean McDermott, State System of Higher Education Intern; Theodore S. Herman, Research Analyst

Observations: Thirteen members of the Committee on the Study of Children of Incarcerated Parents traveled to SCI Muncy, one of two women's state prisons and the classification center for all women sentenced to state prison. The purpose was to study the family and parenting programs and spaces that now exist and determine any gaps, challenges and opportunities for mothers and children of the incarcerated.

Troy Edwards, Assistant to the Warden, and David Dilbert-Gorman, Parenting Program Coordinator, led the group at Muncy. Mary Finck, DOC Reentry Coordinator from the Central Office, facilitated the meeting for the Committee. Five inmates were waiting for the Committee. They had been invited to discuss visiting issues with the group. A sixth prisoner joined the group. She had given birth a few days prior and was asked to join the discussion regarding infant visiting issues.

Following the discussion with the women prisoners, the Committee toured the Project Impact trailer. This is a unique trailer on the grounds of Muncy for mothers to be able to spend quality time with their children. The trailer is small, however, and can accommodate eight moms and their children. It has a room for babies with a rocking chair, a small kitchen, TV area, and toys. There is an office and a space for the Virtual Visiting - video conferencing visits that take place. The capacity in the visiting room is 170.

A women's facility is needed in the East as the only two women's institutions are in the West and Central part of PA. If women are assigned to SCI Cambridge Springs, which is the medium security institution, they are five hours (or more) from Philadelphia for a visit. (30% of the women sent to state prison are from Philadelphia.)

Many women signed full custody of their children to family members since they will be serving longer sentences. Children mostly go with family as opposed to Children & Youth or others. Family visits on weekends are limited to two visits per month. They can visit on weekdays but most can't come during the week. Visitation hours end at 3:15 p.m. Three hours are the average maximum visit for families. This limit will be changed in May when visitors can stay longer if they are not at capacity in the visiting room. At Cambridge Springs, visitors can stay as long as they want, provided the visiting rooms are not crowded.

Buses of visitors come regularly to the institution and get priority. If other visitors come that weekend, they may only get a one-hour visit guaranteed since the prison administrators have to be sure the bus group gets to visit. The institution publishes the bus trips that are planned in advance so inmates can tell visitors to come on a different day. For holidays, i.e. Christmas, Easter, Thanksgiving, the prison is open all week. Other times, it is closed Wednesday – Thursday because of a lack of manpower to keep it open. Visiting hours are 8:30 a.m. to 3:30 p.m. (or 4 p.m.) There are no evening visits.

Many women go to Cambridge Springs if classified as lower-level offenders exhibiting good behavior. If they transfer to Cambridge Springs, they have to stay two years at that prison until they can transfer back. Many women want to stay at Muncy as their children are farther away at Cambridge Springs. 70% of the women are mothers at state prison. 950 of the 1600 women at Muncy have children.

Women with high-risk pregnancies are sent to SCI Cambridge Springs, where there is a unit for delivery. At SCI Muncy, they contract with a local hospital, but it is farther away.

One inmate is fighting custody with the father of her son at Lancaster County Court. Her son is 2 ½ years old. The father shares joint custody with her mother, but the father is now fighting for full custody. The mom can participate in court hearings per telephone conferences but not by video. Jean Bickmire of Justice & Mercy checked on video conferencing but was told by the President-Judge that it is not available for court cases. The grandmother has paid for legal assistance at the cost of \$5,000 to date and can't afford any more legal help. MidPenn Legal Services cannot help as the mother is in custody and they are barred from receiving federal funds to help people incarcerated with custody cases. The grandmother has too much income to qualify for legal help, and no other attorney in Lancaster County will take the case, and there are no advocates.

There is a one to two week waiting period to get access to the law library. Women get on a list. However, it's hard to get information on child custody; only an overview is given. If inmates have infractions and are put in restricted housing, they may get 5 – 30 days and are not allowed visits. Each SCI tailors visitation to the institution. If visitors do not follow rules, they may be barred from visiting inmates at the prison.

Project Impact is a family interaction center/program that is more informal than at Cambridge Springs. Inmates initiate the program. Children & Youth may require them to attend Project Impact. Games, arts and crafts are grouped in age ranges up to age 18 in a trailer on the grounds near the regular visitation room. The goal is help with bonding of mothers, grandmothers or aunts. However, other visitors are not allowed to go, so inmates feel the need to limit their visits with children to one hour so they can see other visitors that travel to the institution.

The women said there needs to be more teenage activities. They can now watch videos and play video games but need more videos that can be nonviolent. The group wondered if Wii could be used as interactive activities. The state prison gives 10 free envelopes per month. Snacks and juice are given to children. The institution has story time in which inmates can read a book to their kids and the tape is sent to their children. They would like a DVD to show a picture of their moms as well as the story.

One mother just had her baby that Monday at Lock Haven Hospital, where, she said, they treated her well. She spent one day with her new baby girl, who is now in the care of her sister. The mother was very emotional about needing to be separated from her new baby. She will probably see her baby the next weekend, but it depends on the visiting list. Troy Edwards said that new mothers have their children and caregivers added quicker than regular visitors. When asked about new mothers keeping babies for a certain period of time as some states do, the prison said the cost currently precludes it. The states use donations to allow mothers to stay with their new babies. For mothers without someone to care for their children, Amish and Mennonite volunteers help and bring the children once per month for visitation. There is a private contract of the inmates and families for the care-giving of the children.

In regard to parenting classes, one woman said they were not helpful but some could benefit if they had no experience. The mother said the classes are good in teaching how to deal with issues.

Physical contact with children (hugging, holding hands, and sitting in mother's lap) is only allowed at the beginning and end of regular visits when children are age five and over. Moms can interact with their children in Project Access but not in regular visitation, so it is hard to tell the children so they understand not to touch their moms during visits. Counseling helped to deal with reentry issues and reunification with the kids.

David Deibler-Gorman said they have classes about two to four weeks before release on reunification with the caregivers. Ms. Hummel, the Impact Coordinator, also does the Youth Offender Program in helping young offenders. That program has eleven young offenders for four months and one is pregnant. The Impact program is part of the parenting program. For the program, with contact visits, offenders must have no restrictions. There is a waiting list of five months. The number of women in the program depends on the ages of the children. More resources are needed to decrease the waiting time and allow more visits. Funded positions are needed because now people divide their time in roles with multiple positions.

The DOC needs to prioritize programs dependent on whether they are needed for certain inmates for prerelease per Children & Youth requirements. Ms. Hummel helps set up programs with caregivers as inmates set them up with the agency. Children mostly go with family vs. Children & Youth or others. Muncy has access to one FEMA trailer which is free but they need to rent a crane to take the old trailer out and put a new, larger trailer in the grounds. The trailer is too big to get through the gate. The prison is all ready to replace the old trailer but just needs funding for the rental of the crane.

Miss Hummel talked on educational therapy. There are different levels for the following classes:

- Prenatal/Postpartum Groups
- Child development with eight sessions of early, middle and late child development.
- Pa Family Support Alliance, which is an offshoot of Parents Anonymous, has a parent counselor for each inmate with 10 to 20 minutes to discuss topics like separation from the children. Homework is included, and they have contacts on the outside. There are 12 sessions.
- Parenting Teenagers by Ms. Harvey has eight sessions.
- Positive Parenting Group talks on crimes against minors excluding sexual offenses which are a separate group. There are 15 sessions.
- After parenting is completed, counselors will ask for contact visits of mothers with their children, which were usually noncontact previously.

There are 148 lifers who have visits with their children once they go through parenting. They start in front of the desk in the regular visiting room and then move on to general visits as they exhibit good bonding and behavior. Three to four lifers have no contact visits with children. They would gain contact visits only if mental health professionals assess them and approve it.

Recommendations:

- Have legal aid accessibility for mothers in prison that would allow them to participate in custody hearings on their children.
- Allow caregivers of children other than grandparents to be allowed legal aid (which currently only applies to grandparents).
- Try to have evening visits for families that can not come during the day. Children are in school, and many people work during the day, not allowing visits in the currently available time slots.
- Reconsider contact visits with children in regular visitation rooms to allow children to be able to touch their mothers, especially younger children to whom contact is so necessary to retain bonding and a sense of acceptance and demonstration of love.
- Consider amending the policy allowing incarcerated mothers exhibiting good behavior to stay at Muncy if desired to be closer to children with whom they have visits.
- Check into allowing mothers time with babies after birth similar to programs in Ohio and Indiana.
- Check on the cost of the crane to allow a bigger trailer that would give more mothers an opportunity to spend time with their children in interactive activities. Community organizations may be willing to help offset the costs.
- Look into nonviolent video games and/or the Wii for teenagers.
- Enable mothers to have recorded story time on DVDs sent to children.
- Look into the possibility of adding staff people so the waiting list for mothers into the parenting program can be decreased, allowing more mothers quality time with their children.
- Monitor the quality/quantity of the parenting programs and compare to national best practice programs to be more relevant to incarcerated mothers.

Prison Tour: SCI Camp Hill

Date: March 31, 2011

Participants: Kofi Asante, Mary Finck, Ted Herman, Ann Schwartzman

Observations: Mr. Taggert, the Superintendent's Assistant, facilitated the tour of SCI Camp Hill. Five inmate fathers were there to discuss issues with the Committee. The Committee also met with Superintendent Murphy at the end of the tour.

There are two distinct visiting areas in SCI Camp Hill. This is to adhere to the two major functions of the prison - admissions and prisoners sentenced to the institution. There are two small visiting areas for children in each of the larger visiting rooms. They were small but brightly painted and filled with toys. Each is crowded with 10 to 15 children though. There were TV's but small-sized for the space and DVD's available, though for those who visit regularly, there is a lack of variety. Fathers are not allowed to accompany their children in the designated area, however, but must remain outside the area.

The overall visiting room arrangements are set up in long rows of seats making conversations difficult. This arrangement also presents problems if there is food or if the visitors/family wants to play a game since there is no table.

The fathers discussed their relationships with their children. Most hope to find employment on release and rejoin their families. They appreciate the opportunities to visit with their children but would like more time to interact, particularly in the designated play space and the main room seating. The distance for family visiting was listed as a problem making it hard sometimes to see family and especially children.

That also adds to the burden of the mom or caretaker when the dad is in prison far from home. One father mentioned that if the car breaks down, it's mom who has to handle it—mom does time with you. One father was a long termer who described difficulties with one child and the need for counseling or other support in relationships. Letters and calls are ways to link to children too, but not many kids want to write letters these days. JPAY's new email messaging might be a way to reach older children.

Most of the men had a relative who was or had been incarcerated. There was interest in former programs where certain qualified inmates would go to schools and talk to children about their experiences with the message of staying out of prison. Even the Correctional Officers on the tour mentioned bringing men to Boy Scout meetings to discuss prison as ways of relating to adolescents and discouraging them from lives of crime.

The men remarked on the need for better re-integration. Some were incarcerated so long that they were not familiar with cell phones, computers, or other new technology. They need help with jobs and with re-establishing family roles.

Public housing issues are difficult since some crimes preclude a former offender from living there, which impacts their family too. Child support issues can also impact the father, especially if he owes on support and is not aware that you can negotiate a payment plan.

Recommendations:

- Consider allowing fathers being visited by their children the opportunity to join their children in the designated play area. Expand this space to provide more access for more children and their fathers.
- Allow direct contact between father and child(ren) unless there are specific safety issues.
- Provide larger TV's in the visiting area and more current DVD's.
- The larger visiting space should have round tables to promote interaction with families and especially children and fathers gathered around the table.
- Consider allowing children and their fathers time outside on the prison grounds and include designated play centers with jungle gyms or appropriate fixtures.
- Re-establish family picnics to promote family bonds, especially with children.
- Establish a Kids Day once a month where the children can look forward to the visit and receive something special, for example ice cream. Do this with half the population at a time to allow for more participation.
- Re-establish programs where certain qualified inmates can go to schools and other programs in the community to discuss the need to stay out of the criminal justice system.
- Provide current information on bulletin boards in housing units. Although information is provided in the library, it is more difficult to obtain there. Information should also be available in Spanish, and all should be in clear language, not technical, or too legal, or too academic.

Prison Tour: SCI Chester

Date: March 22, 2011

Participants: Mary Finck, John Hargreaves, Gabe McCall

Observations: The prison Administrators and staff were very enthusiastic and committed to addressing and exploring family-related issues, especially those involving children. The play room had an array of resources to entertain youngsters, but was small and could accommodate only a few individuals and their children at a time so the length of time spent there with your child was limited. Additionally, there were also rules about keeping your children from running about the visiting room. The inmates verbalized concerns about these issues noting that it was difficult to keep children of a certain age entertained in the seating area of the visits for very long periods of time. There was an exposed electrical socket low on the wall in the children's area. Safety issues may need to be reviewed at any facility where children visit.

Recommendations:

- Inmates and staff were justly proud of the DVD program which allows inmates to read stories to their children and then have the child take the DVD home. This program could be replicated in other facilities and is a wonderful way to involve parents in their children's lives without tremendous costs or "red tape." The DVD program is an audio program, and the inmates mentioned how much nicer it would be to be able to be videotaped reading a story instead, then their children could "see" them.
- Inmates would prefer an outdoors area for the children, but the urban nature of the prison may preclude this.

Prison Tour: Lehigh County Prison

Date: March 18, 2011

Participants: Anita Kulick, Joe Kulick, Ann Schwartzman, Roger Zepernick

Observations: On March 18th, Advisory Committee members Ann Schwartzman, from The Pennsylvania Prison Society, Anita Kulick, from Educating Communities for Parenting, and two of their colleagues toured the Lehigh County Prison in Allentown. They were hosted by fellow advisory committee member, Ed Sweeny, Director of Corrections, and Warden Dale Meisel.

Director Sweeny is committed to providing avenues for the men and women in his charge to remain a presence in their children's lives during incarceration. The following comments by Director Sweeny for the advisory committee clearly state his position:

Parental incarceration by itself does not negate the requirement for reasonable parent/child contact visitation while the child is in foster care or kinship care. The legislature recognizes that corrections security may well be compromised to a small degree by allowing parent/child contact visitation. Specifically, there will be an increased opportunity for the introduction of contraband; however, the benefits for the child to have regular physical contact with an approved parent outweigh the associated risk. Therefore, it would be good if all corrections administrators were encouraged to provide an opportunity for structured parent/child contact visitation with the understanding that the administrators will not be called to strict account for any resultant incident.

During the tour, our group had an opportunity to personally observe a father-child visitation session and experience many of the benefits Director Sweeny writes about in his statement. It is important to note that a partner agency of the prison has assisted in the facilitation of the program and provided support for the project since its inception in 1998. The Parenting Program Description and History includes a more detailed description of the goals, classes, and curriculum.

In order to qualify for this privilege, the fathers and mothers must complete a comprehensive parenting education course held at the prison, maintain an excellent record while incarcerated, and submit to a body search after each visit. The contact visits are restricted to interactions between fathers and children only. Adults bringing the children to the prison must remain in the waiting room.

Lehigh County Prison has taken great care in structuring a parent-child visitation program that is well defined, well managed, and beneficial to creating and/or maintaining strong parental bonds during incarceration. It is apparent that prison administration, the fathers who participate, and the adults who bring the children to the visits, have made the youngsters' well-being their priority. The positive outcomes were clearly demonstrated at every step of the process from the children's arrival to their departure.

While waiting for the visits to begin, the adults who accompanied the youth conducted positive and nurturing interactions with the children. The overall climate in the waiting area was calm and respectful. It was clear that both adults and children regarded the contact visits as a privilege and treated the opportunity as such.

On the day of our visit, the process went smoothly and orderly. Most of the children appeared to have no difficulty transitioning from the waiting area to the visitation room, although one prison staffer observed some tension from one group of children as they went through security and saw their father. The majority of children were delighted to see their fathers upon entering the visitation room and ran over to join them.

The large visitation room is designed to be “child-friendly.” It is carpeted and brightly lit with several seating areas and tables. There is also an assortment of age-appropriate toys and books.

Most impressive of all were the extremely positive parent-child interactions that went on throughout the entire visiting period. Children and fathers appeared to be very comfortable with one another; the conversations and play activities appeared natural and relaxed. Most of children and fathers seemed to be totally immersed in the visits and thoroughly enjoying the opportunity.

The majority of children played games with their fathers and chatted excitedly. One young father had an infant daughter. He sat with her in a rocking chair, holding her closely and feeding her when necessary. She had his total attention during the entire time. Another father had five children visiting. At one point during the visit the eldest child, a son, seemed to become quiet and unhappy. The father excused himself from the others and took his son into a private corner of the room to have a one-on-one conversation. The visit provided a chance for some much needed father-son time. That same father also visited individually with the other children for some one-on-one time.

Director Ed Sweeny and Warden Meisel deserve to be commended for developing, managing, and allocating the time and resources necessary to maintain this extremely critical program. The positive impact was apparent on the faces of all those involved - the children, the fathers, the accompanying adults, and the prison staff who made it possible.

Recommendations:

- Consider expanding parenting classes to include special visits such as in Lehigh County, especially in facilities with noncontact visits.
- Consider collaborating with local nonprofits to design a program with dedicated space for quality parent-child interactions.
- Maintain a clear commitment to the parent-child connection from throughout the prison administration and staff.

APPENDIX C: PRISON VISITING DATA

From: Mumola, Christopher. Incarcerated Parents and Their Children. NCJ 182335. Washington, D.C. U.S. Department of Justice, Bureau of Justice Statistics. August 2000. <http://bjs.ojp.usdoj.gov/content/pub/pdf/pptmc.pdf>

Frequency and type of contact with children	Percent of inmate parents, 1997					
	State			Federal		
	Total	Male	Female	Total	Male	Female
Any type of contact						
Daily or almost daily	10.1%	9.5%	17.8%	15.1%	14.6%	21.1%
At least once a week	31.2	30.3	42.4	43.7	43.4	48.5
At least once a month	22.2	22.6	18.0	23.8	23.9	22.0
Less than once a month	16.1	16.6	9.7	10.0	10.3	5.0
Never	20.4	21.1	12.2	7.5	7.8	3.3
Telephone						
Daily or almost daily	6.6%	6.2%	11.3%	13.0%	12.8%	15.0%
At least once a week	19.8	19.2	27.0	36.3	35.9	41.2
At least once a month	16.5	16.6	15.3	23.2	23.1	24.9
Less than once a month	15.4	15.5	13.8	11.3	11.4	9.2
Never	41.8	42.5	32.6	16.2	16.7	9.7
Mail						
Daily or almost daily	4.8%	4.4%	9.6%	4.3%	3.9%	9.5%
At least once a week	23.2	22.2	35.6	30.4	30.0	35.9
At least once a month	23.1	23.3	20.6	30.4	30.5	27.8
Less than once a month	18.2	18.6	13.2	18.9	19.2	14.5
Never	30.8	31.6	21.0	16.1	16.4	12.3
Personal visits						
Daily or almost daily	0.8%	0.7%	1.1%	0.4%	0.3%	0.9%
At least once a week	6.6	6.5	8.0	7.1	7.1	6.6
At least once a month	13.9	13.8	14.7	15.1	15.3	12.0
Less than once a month	22.2	22.2	22.1	33.4	33.0	38.5
Never	56.6	56.8	54.1	44.1	44.2	42.0

APPENDIX D: LITERATURE REVIEW

Effects of Parental Imprisonment on Children's Behavior: An Assessment of Risks

Prepared for the Advisory Committee
by Dr. Rosemary Gido
April 2011

While there has been a proliferation of research and evaluation 'studies' in the last nine years on parental incarceration and its effects on children of prisoners, this literature review summarizes only those studies that are found to be evidence-based. Even with relying on systematic reviews of the research, there is no evidence of a causal link between parental imprisonment and increases in their children's antisocial behaviors. The most comprehensive meta-analysis of this research literature (Murray et al, 2009 below) shows 'children of prisoners have about twice the risk for antisocial outcomes and poor mental health problems compared with their peers.' 'Children of prisoners might be at risk because of pre-existing disadvantages in their lives; nevertheless, (in longitudinal studies, using appropriate control groups and standardized measures) 'parental imprisonment does indeed predict high rates of criminal behavior and mental health problems through the life course.'

Key Systematic Reviews: Abstracts of 16 studies

Murray, Joseph, Farrington, David P., Sekol, Ivana, and Olsen, Rikke *Effects of parental imprisonment on child antisocial behavior and mental health: a systemic review* (2009). Oslo, Norway: The Campbell Collaboration/Campbell Systematic Reviews 2009:4.

Murray and his colleagues reviewed 48 years of published and unpublished international literature (1960-2008) on risk or causal factors of parental imprisonment on children of prisoners. Only 16 studies were found to be eligible for review:

1. Huebner, B.M. & Gustafson, R. (2007). The effect of maternal incarceration on adult offspring involvement in the criminal justice system. *Journal of Criminal Justice*, 35 (3), 283-296.

In the National Longitudinal Study of Youth, the authors compared the adult offending behavior of 31 children with imprisoned mothers and 1,666 children whose mothers had not been imprisoned, 1979-2000. The authors report that 26% of children with imprisoned mothers were convicted as an adult compared with 10% of the comparison children. The effects of maternal incarceration on adult conviction were significant, even after controlling for the effects of age, race, sex, home environment, peer pressure, parental supervision, and a number of other variables.

2. Johanson, E. (1974). Background and development of youth-prison inmates: A long-term follow-up study of 123 consecutive inmates and of a control group. *Scandinavian Journal of Social Medicine Supplementum* 9, 1-290.

Johanson used a case-control design to compare rates of paternal and maternal imprisonment between 128 Swedish male youth prison inmates released in 1951 (cases) and 128 Swedish males born at the same time (controls). Parental imprisonment data were collected between the years 1964-1967, but the timing of parental imprisonment is not known. Twenty-seven cases had fathers who had been imprisoned, compared with 8 controls.

3. Johnson, R. (2009). Ever-increasing levels of parental incarceration and the consequences for children. In S. Raphael & M. Stoll (Eds.), *Do prisons make us safer? The benefits and costs of the prison boom* (pp. 177-206). New York: Russell Sage.

In the Panel Study of Income Dynamics, a longitudinal study of a nationally representative sample of US families in 1968, data were collected on over 3,500 of the participants' children in 1997, yielding data on 3,540 children, aged 3-17. Comparing outcomes for children of prisoners and children who did not have a parent imprisoned during 3 different childhood stages (0-5, 6-10, and 11-16), the author found parental incarceration was associated with significantly greater behavioral problems at all childhood stages, with the largest effects found when incarceration occurred during adolescent and early childhood years. The result held even when controlling for a range of observable family and neighborhood characteristics.

4. Kandel, E., Mednick, S. A., Kirkegaard-Sorensen, L., Hutchings, B., Knop, J., Rosenberg, R., et al. (1988). IQ as a protective factor for subjects at high risk for antisocial behavior. *Journal of Consulting and Clinical Psychology*, 56 (2), 224-226.

This study, based on a birth cohort of 1,944 males born between 1936-1938 in Copenhagen Denmark, compared the criminal outcomes of 92 sons with fathers who had at least one prison sentence and 513 sons with fathers never registered with the police. Of sons with imprisoned fathers, 39% received at least one prison sentence by ages 34-36. In the comparison group, 7% received at least one prison sentence.

5. Kinner, S. A., Alati, R., Najman, J. M. & Williams, G. M. (2007). Do parental arrest and imprisonment led to child behavior problems and substance abuse? A longitudinal analysis. *Journal of Child Psychology and Psychiatry* 48 (11), 1148-1156.

This Mater University Study of Pregnancy compared the behaviors of 137 children of prisoner fathers and 2,262 controls (based on 8,458 Australian women who were pregnant in 1981 and the children arising from the pregnancy). At age 14, the children's externalizing and internalizing problems were measured using the Child Behavior Checklist and the Youth Self Report, as well as child self-reported alcohol and tobacco use. For boys only, parental arrest but not imprisonment predicted alcohol and tobacco use at age 14. The authors conclude that 'the association between parental arrest and imprisonment and adverse outcomes in adolescence is accounted for by well-established social and familial risk factors. Parental imprisonment may not, in itself, increase the risk for child behavior and substance abuse problems.'

6. Murray, J. & Farrington, D. P. (2008). Parental Imprisonment: Long lasting effects on boys' internalizing problems through the life-course. *Development and Psycho-pathology*, 20 (1), 273-290.

This research is based on the Cambridge Study in Delinquent Development of the United Kingdom and is the 'gold standard' for such studies using standardized instruments, appropriate comparison groups and long-term follow-up. The authors compared boys separated due to parental incarceration during their first 10 years of life with four control groups: boys who did not experience separation, boys separated as a result of hospitalization or death, boys separated due to parental disharmony, and boys with parents imprisoned before they were born. Variables of individual, parenting and family risk factors for internalizing problems were measured when the boys were 8-11. The study found separation due to parental imprisonment predicted boys' internalizing problems from ages 14-48, even after controlling for childhood risk factors, including parental criminality. Separation due to parental imprisonment also predicted the co-occurrence of internalizing and antisocial problems.

7. Murray, J., Janson, C-G., and Farrington, D. P. (2007). Crime in adult offspring of prisoners: A cross-national comparison of two longitudinal samples. *Criminal Justice and Behavior*, 34 (1), 133-149.

The study utilized data from Project Metropolitan from Sweden-15,117 children born in the same year as the English cohort (1953) study in an effort to determine if results were replicated in Sweden. The English study found parental incarceration predicted boys' delinquency, even after controlling for parental criminality and other childhood risks. In contrast, Swedish parental imprisonment predicted the children's own criminal behavior, but the effects of parental incarceration disappeared when criminality of the parent was controlled for. It is suggested that the cross-national difference may be the result of shorter Swedish prison sentences, more family-friendly prison policies, a

juvenile justice system that is welfare-oriented, an extended social welfare system, and a more sympathetic public attitude set toward crime and punishment.

8. Pakiz, B., Reinherz, H. Z., and Giaconia, R. M. (1997). Early risk factors for serious antisocial behavior at age 21: A longitudinal community study. *American Journal of Orthopsychiatry*, 67 (1), 92-101.

The authors utilized a longitudinal study of 777 children who were aged five years in 1977 (from The Simmons Longitudinal Study). They compared children whose parents had been incarcerated up to age 18 with children whose parents had not been imprisoned. At age 18, parental imprisonment was measured as part of a structured interview on family environment, and 375 participants remained in the study at age 21, when antisocial behavior was measured in interviews (with DSM-III-R items). Factors measured for males 5-18 included family disadvantage, childhood behavior problems, school grades, family physical abuse and participant marijuana use/dependency. For females 5-18, childhood hostility, self-esteem, school suspension, attention problems, parental divorce, antisocial behavior, familial sex abuse, and need for social support were measured. For males, having an imprisoned parent by age 18 was significantly associated with age 21 antisocial behavior (but not for females).

9. Peniston, D. A. (2006). *The effects of parental incarceration on children: An examination of delinquency and criminality, school performance and alcohol and drug usage*. Arlington, TX: University of Texas at Arlington.

Peniston compared rates of delinquency between 27 children who had incarcerated caregivers and 622 children with non-incarcerated caregivers. This study is drawn from the Children at Risk longitudinal experimental study of 11-13-year-old children and their caregivers living in high risk neighborhoods in Texas, Connecticut, Tennessee, Georgia, and Washington, with baseline data collected in 1993. The experimental group of (338) adolescents were randomly assigned to receive drug and delinquency prevention services or no extra services (333), or were selected to form a quasi-experimental group of children from similar high risk neighborhoods (203). At follow-up in 1995, caregivers were asked if they had been in jail any time during the previous two-year period. Of 27 youth whose caregivers had been imprisoned, 37% had themselves been incarcerated. Of 622 youth whose caregivers had not been imprisoned, 18% had been incarcerated.

10. Rakt, M., Murray, J., & Nieuwbeerta, P. (in progress). The long-term effects of parental imprisonment on criminal trajectories of children.

The study compares criminal convictions of 1,858 children with imprisoned fathers and 4,123 children whose father were not imprisoned, as part of the Criminal Careers and Life-Course Study. The CC & LC research study is a longitudinal record-based study of a random sample of 4% of men convicted of crimes in the Netherlands in 1977 and their children. Records were searched for fathers' criminal histories until 2003 (no measures of maternal imprisonment). 5,981 children, of 3,590 fathers, who were

over age 18 in 2003, were selected, with all fathers having at least one criminal conviction.

Comparisons were made for children with fathers in prison when they were 0-12 (935) or between 12-18 (319) with children with imprisoned fathers only before the child's birth (569)—excluding children whose fathers were imprisoned during 0-12 and 12-18 periods. Variables extracted from the fathers' records included their total number of offenses until their children reached 18, the criminal trajectory group of the father, whether the father was born abroad, father's alcohol and drug use, parental supervision, total number of siblings, teen pregnancy of the mother and child age and sex. Using logistic regression models to estimate the effects of paternal imprisonment on boys and girls for ages 0-12 and 2-18, the outcome was the average chance of conviction per year between ages 18-30. The odds ratios were: 0-12 boys 1.2; girls 1.5 -- adolescence: 1.1 boys; girls 1.7.

11. Roettger, M. & Swisher, R. R. (in progress). Racial and ethnic variations in associations of fathers' incarceration with sons' delinquency and arrest.

From the National Longitudinal Study of Adolescent Health, comprised of 20,000 adolescents in grades 7-12 in 1994-95, Roettger and Swisher estimated the effects of parental imprisonment on youth delinquency (7,500 male participants in follow-up interviews in 2001-02 at ages 18-24 were asked about paternal imprisonment and self-reported serious/violent delinquency in the previous 12 months). Analyses indicated that paternal incarceration was significantly associated with both serious and violent delinquency, both before and after controlling for individual, family, and community variables.

12. Stanton, A. M. (1980). *When mothers go to jail*. Lexington, MA: Lexington Books.

This pioneering study of the effects of maternal imprisonment compared children of 54 jailed mothers with 21 children of mothers on probation. There were a total of 166 children, aged 4-18. Data were collected from children's mothers, outside caregivers, and teachers during the mothers' imprisonment. Of 22 children with jailed mothers, 13 were rated as having low self-esteem (using the Coopersmith Behavior Rating Form). This was in comparison to 4 out of 18 children with mothers on probation. Re-interviews with the mothers upon jail release found of 24 children of jailed mothers, 10 had been in trouble, compared with 4 out of 17 children with mothers on probation.

13. Stroble, W. L. (1997). *The relationship between parental incarceration and African-American high school students' attitudes towards school and family*. Unpublished Ph.D. thesis, Virginia: The College of William and Mary.

Stroble compared the depression levels of 15 children with a history of parental imprisonment to 15 children living with single-parent families and 15 children living with

both parents. All the participants were African-American and in grades 9-12 in a Richmond, VA high school. Eighty percent of the children were female, and the children self-reported their familial status. Using the Children's Depression Inventory, mean depression scores for children of imprisoned were 54.6; 55.0 for children in single-families and 46.3 for children living with both parents.

14. Wakefield, S. (2007). *The consequences of incarceration for parents and children*. Unpublished Ph.D. thesis, Minnesota: University of Minnesota.

Behaviors of 69 children of male prisoners were compared with 2,313 children whose fathers were not imprisoned in the Project on Human Development in Chicago Neighborhoods (a longitudinal study of 6,000 children over age 6 in 80 Chicago neighborhoods). Selecting children aged 6-15 at baseline, Wakefield collected data on father incarceration and at follow-up, three years later through caregiver interviews. At baseline and follow-up, the Child Behavior Checklist, a measure of children's internalizing and externalizing problems, was used. Having a father incarcerated was associated with greater increases in problem behaviors and poorer mental health for children.

15. Wilbur, M. B., Marani, J. E., Appugliese, D., Woods, R., Siegel, J.A., Cabral, H. J., et al. (2007). Socio-emotional effects of fathers' incarceration on low-income, urban, school-aged children. *Pediatrics*, 120 (3), E678-E685.

Based on an ongoing longitudinal study of intrauterine cocaine exposure of 102 children (50% male and 85% black) from urban, low-income homes, Wilbur et al. obtained information regarding the children's father's incarceration in interviews of primary caregivers. The children were administered the Children's Depression inventory during the ages of 6 and 11 years, and their caregivers completed the Child Behavior Checklist. Controlling for age, gender, prenatal cocaine and alcohol exposure, and school age violence exposure, children of incarcerated fathers exhibited more depressive symptoms (and their teachers noted more externalizing behaviors, after controlled for other biopsychosocial risks.)

16. Wildeman, C. (2008). *Paternal incarceration and children's physically aggressive behaviors: Evidence from the Fragile Families and Child Wellbeing Study*. Paper Presented at the 12th Annual Aage Sorensen Memorial Conference. Cambridge, MA: Harvard University.

Drawing on the birth cohort study of children born in 20 US cities between 1998 and 2000, Wildeman compared the aggressive behaviors of 306 children of imprisoned fathers between 30-60 months and 2,080 children whose fathers had not incarcerated. Mothers of the children were interviewed shortly after they gave birth, and again 12, 30, and 60 months later. Measures of children's physical aggression were drawn from 36 and 60 months, and the author controlled for parental age, education and self-control. Other factors included maternal age, race, in utero nicotine exposure, education, number of children in the household, poverty level, maternal mastery at 30 months, exposure to

domestic violence, excessive corporal punishment and harsh or erratic parenting. Results indicated that recent paternal incarceration and having an ever-incarcerated father are associated with significantly higher levels of physically aggressive behaviors for boys at 60 months.

Key Evidence-Based Research on Effective Interventions for At Risk Children: Abstracts

The American Society of Criminology, from a call for papers for the November 2010 annual meeting, published a set of papers that focus on evidence-based effective prevention programs for high-risk families. The following abstracts stem from systematic reviews of the literature and an emerging evidence base on the effectiveness of early family-based programs and program models to address risk factors. (The study by Nikulina, et al was presented at ASC and subsequently published. Dr. Widom is an eminent scholar who has researched the effect of child neglect for over 25 years).

Welsh, B. C. & A. R. Piquero (2012). Investing where it counts: Preventing delinquency and crime with early family-based programs (pp. 13-28) in Rosenfeld, R., Quinet, K., and Garcia, C., Eds., *Contemporary issues in criminological theory and research: The role of social institutions*. Belmont, CA: Wadsworth, Cengage Learning.

A policy of early prevention of delinquency and later offending should begin with a focus on the family domain. After decades of rigorous research in the United States and across the Western World, ... there is emerging evidence of the effectiveness of early family-based programs designed to address the risk factors. A number of program models are effective in preventing delinquency and later offending, including *nurse home visits* and *parent management training*. Early family parent training is an effective intervention for reducing behavior problems among young children. These programs also produce a wide range of other important benefits for families, including improved school readiness and school performance on the part of children and greater employment and educational opportunities for parents. There is also some evidence that these programs can pay back program costs and produce substantial monetary benefits for society.

Greenwood, P. W. (2012). Keeping up with the jurisdiction next door: Access to and use of evidence regarding effective prevention programs for high-risk families (pp. 41-48) in Rosenfeld, R., Quinet, K., and Garcia, C., Eds., *Contemporary issues in criminological theory and research: The role of social institutions*. Belmont, CA: Wadsworth, Cengage Learning.

Evidence regarding the effectiveness of family-based prevention programs is strong and consistent. Yet, there is little pressure on public officials to make use of the best evidence-based programs to help at-risk youth and families, reduce crime and violence, and reduce government spending on correctional facilities. Two proven family-based therapy programs, *Functional Family Therapy (FFT)* and *Multisystemic Therapy (MST)* and *Nurse Family Partnerships (NFP)* are found in higher usage in Pennsylvania

and Washington, attributable to the fact that these states ‘were early promoters of evidence-based practice.’**

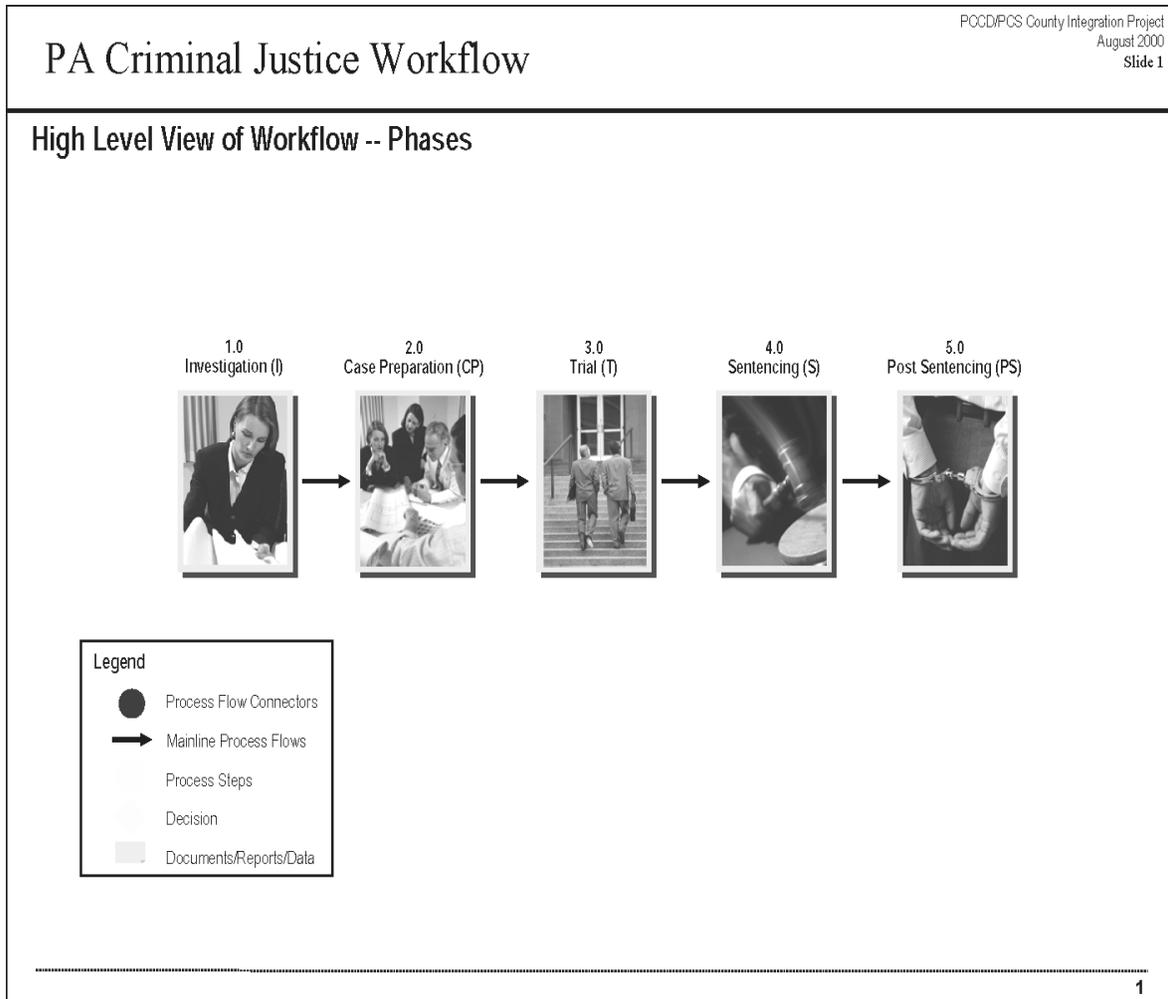
Nikulina, V., Widom, C. S. & Czaja, S. (2010). The role of childhood neglect and childhood poverty in predicting mental health, academic achievement and crime in adulthood. *American Journal of Community Psychology*. Published online 30 November 2010.

This study examines the role of childhood neglect and childhood poverty (family and neighborhood) in predicting Posttraumatic Stress Disorder (PTSD), Major Depressive Disorder (MDD), academic achievement and crime in young adulthood. Using existing data from a prospective cohort design study, 1,005 children with documented histories of neglect (N=507) and matched controls (N=497) were interviewed in adulthood (mean age 29). Results from hierarchical linear modeling revealed that childhood neglect and childhood family poverty uniquely predicted PTSD and adult arrest.

** See in particular the work of the Washington State Institute for Public Policy, “Evidence-based juvenile-offender programs: Program description, quality assurance and cost”. (www.wsipp.wa.gov) This report lists six juvenile programs identified as evidenced based. Functional Family Therapy (FFT), Aggression Replacement Therapy (ART), and Multi-Systemic Therapy (MST) are three of the six described and assessed for benefit/cost.

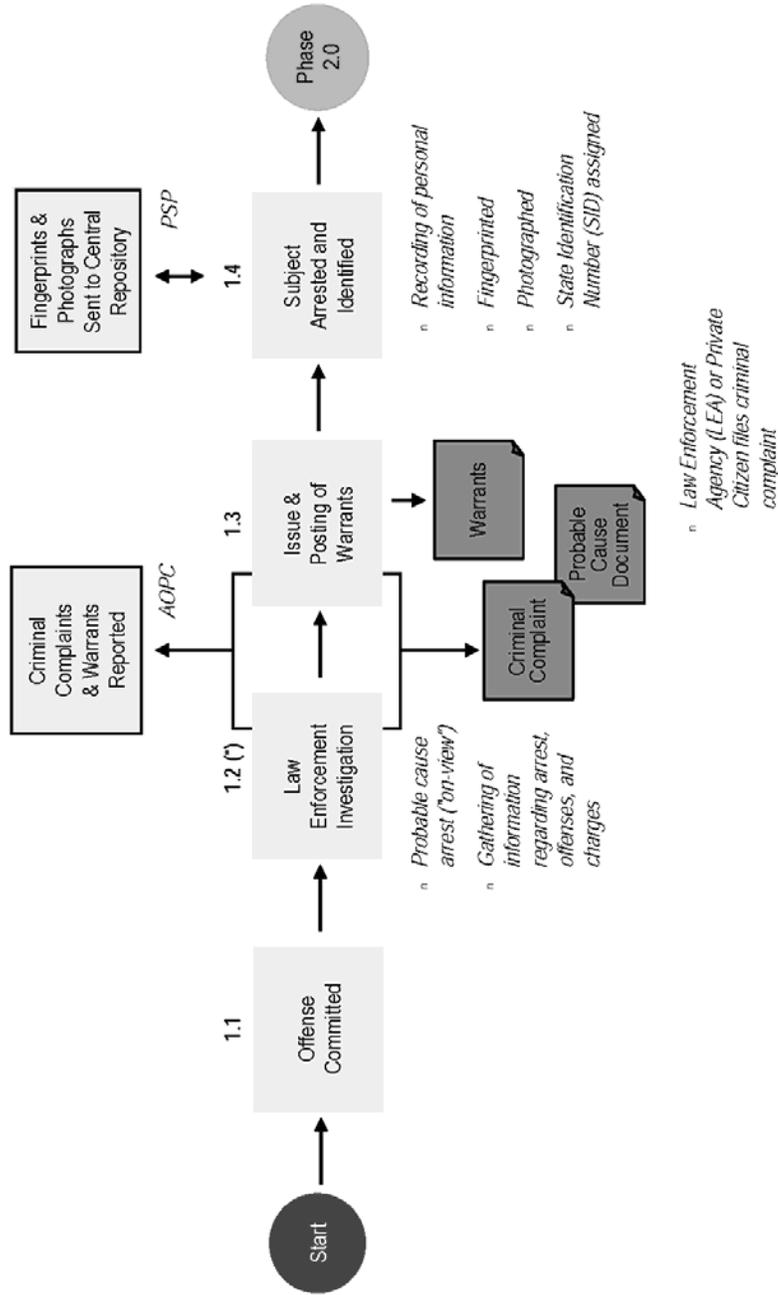
APPENDIX E: PENNSYLVANIA CRIMINAL JUSTICE WORKFLOW

The following chart was provided to the advisory committee by Mr. Mark. H. Bergstrom.



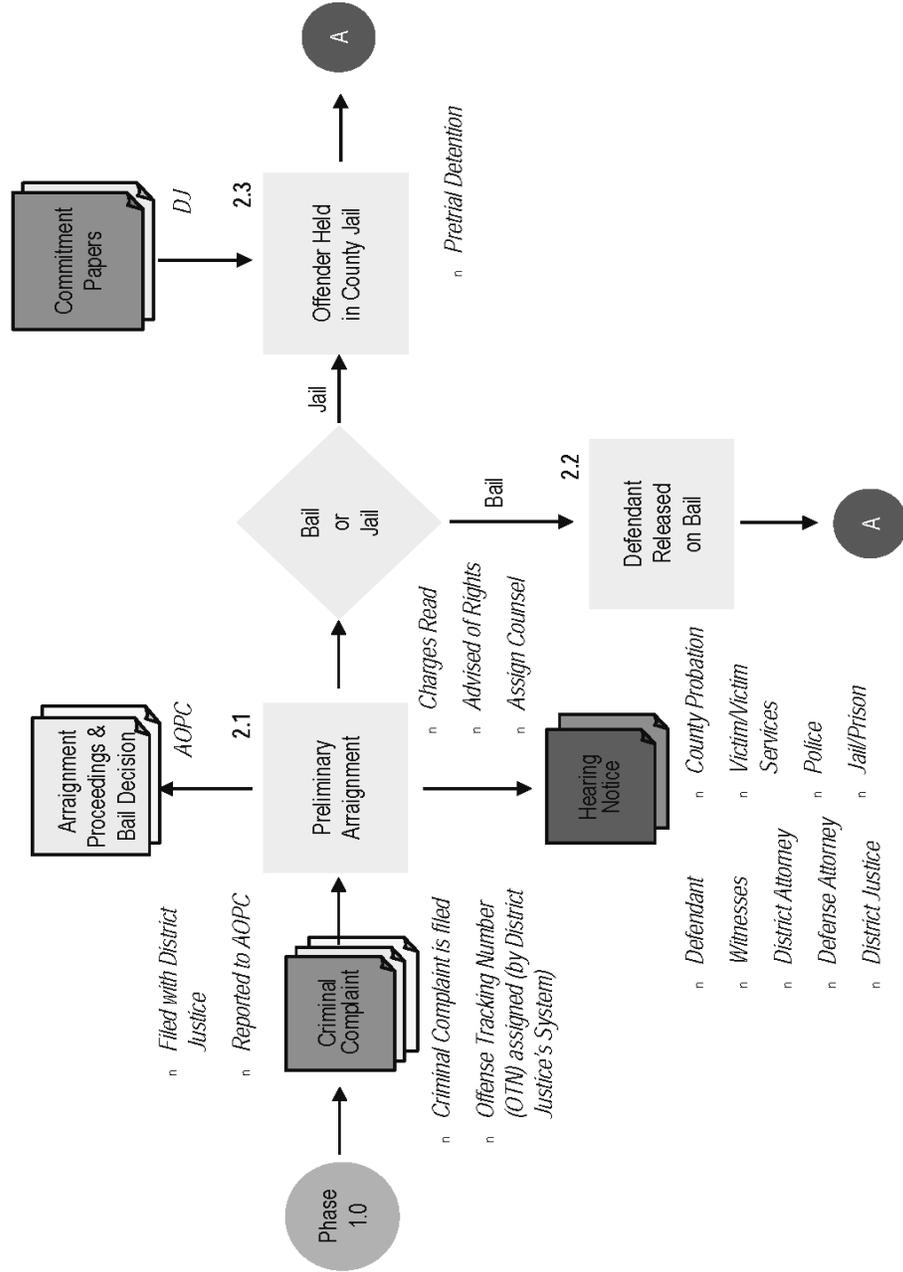
PA Criminal Justice Workflow

1.0 Investigation Phase



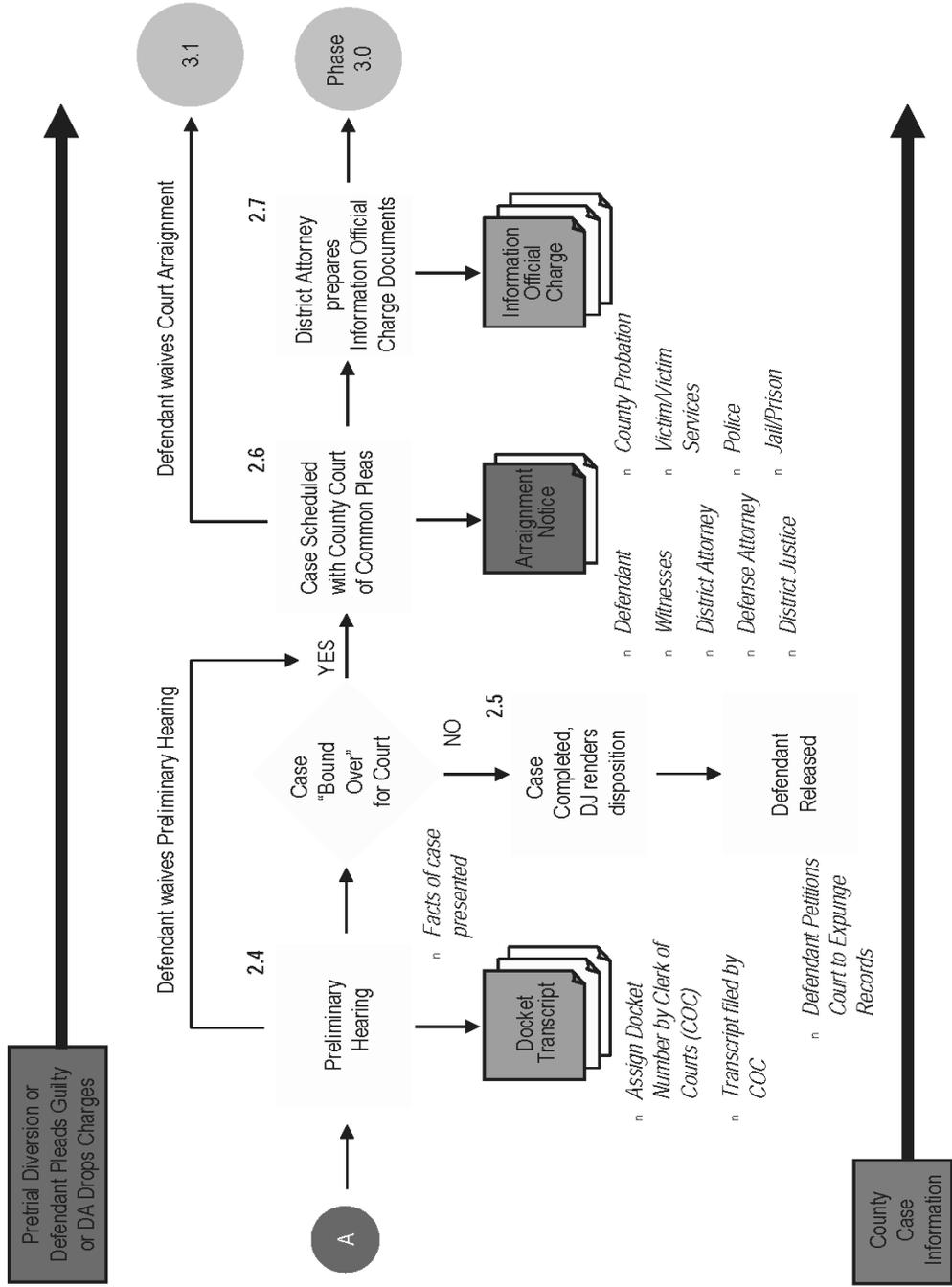
PA Criminal Justice Workflow

2.0 Case Preparation Phase



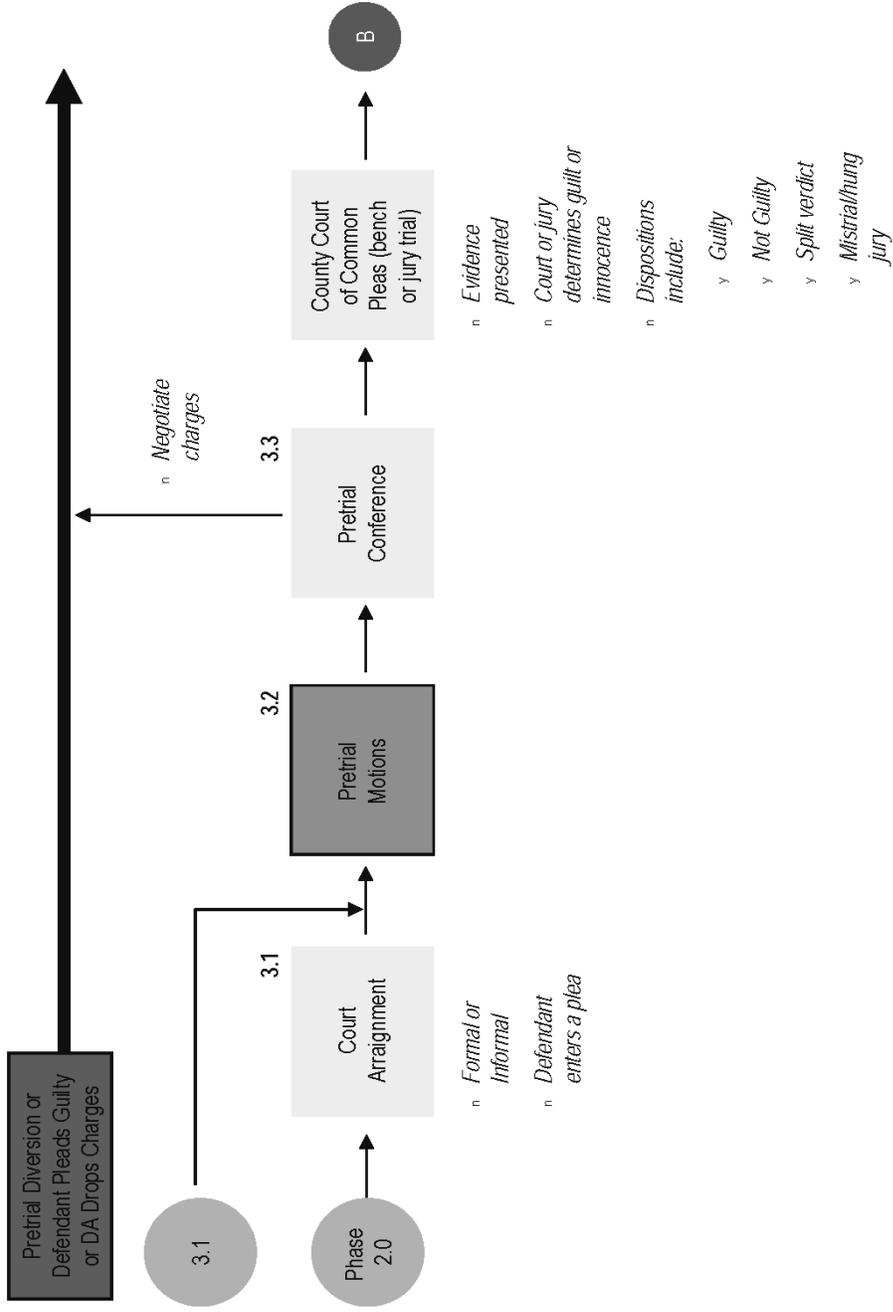
PA Criminal Justice Workflow

2.0 Case Preparation Phase (continued)



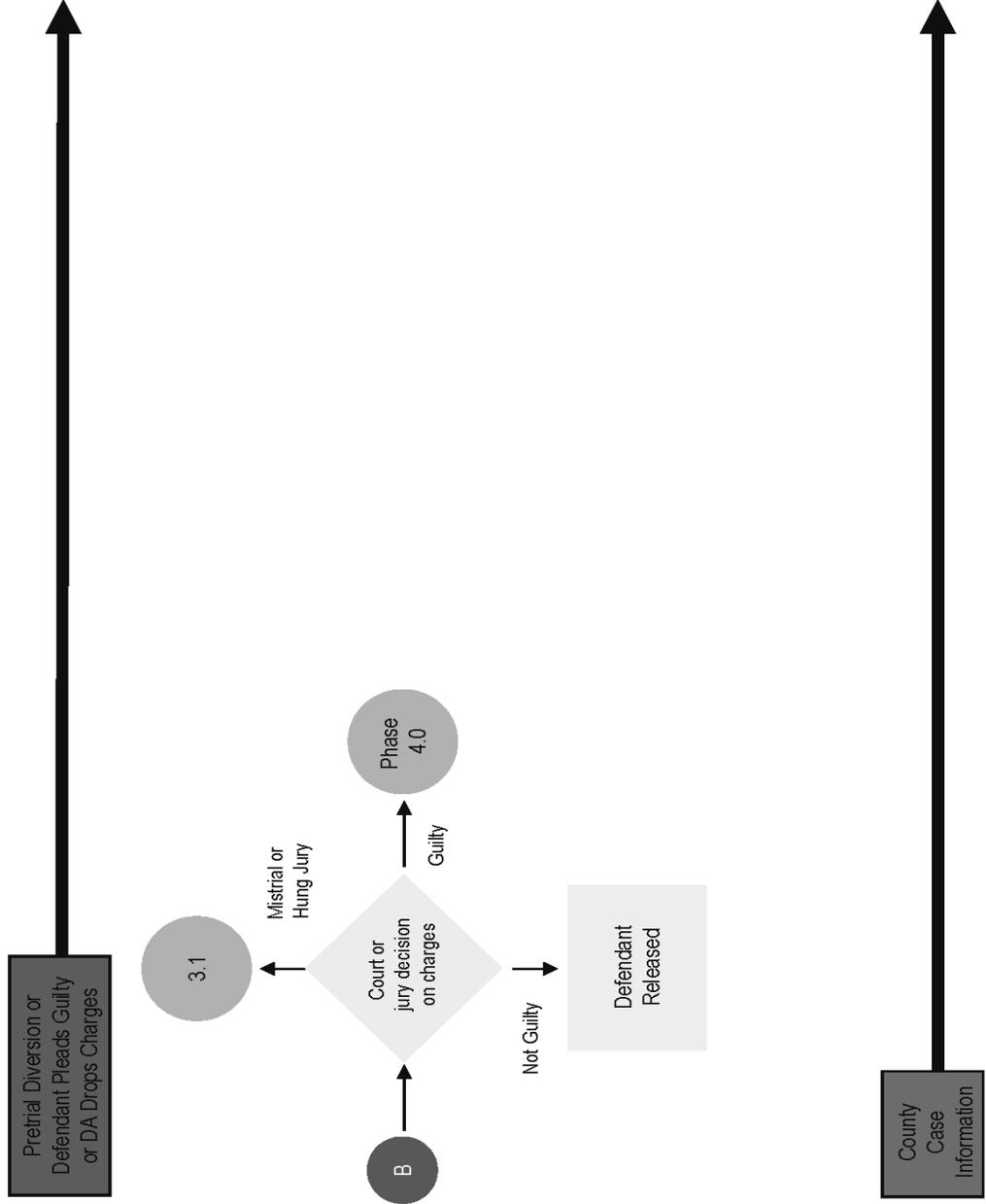
PA Criminal Justice Workflow

3.0 Trial Phase



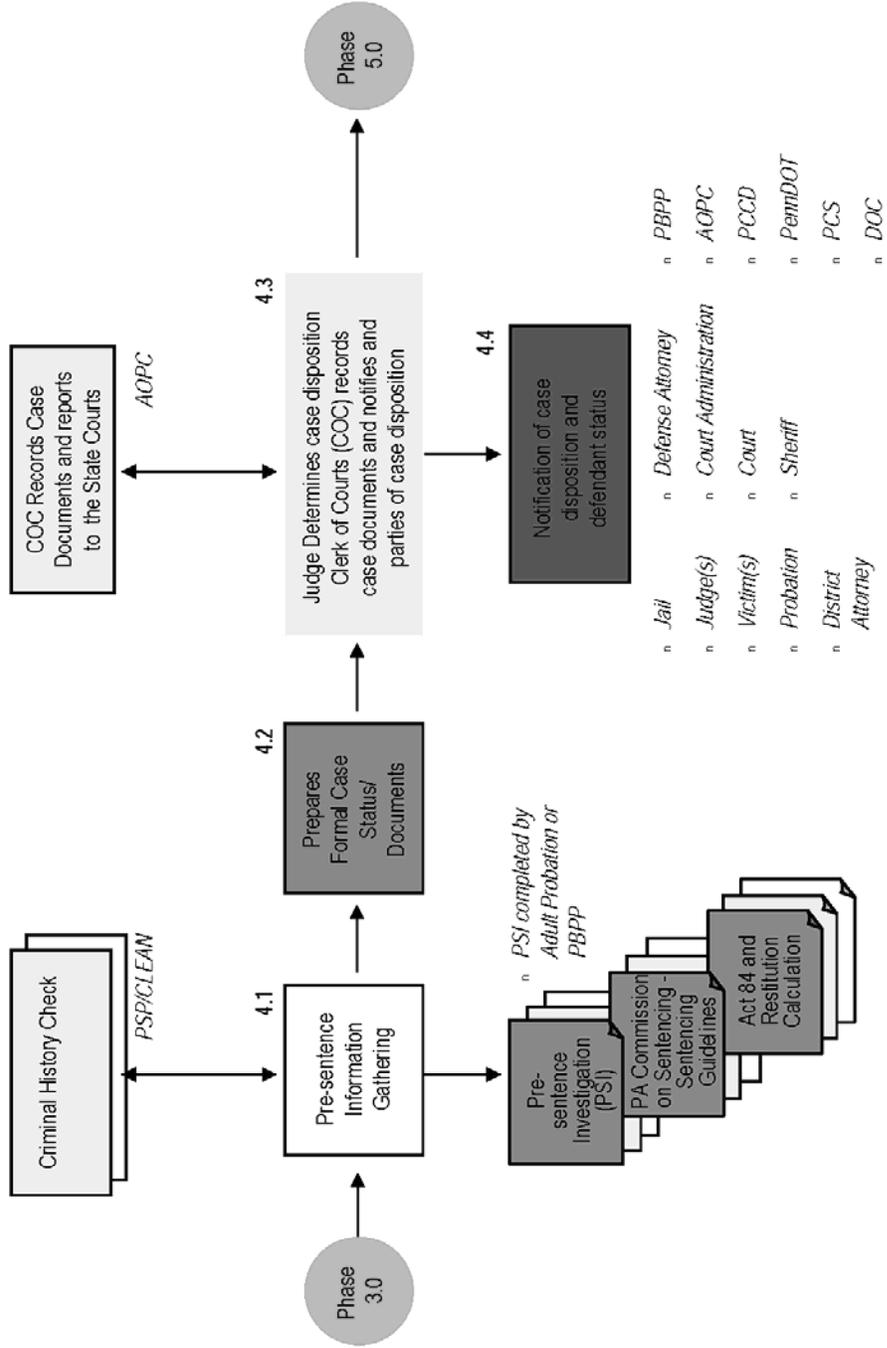
PA Criminal Justice Workflow

3.0 Trial Phase (continued)



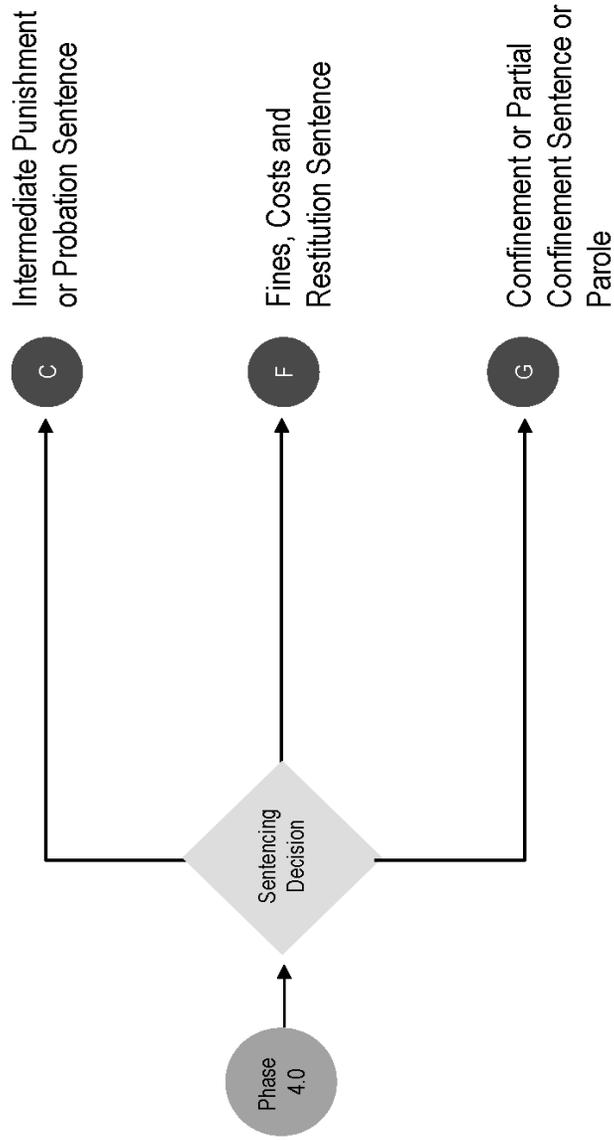
PA Criminal Justice Workflow

4.0 Sentencing Phase



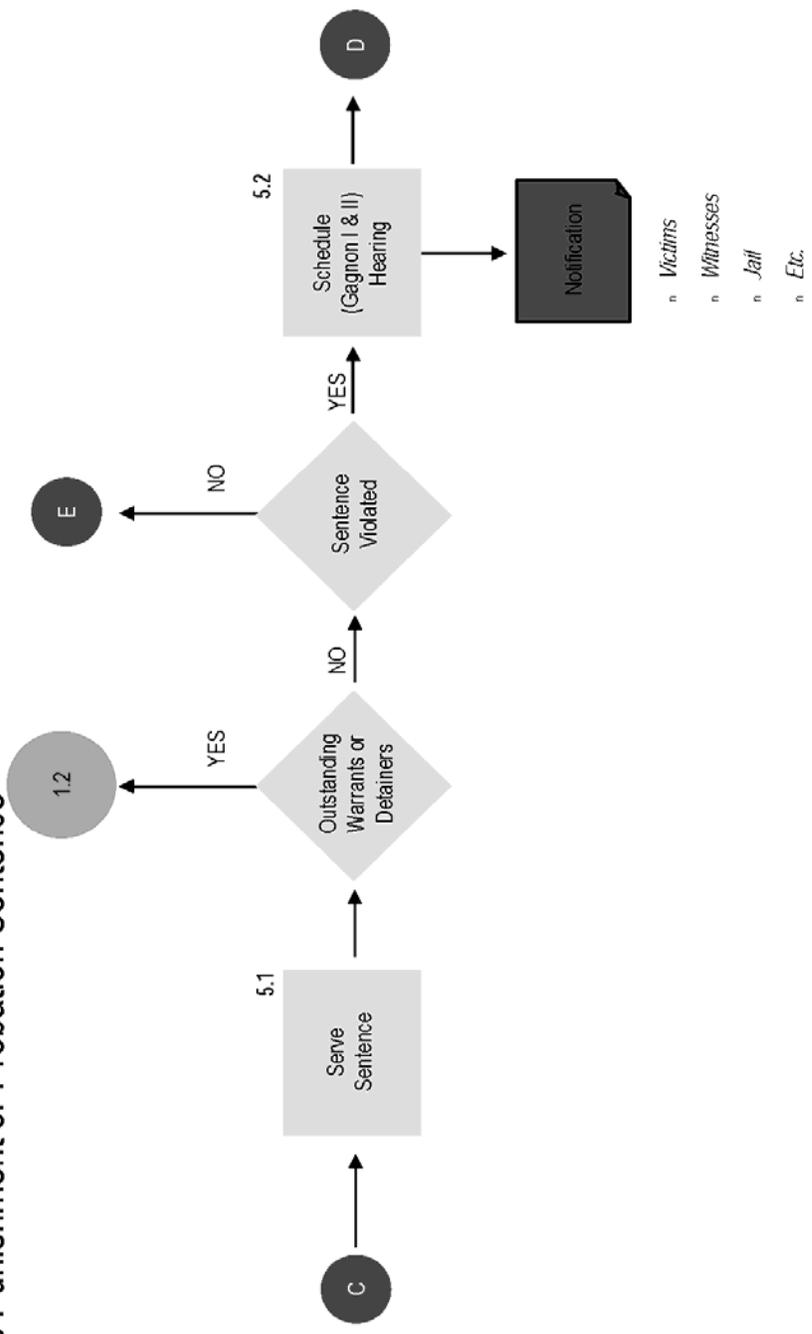
PA Criminal Justice Workflow

5.0 Post Sentencing Phase



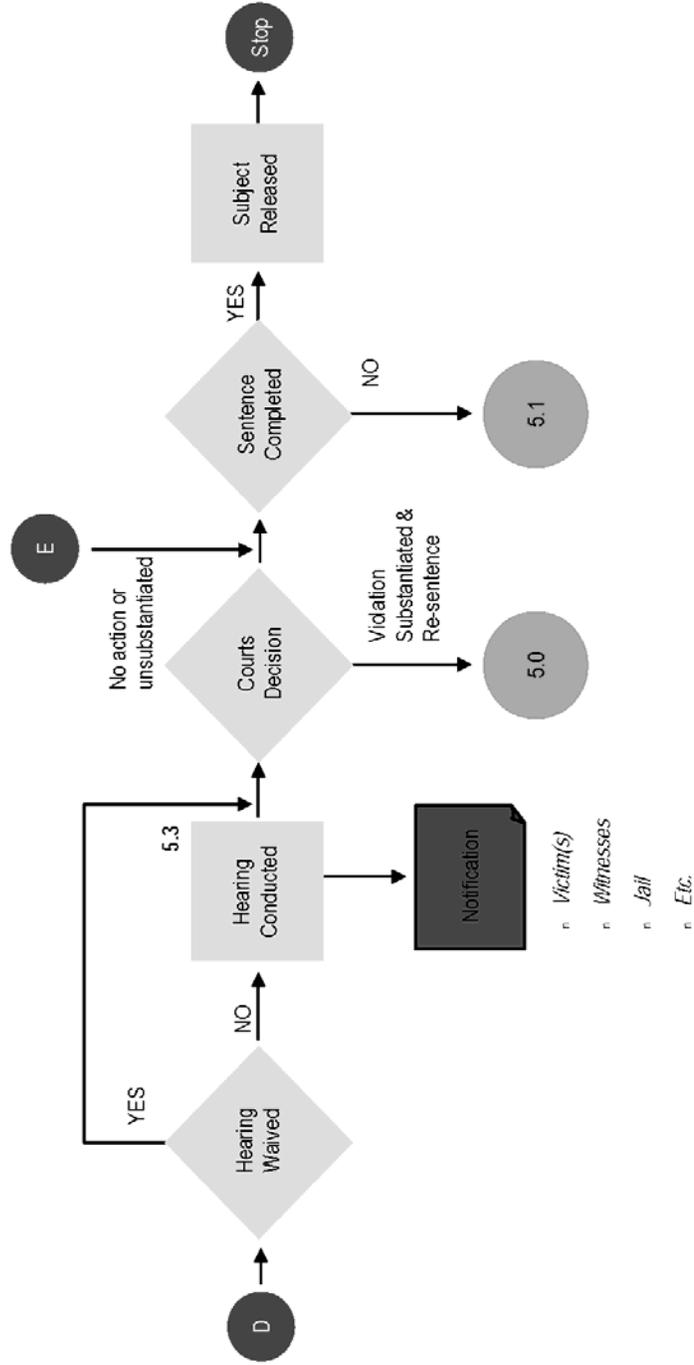
PA Criminal Justice Workflow

5.0 Post Sentencing Phase (continued) Intermediate Punishment or Probation Sentence



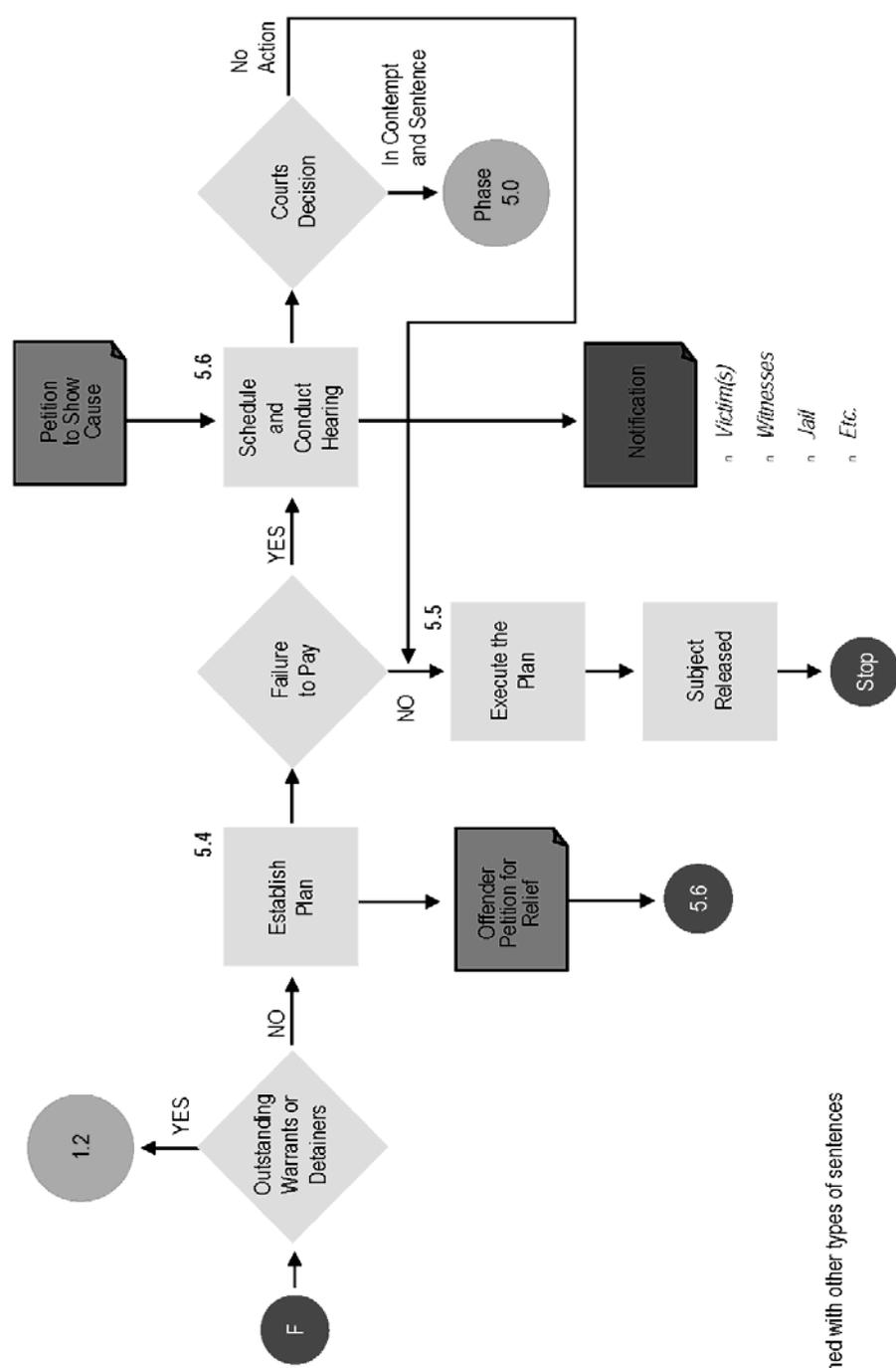
PA Criminal Justice Workflow

5.0 Post Sentencing Phase (continued) Intermediate Punishment or Probation Sentence



PA Criminal Justice Workflow

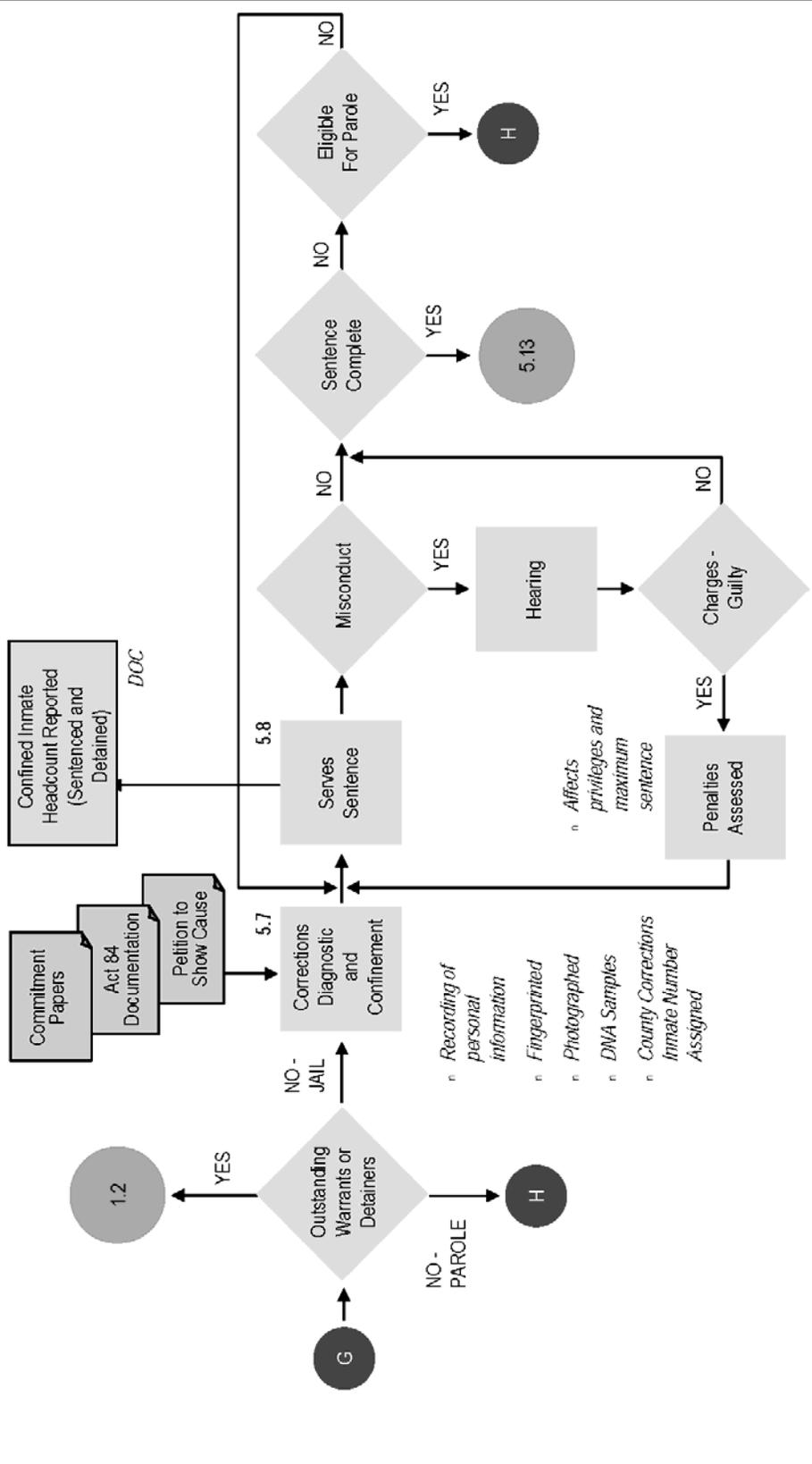
5.0 Post Sentencing Phase (continued) Fines, Costs and Restitution Sentence (*)



* Note: Often combined with other types of sentences

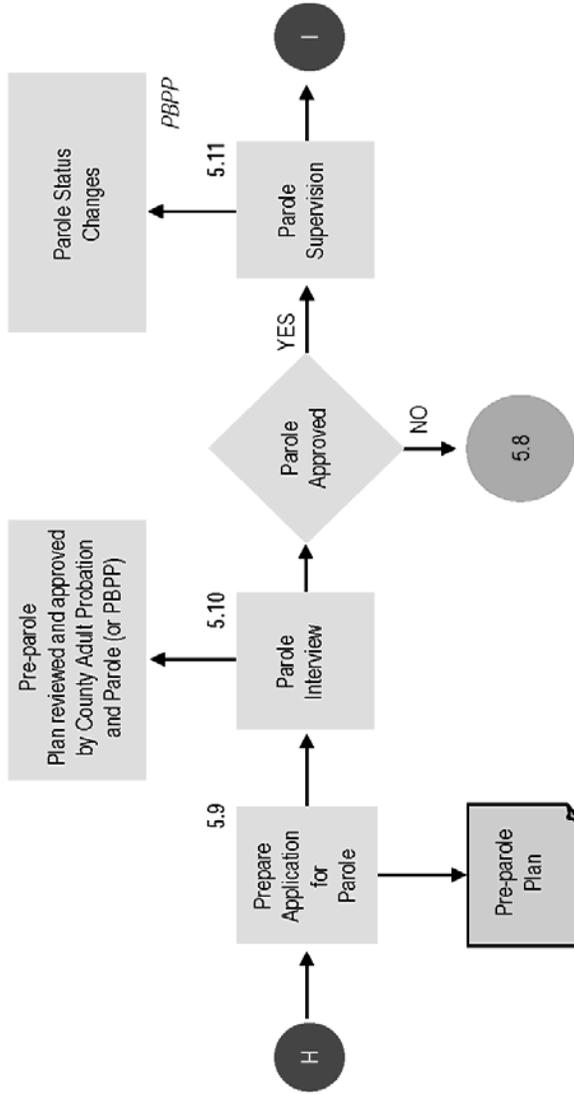
PA Criminal Justice Workflow

5.0 Post Sentencing Phase (continued) Confinement or Partial Confinement Sentence or Parole



PA Criminal Justice Workflow

5.0 Post Sentencing Phase (continued) Confinement or Partial Confinement Sentence or Parole



PA Criminal Justice Workflow

5.0 Post Sentencing Phase (continued) Confinement or Partial Confinement Sentence or Parole

