# CHILDREN OF INCARCERATED PARENTS:

## An Action Plan for Federal Policymakers

JUSTICE CENTER
THE COUNCIL OF STATE GOVERNMENTS

# Children of Incarcerated Parents:

## *An Action Plan for Federal Policymakers*

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# Introduction

## The Issue

The growth in the number of men and women incarcerated in the United States over the past twenty years has affected an extraordinary number of children and families. In 2007, more than 1.7 million minor children had a parent in federal or state prison.[1] Research indicates that on any given day more than seven million children may have a parent in prison or jail, or under parole or probation supervision.[2] Children of incarcerated parents are at risk of poor school performance,[3] drug use and mental health problems, and more likely to be exposed to parental substance abuse, extreme poverty, and domestic violence.[4] Unfortunately, connecting these children to services can be difficult for government agencies, and little is known about their specific needs or how effectively these needs are being addressed.

## Purpose of the Action Plan

Despite these large numbers of affected children and the mounting interest in prisoner reentry, the need to improve outcomes for children of incarcerated parents has received minimal attention at the national level. The Council of State Governments (CSG) Justice Center, with support from the Annie E. Casey Foundation and Open Society Institute, has developed an action plan to raise awareness about these children's needs and inform policies and practices to better address them. The action plan is meant to encourage policy changes that help improve the outcomes for children who have a parent in prison or jail.

To help guide this work, the Justice Center established an advisory board composed of a broad array of criminal justice and child welfare experts, including representatives from local and national children- and family-focused organizations, state human and social services directors, corrections officials, and researchers. These experts informed the development of the strategies and recommendations in this action plan to address the needs of children of incarcerated parents.

## Audience for the Action Plan

The action plan reviews both federal and state barriers to identifying and serving children of incarcerated parents, and offers policy recommendations for the U.S. Congress and the Administration. This action plan is designed to help federal leaders improve policies for children of incarcerated parents, but also includes recommendations of value to state and local governments that can facilitate and complement federal initiatives and result in better responses to this population. Recognizing that each jurisdiction is different, policymakers interested in establishing or improving initiatives for a particular state or community should tailor the recommendations to reflect their distinct needs and resources.

## Structure of the Action Plan

This guide, though not an exhaustive review of all relevant studies or programs, highlights the unique challenges and needs of children of incarcerated parents based largely on the latest research findings and supporting statistics, and relies on feedback from the field.

The advisory board and numerous focus group participants assisted in identifying the key topic areas that make up the sections in this action plan: overview and research, responses to children during a parent's arrest, parent-child interactions within correctional systems,

coordination across service systems, support for kinship caregivers, foster care and permanence, child support, and benefits and income supports. Following the research overview, each section and subsection is organized into a concise statement of the problem, including barriers to improved responses; potential responses with examples from the field; and policy recommendations.

The examples included in this guide spotlight efforts in a variety of cities, counties, and states that may provide valuable ideas for policymakers. By highlighting certain approaches or programs, however, this guide is not necessarily promoting them as best practices. They simply reflect various types of efforts to improve outcomes for children of incarcerated parents and their caregivers.

# Children of Incarcerated Parents: Overview and Research

## What We Know

### The growth in the number of men and women incarcerated in the United States has affected an extraordinary number of children and families.

- Between 1991 and 2007, the number of children of incarcerated parents increased 80 percent, to more than 1.7 million minor children.[5]
- According to studies, approximately 53 percent of minor children with a parent in prison were age ten or younger.[6]

### Fathers in prison most often cite their children's mother as their current caregiver, whereas mothers in prison most often cite a grandparent as their children's current caregiver.

- Approximately 88 percent of men in prison and 37 percent of women in prison cite their child's other parent as the current caregiver. Women were more likely to report that their children lived with a grandparent (45 percent).[7]
- Approximately 11 percent of women in prison and 2 percent of men in prison report having children in a foster home or institution.[8]

### Studies suggest that, generally, children of incarcerated parents experience a greater total number of risk factors than other children.[9]

- Studies show that as the total number of risk factors increases, so too does the likelihood that children develop serious problems.[10]
- There is evidence to suggest that children of incarcerated parents are more likely to live with caregivers who abuse drugs, have mental health problems, or are inadequately educated; live in single-parent families; live in households with incomes below poverty level; experience sexual abuse or physical abuse; and are subject to multiple changes in residences and caregivers.[11]
- While many of the risk factors children of incarcerated parents experience are primarily due to problems of parental substance abuse, mental illness, or inadequate education, parental incarceration increases the risk of children living in poverty or experiencing household instability independent of these other problems.[12]
- A nationally representative study of children who came into contact with the child welfare system but were not placed in foster care shows that children of incarcerated parents who are involved with the child welfare system exhibit a higher level of emotional and behavioral problems than children whose caregivers had never been arrested.[13]
- The same study found that children living in households with their previously incarcerated mothers were more frequently exposed to substance abuse, domestic violence, and extreme poverty than children whose mothers had never been arrested.[14]
- Multiple studies show that while, collectively, children whose parents are involved with the criminal justice system are exposed to more risk factors than other children, research also

shows that there is not a universal risk factor for this population. These children experience very diverse risks that require tailored services.[15]

## Policymakers in several states have commissioned reports to improve their understanding of how parental incarceration affects children and to develop effective policy responses.[16]

- **California**
  Assembly Bill 2316, enacted in 2000, directed the California Research Bureau, with the assistance of an advisory group of experts in the field, to design and implement a study of children of women incarcerated in state prisons.[17] Key findings from the initial report include (1) nine percent of the state's children, or approximately 856,000, had a parent in prison or jail, or on parole or probation, and (2) parental arrest and incarceration has a significant and potentially detrimental impact on children that varies with their age. The report cited a study in Riverside that found that children were present at 20 percent of mothers' arrests, and that of those children, over half were between three and six years old. This initial report triggered a seven-year research project, resulting in six publications and a number of legislative policy seminars, hearings, and legislation.[18]

- **Arizona**
  In 2004, the Governor's Office for Children, Youth and Families; the Arizona Parents Commission on Drug Education and Prevention; and the Arizona Department of Corrections collaborated to establish the Children of Incarcerated Parents Initiative. As part of this initiative, the Parents Commission provided funding to support a study of the prevalence and needs of Arizona's children of incarcerated parents and the Arizona Children of Incarcerated Parents Bill of Rights Project. Key findings include (1) on average, mothers were incarcerated for seven years and fathers for twelve years and (2) among youth incarcerated in the state Department of Juvenile Corrections in 2006, 55.3 percent of girls and 44.7 percent of boys had an adult relative who was or is in prison. The resulting report provides a statewide estimate of the number of children of incarcerated parents, reports demographic data on both the parents and their children, and discusses common challenges the children face.[19]

- **Washington**
  Washington State enacted legislation in 2005 requiring the Department of Corrections and the Department of Social and Health Services to establish an oversight committee charged with developing a comprehensive interagency plan to improve services and supports for children with a parent in jail or prison.[20] The following year, the oversight committee issued a report recommending several changes to policies and services, including protocols for gathering information on children during court hearings and at Department of Corrections reception centers, protocols for arrests where children are and are not present, and a three-year family resource center demonstration project.[21] The report was followed by the passage of another bill in 2007, which established the Children and Families of Incarcerated Parents Advisory Committee. The Advisory Committee is responsible for managing the implementation of the oversight committee report, issuing additional recommendations to the legislature, and fostering interagency and community partnerships. The 2007 legislation also directed several state agencies to conduct reviews of their policies and services and gather data on children and families of incarcerated parents.[22]

## What We Don't Know

### Little is known about who these children are, their specific needs, or how effectively existing programs address those needs.

- It is difficult to quantify the number of children with incarcerated parents. There is limited data available among the various systems in contact with children of incarcerated parents and many of these children have no contact with child welfare or other systems. Self-reporting by parents also has limitations due to fear of involvement in the child welfare system, loss of parental rights, or collection of child support payments, and hesitancy to seek assistance due to the stigma associated with parental incarceration.[23]
- Even more children have a parent under community supervision—approximately five million,[24] but more research is needed on whether children with parents in prison or jail have different needs than children with parents under community supervision.
- Few programs that serve children of incarcerated parents have been rigorously evaluated. Although some programs have emerged as leaders in the field, short- and long-term outcomes among the children they serve have not been fully documented.

## Recommendations

1. Identify an institution or organization to compile and archive existing research on children of incarcerated parents, review the evidence on existing programs for this population, and examine the available literature on parental arrest and its effects on their children.
2. Continue to issue Bureau of Justice Statistics, U.S. Department of Justice, reports at regular intervals on children of incarcerated parents.
3. Include questions on parental criminal justice system involvement (i.e., arrest, probation, jail, prison, parole) in national studies and data collection systems and create matching datasets at the state level to facilitate multi-site studies.
4. Create an initiative to establish information sharing among agencies that may already collect relevant data on children of incarcerated parents and a repository for the data, and develop processes to bring relevant authorities together to discuss the information and enact changes (see *Coordination across Service Systems* on page 5).
5. Commission qualitative studies that highlight the impact of incarceration on children and their families; these studies could identify particular priorities and determine the need to improve the collection of data on the prevalence of criminal justice system involvement among individuals with children, child and family characteristics, and risk factors of children with incarcerated parents.
6. Conduct a longitudinal study that takes into account the criminal histories of parents to determine the long-term impact of parental incarceration on a representative sample of children with a comparison group to help account for other potential risk factors.
7. Explore variations in outcomes between boys and girls, children with incarcerated fathers versus incarcerated mothers, or both, age of earliest exposure to parental criminal justice involvement, short-term parental incarcerations versus long-term parental incarcerations, and family stability versus instability.
8. Evaluate the effectiveness of existing program models in improving child outcomes. Particular attention should be given to children involved with Child Protective Services (CPS), including a study of CPS practices regarding children of incarcerated parents in the child welfare system and permanency outcomes for such children.
9. Conduct research on the distinct challenges experienced by caregivers of children with a parent in prison, as well as the effectiveness of existing services designed to address these challenges.
10. Study infants born in correctional facilities (how many and vital statistics), the quality of health services for the infants and their mothers, and the infants' placement arrangements and outcomes. Research is also needed on the effectiveness and quality of in-residence programs (where newborns reside with their mothers in corrections facilities) and pregnancy and obstetrics services in prisons and jails.

# Coordination across Service Systems

## The Problem

**Incarcerated individuals and their families may interact with both criminal justice and human services agencies, yet these agencies rarely coordinate their services.**

- When parents are incarcerated, multiple agencies often provide support for these parents' children through direct services such as foster care placement or indirect assistance to caregivers, but efforts are rarely coordinated among the agencies that may have a stake in this issue, including human services, education, child welfare, parole and probation authorities, and corrections.
- Multiple agencies can have difficulties collecting information that can be shared about children of incarcerated parents or their caregivers. For example, research indicates that law enforcement and corrections agencies do not collect detailed information about the children of arrested and incarcerated individuals.[25] Similarly, most state child welfare agencies do not systematically capture data about the incarcerated parents of children within their systems.[26] In addition to difficulties in collecting information, there may also be misconceptions about what information can be shared across systems or agencies because of privacy mandates.[27]

## Promising Practices

**Effective coordination among corrections (both adult and juvenile systems), child welfare, courts, and human services agencies helps to ensure that the children of incarcerated parents and their caregivers receive required services from these systems.**

- Effective communication and information sharing can help discharge planners, child welfare caseworkers, and other service providers identify the children of incarcerated parents and tailor their services to meet the needs of this vulnerable population.
- Keeping families consistently connected to familiar services and caseworkers reduces the confusion children may experience and enables caregivers to navigate service systems more effectively.
- Improved coordination between agencies can result in positive family interventions and reunification, when appropriate. Such interventions—especially when customized to fit each family's particular circumstances—can encourage parents to successfully transition from incarceration to the community and may, ultimately, improve children's well-being.[28]
- Coordinated efforts between corrections departments, child welfare agencies, and the courts can help to ensure that incarcerated parents are notified of and involved in court proceedings regarding the custody of their children. In addition, court officials can improve efforts to ensure that criminal and family court dates and mandates (e.g., parole

hearings and participation in prison-based programs) do not conflict.[29]

- Decreased parent-child interactions during incarceration can lead to numerous challenges when parents return from prison or jail back into the home or into renewed contact with their children. When appropriate, the state corrections department and service agencies, such as mental health providers, can ensure that children receive needed services during the parental reentry period to assist in the transition.

## States across the country are taking steps to improve the coordination of services among the courts, corrections, human services, and child welfare agencies.

- **Washington**
  As mentioned in the previous section, in 2005, the Department of Corrections, in partnership with the Department of Social and Health Services, established an oversight committee as mandated by House Bill 1426 to develop a comprehensive interagency plan to provide the necessary services and supports for children whose parents are incarcerated in jail or prison.[30] Specifically, the committee was charged with identifying existing programs and services for children of incarcerated parents, developing strategies to improve collaboration between such programs, and recommending new services and programs that could benefit these children. In 2006, the committee submitted its report and recommendations to the governor and state legislature.[31] In 2007, another bill established a statewide advisory committee facilitated by the Department of Community, Trade and Economic Development (CTED) with the Department of Social and Health Services, Department of Corrections, Department of Early Learning, and Office of the Superintendent of Public Instruction along with legislators, community partners, and other state agencies. In January 2009 the committee completed a report to the legislature summarizing its work and recommendations to state agencies on children of incarcerated parents.

- **Oregon**
  The Oregon multi-agency planning and advisory committee, established by the legislature in 2001, was created to make recommendations on how to increase family bonding for children of incarcerated parents when appropriate. The committee is made up of members from the state departments of corrections, human services, and education; the state Commission on Children and Families; the state Court Administrator, and a multitude of local law enforcement, public health, and social service agencies. In 2002, this multi-agency collaborative group submitted a report to the state legislature with recommendations for creating policies and programs to improve relationships between incarcerated parents and their children.[32]

- **California**
  In 2000, the California Research Bureau (CRB) published a report on children of incarcerated parents that highlighted the fact that many of these children appear in multiple systems, such as foster care and juvenile detention.[33] This initial report triggered the CRB to undertake a five-year research project, resulting in five reports and several legislative policy seminars. In 2006, the CRB convened a daylong summit at which over 150 participants from more than twenty counties and state agencies reviewed the latest research and data on the impact of parental arrest on children's safety, including promising strategies employed in different jurisdictions to improve coordination between law enforcement and child welfare services.[34]

## Recommendations

1. Establish a federal interagency task force that includes leaders from Health and Human Services, the Department of Justice, Housing and Urban Development, and the Department of Education to improve coordination at the federal level and implement policy changes related to children of incarcerated parents.
2. Support the creation of state task forces to leverage the resources of agencies already in contact with these children. The state task force can help identify existing government and nonprofit programs and services for children of incarcerated parents, identify gaps in services, and devise strategies for improving coordination among agencies. Task forces should include adult children of incarcerated parents, kinship caregivers, and formerly incarcerated parents.
3. Create a federal demonstration grant program to provide comprehensive services for children of incarcerated parents, in which awards are made to applicants that ensure their planning and implementation work will be based on the collaboration of both criminal justice and human service agencies in their assessments and child and caregiver services.
4. Facilitate cooperation between child welfare agencies and corrections departments to provide families of incarcerated parents with needed supports. Encourage caseworkers to involve parents in permanency planning, when appropriate, and to support visits and other contact between incarcerated parents and their children, when in the best interest of the child, and help families plan for reentry.
5. Establish a navigator system, modeled after kinship navigator systems, that spans programs and systems that are accessible to a broad array of caregivers and families in contact with the criminal justice system to link them to needed services and information.
6. 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.
7. Implement assessment and screening processes within a broad spectrum of agencies and groups that may have contacts with parents and children to better connect children of incarcerated parents to services and supports.
8. Provide cross-training for leaders and practitioners from relevant systems in contact with children of incarcerated parents (corrections, child welfare, 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.
9. Corrections agencies should establish and support cross-system reentry plans and program benchmarks for incarcerated parents, particularly for those who will regain custody of their children after release or who will co-parent. Provide needed services such as substance abuse and mental health treatment or parenting classes before release and adequate community supports and services post-release.

10. Engage judges and court administrators to improve parental access to judicial proceedings and mediation, effective collaboration with child welfare agencies, oversight of child welfare cases, and accountability for child outcomes.[35]

11. Provide child welfare and human service programs with the tools to ensure children of incarcerated parents and their custodial parents, foster families, or kinship families have access to supportive services, including mental health services, substance abuse treatment, parenting courses, employment services, housing aid, and financial assistance. Make information available to caregivers through a Web site or 211 directories to ensure access and create lines of communications for caregivers to discuss their needs with service providers.

# Responses to Children during a Parent's Arrest

## The Problem

### Children face both immediate and long-term risks when a parent is arrested.

- The arrest of a parent can be traumatic and confusing for minor children, especially when they witness the event.
- A 1998 national study estimated that of the parents arrested, 67 percent were handcuffed in front of their children, 27 percent reported weapons were drawn, 4.3 percent reported a physical struggle, and 3.2 percent reported the use of pepper spray.[36]
- Children may exhibit a variety of long-term effects after a parent's arrest, including emotional and behavioral problems, depression, difficulty in school, and delinquent behavior.[37]
- Law enforcement agencies require special protocols and support from child services to respond to minors who are present at the scene of an arrest, particularly if the presence of a child is unforeseen.

### Most law enforcement agencies have no policies to guide officers responding when children are present at the scene of an arrest not involving abuse or neglect.

- Law enforcement officers attempting to place children with an appropriate adult after the arrest of a parent may not be trained to recognize or address the trauma of an arrest on children.[38]
- Although police departments are mandated reporters of abuse and have protocols for responding to children in situations involving child abuse, neglect, or domestic violence, training and protocols are often lacking in circumstances when the presence of children is not expected during an arrest (e.g., traffic stop, shoplifting, warrant sweeps, routine patrol). A nationwide review of law enforcement protocols found that most agencies offer little guidance on officers' roles in ensuring the safety of a child whose custodial parent has been arrested.[39]
- The same study found there are few uniform policies for law enforcement to help determine where these children will be placed or if services will be needed.[40]

### Most law enforcement agencies have only formal protocols to coordinate with CPS in cases of abuse and neglect to respond to the needs of children affected by a parent's arrest.

- Law enforcement officials are generally mandated to contact CPS when responding to reports of abuse or neglect. Once contacted, CPS will, in most circumstances, remove the children from their home to be evaluated and to determine if a family member can care for the child.[41]
- Coordination with CPS also typically happens when officers respond to reports of domestic violence and there is no suitable adult to care for the children when the parents are arrested.
- CPS workers may also contact law enforcement officials to inquire about outstanding warrants or to report suspected crimes, most often drug-related, so that if an arrest is made, there can be a plan in place for ensuring the safe placement of a child.

## Promising Practices

### Several state and local governments have developed a variety of programs, commissions, training, and policies to better serve children at the time of a parent's arrest.

- **Austin Police Department:** The Austin, Texas, Police Department implemented a child endangerment/child-in-need-of-supervision checklist to ensure the safety of children during the arrest of a parent or caregiver. The checklist includes steps for the safe placement of the child, and consultation and follow-up with child protective services as necessary by Austin PD officers.
- **Blue Ribbon Commission on the Welfare of Children of Jailed and Incarcerated Parents (NM):** In 2006, Governor Bill Richardson of New Mexico issued an executive order establishing a Blue Ribbon commission to review the impact of existing law enforcement and corrections policies on children whose parents are arrested and incarcerated. The commission's report contained four major recommendations, the first of which was to create a statewide standard for law enforcement to identify children on parental arrest and ensure that their needs are adequately addressed. As a result of this report, law enforcement officers across the state are now trained to respond to children at the time of a parent's arrest.[42]
- **San Francisco Children of Incarcerated Parents Partnership:** In San Francisco, a collaboration of local law enforcement, child welfare services and community agencies developed a joint protocol to ensure the safety and well-being of children at the time of all arrests, including recommendations for law enforcement prior to, during, and after an arrest where a child is present.[43]
- **Children of Incarcerated Parents Project (OR):** In 2002, Oregon's multi-agency working group on children of incarcerated parents submitted a report to the legislature, which included a recommended checklist of procedures for law enforcement officers to ensure the safety of children when a parent is arrested. It included measures for minimizing trauma to the child, using age-appropriate explanations, seeking appropriate care, and providing for children not present at the arrest of a parent a temporary caregiver.[44]
- **Law Enforcement Training:** The California Peace Officer Standards and Training (POST) Commission—the statewide body responsible for establishing professional standards and training protocols for law enforcement agencies—has developed guidelines for keeping children safe when a parent is arrested, published guidelines and training topics for use by law enforcement agencies, and created a training DVD that is mandated for inclusion in all peace officers' training in California, *How to Ensure Child Safety at the Time of Parental Arrest*.[45]
- **Model Memorandum of Understanding (MOU):** In a 2006 report, the California Research Bureau presented a model protocol to guide law enforcement and other local agencies in responding to children whose parents are arrested. The protocol outlines an agreement (MOU) between various agencies to develop and implement a coordinated response to all arrests in which children are present and/or are living in the household of the arrestee. It also establishes a consistent approach to keeping these children safe and well cared for.[46]

## Recommendations

1. Support a review of law enforcement policies related to arrests of individuals whose children (or children under their care) are present at the time they are taken into custody, and individuals whose children may return home and be unattended because of their arrest.
2. Encourage the development of policy standards at the local or state level in cooperation with law enforcement on the response to the arrest of a caretaker parent or guardian of a minor child to ensure the child's safety and well-being.
3. Collect and disseminate program and policy examples from law enforcement agencies who have adopted promising approaches to unforeseen contact with children of incarcerated parents.
4. Share widely best practices on developing formal partnerships among law enforcement, child welfare agencies, and other providers to coordinate services for children of arrested parents.
5. Develop systems to collect data on the number and percentage of (1) arrestees who are custodial parents, and (2) children present at the time of arrest or who were left unattended because of the arrest, to document the breadth of the problem and understand the circumstances that lead to such arrests.
6. Support the implementation of training and protocols to minimize as much as possible the trauma to a child who is present during an arrest and sensitize arresting officers to the potential long-term impact.
7. Encourage local jurisdictions to adopt identified best practices for improving responses to children who are present during a parent's arrest.
8. Conduct additional research on the impact of parental arrest when a child is present, including the effects of home raids on children and the success of existing protocols and training tools to minimize risk.

# Parent-Child Interactions within Correctional Systems

## The Problem

### As the number of people in prison has increased over the past 20 years, so too has the number of children visiting correctional facilities.

- Approximately 79 percent of parents in prison reported having some form of contact with their children while incarcerated, including phone calls, letters, and visits.[47] Only 39 percent of fathers and 56 percent of mothers in prison reported at least *weekly* contact with a child through letters, telephone calls, or visitation.[48]
- In 2004, four percent of women in state prisons and three percent of women in federal prisons were pregnant at the time of admittance.[49] And a 1999 report indicates that six percent of women in jails were pregnant at the time of booking.[50]
- According to an analysis of the 2003 Survey of Youth in Residential Placement data, one in eleven youth returning from residential placement said they had children of their own. Among girls, six percent said they had at least one child and an additional four percent said they were expecting.[51]

### Research has shown that children may benefit from maintaining *healthy* relationships with their incarcerated parents.

- There is some evidence that children who maintain close ties with their incarcerated parents experience less emotional distress and exhibit fewer problematic behaviors than children who do not have contact with their parents. Maintaining contact has been shown to be particularly beneficial in cases where the parent had a significant presence in the child's life prior to being incarcerated.[52]
- Strong parent-child relationships may aid in children's adjustment to their parents' incarceration and help to mitigate many of the negative outcomes for children that are associated with parental incarceration.[53]
- Maintaining contact also helps the incarcerated parent by improving the reentry process and reducing recidivism, which would likely benefit the child.[54]
- Corrections staff may benefit from training on the treatment of visiting children and family-friendly visitation settings.[55]

### Practical and institutional concerns may create barriers that often prevent children from maintaining contact with their incarcerated parents.

- More than half of mothers and fathers in state prisons report having received no in-person visits from their children since their admission. In addition, parents with multiple children may receive visits from some children, but not from others.[56]
- Most parents in state and federal prisons are located more than 100 miles from their previous residence,[57] making in-person visits inconvenient and unaffordable for many families and caregivers.
- Prison visitation areas tend to be inhospitable to children, and correctional policies and practices may deter or prevent families from maintaining contact with their incarcerated loved ones.[58]

- High prison telephone rates can create a financial burden for families with a loved one in prison.[59]

### Prisons and jails operate under a strict set of policies and procedures designed to protect visitors, the corrections staff, and individuals under their supervision. Visitors may sometimes be unfamiliar with or confused by these rules and regulations.

- Visitation sessions can present challenges for corrections staff, as children and families can often misinterpret safety policies (for example, limitations on physical contact and eligible visitors) as impeding connection with their family members.
- Staff members assigned to monitor visits often worry that if they do not strictly uphold institution rules and regulations, their supervisors will sanction them; but the visiting children or family members may perceive unyielding adherence to rules as being inflexible or uncaring.

### Although it is usually in children's best interest to maintain contact with their incarcerated parents, there are circumstances in which it is not.

- Caregivers and caseworkers should determine the appropriateness of parental visitation on a case-by-case basis and only when in the child's best interests.[60] Contact between children subject to abuse or dangerous activities by the incarcerated parent should not be promoted.[61]
- Research suggests that children of incarcerated parents are more likely to live with caregivers who abuse drugs and have mental health problems, and to experience sexual or physical abuse and neglect.[62] Often, the incarceration of a parent in crisis may benefit their children and any further contact should be managed carefully.

## Promising Practices

### Some state government officials, lawmakers, and service providers have changed visitation areas and procedures to improve corrections settings for children and families.

- Within the Kansas Department of Corrections' only women's facility, mothers in prison participate in parenting classes and receive an all-day visit with their children to reward successful completion. The institution also remodeled visitation areas to be bright and colorful, with toys, books, and partitions for privacy encouraging an intimate and positive visiting experience. Family Transitions classes and workshops are also offered, allowing the women and families to address issues such as communication, expectations, and forgiveness prior to release. Within most of the male facilities, standardized parenting classes, Play and Learn sessions, caregiver support groups, and Family Transitions workshops are in place or are being added.
- The Ohio Department of Rehabilitation and Correction, in partnership with the Governor's Office of Faith-Based and Community Initiatives and the Department of Job and Family Services, operates eleven family reentry programs funded through Temporary Assistance for Needy Families. Included in these programs is the Children of Incarcerated Parents: Breaking the Cycle Program, the Ohio Strengthening Families Initiative, and the Returning Home Demonstration Programs. Each of these programs provides support to incarcerated individuals and their family members both

pre- and post-release through the use of strengths-based family case management and various structured curricula. Each program provides clients the opportunity to enroll in the Ohio Benefit Bank, a Web-based, counselor-assisted application program that allows low-income Ohioans to get connected with economic supports. The Children of Incarcerated Parents Program, which began in 2004, provided services to nearly 600 families in the following four years. For families that successfully completed the program, results indicated there were significant positive changes in overall family experiences with reentry.

## Many state and local governments and nonprofit providers have created programs designed to strengthen healthy parent-child relationships and improve the outcomes for both the child and parent.

- **Community and faith-based programs.** In many communities, nonprofit organizations, churches, and faith-based organizations offer a range of social services to assist people in prison and their children and families. Programs that focus specifically on children with parents in prison typically provide mentoring services and help children build relationships with their incarcerated parents.

  *Amachi*
  The Amachi program is a partnership of secular and faith-based organizations working together to provide mentoring to children of incarcerated parents. The program began in 2000 as a partnership between Public/Private Ventures and Big Brothers Big Sisters of Southeastern Pennsylvania with funding from The Pew Charitable Trusts. It now operates nationwide.[63] In the Amachi program, faith-based institutions work with community-based service providers and local agencies to identify children of prisoners and match them with caring and responsible adults who serve as mentors.

  *Become-a-Star*
  The Become-a-Star program, also known as Club Buddies, is coordinated by the Boys and Girls Club of Benton County, Arkansas, to provide mentoring services to children of incarcerated parents. The program began in 2006 with funding support from the U.S. Department of Health and Human Services and is offered in partnership with the local United Way. In the Become-a-Star program, mentors meet once a week with children of prisoners to provide one-on-one supportive relationships. The program also organizes quarterly group events, including outings to movies, ballgames, and other activities that provide a forum for the children and their mentors to connect with other program participants.

  *Angel Tree*
  Coordinated by Prison Fellowship Ministries (PFM), the Angel Tree program provides Christmas gifts to children of incarcerated parents. During the holiday season, church volunteers purchase and deliver gifts to the children of incarcerated parents in their parent's name. PFM also encourages congregations who participate in the Angel Tree program to provide ongoing support for these children and their families by establishing volunteer mentoring programs, organizing camping trips and other fun activities for children, and helping children to maintain contact with their incarcerated parents, when appropriate.[64]

- **Parent-child visitation.** Visitation programs enable children to maintain contact with their incarcerated parents, when it is appropriate and in their best interest to do so.

  *Girl Scouts Beyond Bars*
  Established in 1992 through a partnership with the National Institute of Justice, Girl Scouts Beyond Bars allows girls to visit their incarcerated mothers on a regular basis and take part in mother/daughter Girl Scout troop meetings. Incarcerated mothers lead troop meetings and develop skills in leadership, conflict resolution, and

parenting. In addition, the girls and their mothers often have facilitated discussions about family life, violence, drug abuse prevention, and other issues that affect their lives.[65]

*Comprehensive Community Action Project*
The Rhode Island Department of Corrections contracts with the Comprehensive Community Action Program (C-CAP) to provide visitation programs in several of its correctional facilities so that incarcerated mothers and fathers can remain involved in their children's lives, when appropriate. Held on Saturday mornings, these visits allow the children to get down on the floor with their parents and play with a wide selection of donated or DOC-provided toys. Parents can focus all of their attention on their kids with no other adult visitors present.

- **Child-in-residence programs.** Child-in-residence programs foster mother-child bonding by allowing mothers who give birth while they are incarcerated to maintain custody of their newborn children and care for them within the correctional facility. Evaluations of these types of programs suggest that children can be cared for safely in institutional as well as community-based settings.[66] Nursery programs have also been shown to provide cost-savings to states. For example, Nebraska's nursery program has saved the state's foster care system more than $8,000 per child in avoiding adoption and foster care costs.[67] It is important to note that child-in-residence programs should develop strict guidelines to ensure proper health and safety standards for infants and mothers.

  *Washington State's Residential Parenting Program*
  Based at the Washington Corrections Center for Women (WCCW), the Residential Parenting Program allows women classified for minimum security and sentenced to terms of less than three years to not only keep their infant children in a designated housing unit, but also to receive parenting classes. Established in 1999, the program uses volunteer doulas—childbirth professionals—to provide emotional and informational support to expectant mothers. The doulas work with program participants as well as women throughout the prison to provide one-on-one counseling, advice on childbirth and child-rearing, and courses on family planning.[68] WCCW and Early Head Start help provide services for children and their mothers. Mothers in the program are required to participate in programming that addresses factors related to their incarceration and improve their success on release.

  *Achieving Baby Care Success Nursery*
  In 2001, the Ohio Department of Rehabilitation and Correction (DRC) opened the Achieving Baby Care Success (ABCS) nursery at the state's Reformatory for Women. Corrections officials modeled the nursery after existing child-in-residence programs at other state correctional facilities, including those in New York, Nebraska, and Washington. ABCS can accommodate up to 20 mothers and their children. Eligible mothers for the program must be serving a short-term sentence for a nonviolent crime. Mothers in the program are located in a separate wing of the prison with their babies and receive hands-on parenting instruction. The criteria for the program ensure that the mothers and infants leave the institution together.[69]

- **Community-based residential parenting programs.** Community-based residential parenting programs allow pregnant mothers, and mothers with young children, to serve their sentence in a supervised community-based program, rather than prison, to maintain custody of their children and participate in parenting and treatment programs. These programs, available primarily to individuals charged

with nonviolent crimes, offer mothers the opportunity to remain united with their children and to continue as their caregiver on release from prison.[70]

*Family Systems Investment Consortium and Project BOND*
The Family Systems Investment Consortium (FSIC) is composed of local government agencies, community-based organizations, and educators that are working together to improve supports and services for children and families in Marion County, Oregon. The FSIC's Project BOND allows eligible women who are pregnant or have young children to enter a diversion program rather than serve time in jail.[71]

*Lovelady Center*
Based in Birmingham, the Lovelady Center provides an alternative to incarceration for women in Alabama. Women participate in a 9- to 12-month faith-based program that provides substance abuse treatment, job training, and parenting classes. Children who live in the facility with their parents may attend summer camps, bible study, and daycare.[72]

- **Support groups for children.** To help children cope with difficult situations, some organizations offer counseling services, peer-to-peer support groups that encourage children to share their experiences, and group social activities.

  *Foreverfamily*
  Based in Atlanta, Foreverfamily is a national organization that offers two programs for children of incarcerated parents that foster personal development and teambuilding. The Teen Leadership program provides an open forum for adolescents to share their experiences, gain leadership skills, and serve as mentors to younger children. The Foreverfamily Summer Camp brings children of all ages from the Atlanta and Louisville, Kentucky, programs together for a week of personal development and fun cultural enrichment activities.[73]

- **Parenting education programs.** Some correctional facilities have developed educational programming to help parents build healthy relationships with their children and serve as positive role models. While there has been limited research on the effectiveness of these types of programs, it is known that good parenting and strong parent-child relationships improve outcomes for children.[74]

  *Living Interactive Family Education Program*
  University of Missouri Extension's 4-H Living Interactive Family Education (LIFE) program provides enhanced visitation and parenting skills training for qualified incarcerated parents at three of the state's correctional centers. All incarcerated parents who participate in the 4-H LIFE program attend weekly parenting skills classes where they learn how they can be a positive influence in their children's lives. Parenting classes focus on topics such as communication, anger management, teamwork, and positive discipline. Participants and the caregivers raising the children report that the program helps them develop stronger relationships and communicate more effectively with one another.[75]

## Recommendations

1. Encourage state corrections agencies to form collaborative partnerships with child welfare, child support enforcement, education, labor, health, and human services agencies, as well as community-based organizations, to improve services to incarcerated parents and children visiting corrections facilities.
2. Identify and adapt promising policies and practices that orient visitors to the background-check process, security regulations, and evacuation procedures, as well as why these rules are needed.
3. Identify strategies to improve visitation settings without compromising safety.
4. Provide cross-training for corrections staff and child welfare caseworkers to highlight the impact of incarceration on children and families, and facilitate collaborations between the agencies to improve visitation and policies that can strengthen families when it is in the best interests of the children.
5. Promote promising practices of state and local corrections and child protection agencies to eliminate barriers to contact between incarcerated parents and their children, when appropriate.
6. Identify additional strategies to keep families connected and facilitate healthy parent-child contact to complement in-person visits (such as reading books on tape, teleconferencing, or other outreach).
7. Engage courts to help reduce trauma or strain experienced by children as a result of parental incarceration by recommending that parents be incarcerated in proximity to their children, when not detrimental to the children, and require parents to enroll in appropriate programming, such as drug treatment, mental health treatment, parenting classes, or domestic violence intervention.
8. Provide parenting education classes that are specifically designed for incarcerated parents in the corrections setting and provide other services and resources that address trauma, substance abuse, mental health, inadequate education, and other problems that may affect parent-child relationships. These services are most effective when they are connected to visiting programs and when the current caregivers are included in the parenting class through mailed materials or complementary classes in the community.
9. Include child welfare case workers and family members—or their advocates—in discharge planning discussions.
10. Evaluate parent-child programs and policies to determine not only how many people with a demonstrated need participate in these programs, but also the outcomes for program participants and their children.

# Support for Kinship Caregivers of Children Whose Parents Are Incarcerated

## The Problem

### A large percentage of children of incarcerated parents are cared for by the other parent or other relatives during parental incarceration; these caregivers face multiple challenges.

- While most children with an incarcerated parent in state prison live with the other parent, more than one-fifth of children live with grandparents or other relatives[76]—who are considered kinship caregivers.[77]
- According to a 2008 Bureau of Justice Statistics report, 67 percent of incarcerated mothers reported having a child placed with a grandparent or other relatives.[78] Non-parental caregivers face multiple challenges, such as enrolling children in school and obtaining government services for them.
- About one-quarter of all children in foster care are living with relatives.[79]

### Kinship caregivers encounter many difficulties, particularly when the child has an incarcerated parent.

- On average, kinship caregivers are older,[80] poorer,[81] more likely to be single, and less educated than non-relative caregivers.[82]
- Kinship caregivers need assistance accessing a range of services and supports, for themselves and the children in their care. Common service needs include legal services, physical and mental health care, child care, housing, education, and financial services.[83]
- Kinship caregivers of children with a parent in prison face a range of distinct challenges, including arranging transportation for prison visits, paying for collect calls from the incarcerated parent, helping children cope with the emotional trauma associated with parental incarceration, and confronting the stigma associated with a relative's incarceration, especially when the caregiver is also the parent of the incarcerated individual.[84]

### Despite the challenges, research suggests that kinship placement can result in better outcomes for children than non-kinship placements.

- Kinship care provides an alternative to institutional and non-familial foster care. Children in kinship care generally experience greater stability than those in foster care.[85] Research suggests that they experience fewer placement changes than children placed with foster parents with whom they are unrelated.[86]
- Compared with children in non-familial foster care, children in kinship care have better attachments to their caregivers and fewer behavior and school problems.[87]
- Children removed from their homes after reports of maltreatment have significantly fewer behavior problems three years after placement with relatives than children put into non-familial foster care.[88]
- Children in foster care are more likely to live with their siblings if they are placed with relatives.[89]

## Promising Practices

### There are a number of services and supports that can assist children of incarcerated parents and their kinship caregivers.

- Kinship navigator programs are designed to provide these caregivers with referrals to needed services and information. In Washington State, for example, policymakers have expanded funding to support navigator programs, which help facilitate linkages with local resources such as caregiver support groups, training, and respite care.[90]
- Financial assistance is available, including subsidized guardianship, one-time cash payments, and federal benefits such as Temporary Assistance for Needy Families (TANF), to defray the costs of integrating a child into the caregiver's home.[91]
- Legal assistance can be accessed to help caregivers obtain the authority to make educational and medical decisions on behalf of the children in their care.
- Resource or 211 directories, navigator systems, or libraries may provide listings of respite care, support groups, counseling, child care, and other services for caregivers.

### Several state and federal laws have been enacted to improve support for all kinship caregivers.

- In Washington, Kentucky, New York, and Connecticut, lawmakers have appropriated funds for kinship navigator programs to assist kinship caregivers with service referral and support.[92]
- As of 2008, school enrollment laws have been enacted in thirty states that allow kinship caregivers to enroll a child in school.[93]

### The Fostering Connections to Success and Increasing Adoptions Act

Signed into law on October 7, 2008, the federal Fostering Connections to Success and Increasing Adoptions Act (P.L. 110-351) helps children in foster care by promoting permanent families for them through relative guardianship and adoption and improving education and health care.

- ✓ **Subsidized Guardianship Payments for Relatives.** Helps children in foster care leave care to live permanently with grandparents and other relative guardians when they cannot be returned home or adopted. Includes federal support to states to assist with subsidized guardianship payments to these families.
- ✓ **Notice to Relatives When Children Enter Care.** Increases opportunities for relatives to step in when children are removed from their parents and placed in foster care by ensuring they are notified of a removal.
- ✓ **Kinship Navigator Programs.** Creates grants for Kinship Navigator programs, through new Family Connection grants, to help connect children living with relatives, both in and out of foster care, to supports and assistance they need.
- ✓ **Commitment to Keeping Siblings Together.** Preserves the sibling bond for children by requiring states to make reasonable efforts to place siblings together when they must be removed from their parents' home, provided it is in the children's best interests. In the case of siblings not placed together, states must make reasonable efforts to provide for frequent visitation or other ongoing interaction.

Excerpted from *Fostering Connections to Success and Increasing Adoptions Act summary*, Center for Law and Social Policy (CLASP).[94] (Reprinted with permission.)

## Recommendations

1. Ensure adequate funding and effective implementation of the initiatives included in the Fostering Connections to Success law and provide assistance to grantees to implement promising or evidence-based programs.
2. Identify promising examples of kinship navigator programs and disseminate this information to the field.
3. Develop and implement mechanisms and effective practices for connecting relative caregivers who are not involved in the child welfare system with the community supports and services they need. Establish policies and fund programs that permit kinship care agencies to serve families that are not in the child welfare system.
4. Adopt model policies and practices concerning notification of relatives when a child enters foster care to assist with implementation.
5. Reevaluate arbitrary age limits placed on potential kinship caregivers; make case-by-case determinations and reconsider restrictions based on age alone.
6. Identify and expand housing opportunities for relative caregivers and their children, especially for senior caregivers who may live in senior public housing that does not permit children to live on the premises.
7. Implement a dissemination strategy to reach various caregivers and provide information about available resources, such as navigator systems, respite care, support groups, counseling, legal services, and child care. Employ various types of media, including public service announcements through radio and television, 211 information directories, Internet sites, and through partner service providers.

# Foster Care and Permanence

## The Problem

### Nearly 30,000 children, or approximately 6 percent of all children entering foster care, entered the system due to parental incarceration in 2003.[95] These children need support and services to address their needs.

- Approximately 11 percent of women in prison and 2 percent of men in prison report having children in a foster home or institution.[96]
- Approximately one-quarter of all children in foster care are living with relatives.[97]
- About 70 percent of children leave the system to be reunited with their families or placed with relatives.[98]
- Lengthy stays in foster care and frequent moves are associated with poor outcomes for children, including school failure, teen pregnancy, homelessness, and unemployment.[99]
- Child welfare experts agree that children in foster care need permanency quickly. When parental reunification is not possible, state agencies must act to secure a safe and permanent home.[100]

### Foster care placement and parental incarceration present additional challenges for permanency, stability, and the well-being of the child.

- While reunification is the goal for the majority of children in foster care, there is some evidence that children of incarcerated parents in foster care are less likely to be reunited with their parents than other children in foster care.[101]
- For incarcerated mothers, research indicates that in most cases the mother's incarceration was not the initial reason the child was placed in foster care,[102] indicating the complex issues that must be considered to provide safety and stability for the child. In a study of mothers who were incarcerated in Illinois State prisons and the Cook County Jail in Chicago from 1990 to 2000, in 75 percent of the cases the child was placed in foster care prior to his or her mother's first incarceration.[103]

### The Adoption and Safe Families Act

The 1997 federal Adoption and Safe Families Act (ASFA) was enacted to ensure that children did not remain in the foster care system for an extended period of time. ASFA is intended to move foster children more quickly to permanency by, among other things, shortening judicial timeframes, requiring proceedings to terminate parental rights in certain cases, and clarifying the requirement in federal law for reasonable efforts to avoid out-of-home placement.

ASFA requires states, with certain exceptions, to file a petition to terminate parental rights on behalf of a child who has been in foster care for 15 of the most recent 22 months or who has been determined by a court to be an abandoned infant.

The law provides exceptions to this requirement in the following cases: 1) the child is being cared for by a relative, 2) the state finds that termination of parental rights would not be in the child's best interest, or 3) the state has not provided appropriate services for the safe return of the child to his or her home.

- The subset of children of incarcerated parents who are placed in foster care as a result of parental substance abuse, mental illness, or child maltreatment, particularly those who are placed with non-relative foster parents, are more likely to receive multiple placements.[104]
- Children of incarcerated parents are four times more likely than other children to remain in foster care until they "age out" of the system.[105]

### When termination of parental rights occurs and other options for permanent placement are not available, adoption is a tool to achieve permanence.

- Nationwide there are many thousands of children in the foster care system waiting for permanent families.[106]
- Some of the requirements of the 1997 federal Adoption and Safe Families Act (ASFA), in particular the timeline specified for termination of parental rights, would appear to affect parents in prison and jail and their children, though there are minimal data to determine the extent. Since the enactment of ASFA, many states have amended their termination of parental rights (TPR) statutes to include parental incarceration as a factor courts must consider in determining whether to terminate parental rights.[107]
- There is some evidence that termination of parental rights for incarcerated mothers and fathers has increased since ASFA was passed.[108] This is of particular concern given that the number of children with a mother in prison has increased significantly over the last decade.[109]
- ASFA, however, allows for considerable state flexibility with regard to the TPR requirement. The statute provides exceptions to the TPR requirement when children are in the care of relatives, the child welfare agency documents a compelling reason why filing for TPR is not in the child's best interest, or the agency has not provided the child's family with services deemed necessary for reunification. There is room within the ASFA framework for child welfare agencies to plan for reunification of a child with his or her incarcerated parent upon release, should that be in the child's best interest, *provided* that the child maintains a relationship with the parent through regular visits and other contacts.[110]

## Promising Practices

### Many states have enacted laws to improve reunification services and clarify termination of parental rights guidelines that affect children of incarcerated parents.

- New York state law requires child welfare agencies to make "diligent efforts" to encourage contact between a child and an incarcerated parent at risk of losing parental rights.[111]
- California law requires a court to order reasonable reunification services for an incarcerated parent and his or her child if in the best interest of the child. Services that corrections or other state agencies may be required to provide so that incarcerated parents can maintain contact include telephone calls, transportation services, and assistance to extended family members or foster parents.[112]
- Colorado law provides an additional exception to the termination of parental rights if a child was in foster care 15 of the past 22 months so that it does not apply when a child's stay in foster care is beyond the control of the parent, such as incarceration.[113]
- A number of states, including Massachusetts, Nebraska, and New Mexico, have established that a parent's incarceration, in and of itself, is not sufficient grounds for TPR.[114]

## Recommendations

1. Analyze the impact of ASFA on children of incarcerated parents who are in foster care.
2. Provide a more detailed definition of ASFA's "reasonable efforts" requirement.
3. Conduct outreach to child welfare agencies and caseworkers to educate them on the exceptions to the 15-out-of-22 months TPR filing requirement.
4. Clarify that incarceration alone is not grounds for termination of parental rights, does not diminish the requirement for reasonable efforts to reunify a child with his or her parent on release from prison or jail, and does not negate the requirement for reasonable parent-child visitation while the child is in foster care.[115]
5. 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 reviews 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;
   - regular parent-child visitation, when not detrimental to the child;
   - contact with other family members;
   - preservation of relationships with friends and important adults in the child's life.
6. Ensure that incarcerated parents understand and have the opportunity to participate meaningfully in dependency proceedings involving their children in foster care and are provided legal representation that is competent and consistent.
7. Develop recommendations that address voluntary (not directed by CPS) family preservation services for families affected by incarceration.

# Child Support

## The Problem

### Helping parents who have been incarcerated meet child support obligations for their minor children can improve family outcomes and their son or daughter's well-being.

- Studies indicate that children in low-income families are more likely to receive regular child support payments when the amount of an order is reasonable and realistic, given the parent's income.[116]
- Fathers who pay consistent child support are more likely to be engaged with their children, resulting in more positive financial and social outcomes for families.[117]

### Many incarcerated parents owe significant child support payments, but most do not have the means to pay.

- About a quarter of state prison inmates (and half of all incarcerated parents) have open child support cases.[118]
- Most incarcerated parents with child support orders accrue large amounts of debt while they are in prison. One study of people released on parole in Colorado found that they owed an average of $16,600 in child support.[119]
- Incarcerated and recently released parents account for between 16 and 18 percent of the more than $107 billion in child support arrears owed nationally.[120]
- Unless suspended or reduced during incarceration, accumulated child support debt can be a cause of stress in family relationships and undermine the responsible parent's efforts to retain regular, legal employment that will be a source for ongoing child support payments upon release from prison or jail.[121]
- In addition to child support payments, parents in prisons may also be responsible for court fines, supervision fees, and surcharges—financial obligations that, if not met, could result in the individual being re-incarcerated and unable to earn enough money to pay child support.[122]

## Promising Practices

### States can employ various strategies to facilitate parents' compliance with child support obligations after their release from prison or jail.

- Across the country, states have employed various strategies to improve collection rates by reducing or suspending child support obligations.

*North Carolina*
In 1995, North Carolina's child support statute was modified to allow individuals the right to suspend their child support orders during periods of incarceration when they are not participating in work release programs and are unable to make payments.[123]

*Minnesota*
To prevent arrears from accumulating, the Minnesota Department of Human Services, in collaboration with their Department of Corrections, has a child support caseworker stationed in its St. Cloud facility who assists incarcerated parents with establishing paternity and reviewing and modifying child support orders.[124]

*Kansas*
The El Dorado Correctional Facility houses the Reception and Diagnostic Unit where all entering individuals are held for four to six weeks. An on-site child support caseworker meets with each individual to inquire about current child support cases and assist in all child support-related matters, including interstate issues.[125] Additionally, the caseworker looks up every new inmate in the child support system because some do not realize they have a case or order. Through a partnership between the Kansas Department of Corrections and state Child Support Enforcement, similar services are provided to the women in Topeka by Child Support Enforcement staff. Also Child Support workers go into three other prisons to assist individuals with these issues. The two agencies have established practices and protocols for arrearage management and mitigation, and they are pursuing grants for additional positions in the prisons to manage child support issues with individuals under their supervision.

*Colorado*
Colorado has a memorandum of understanding with the Colorado Division of Probation Services' and the Colorado Board of Parole's personnel to share pertinent information regarding a parent's child support obligations including the amount of the order, arrearage, and the county that has the order. Computer programs have been developed to display that shared information.[126]

*Massachusetts*
The Department of Revenue (DOR) performs a data match on a list of incarcerated people it receives from the Department of Corrections (DOC) each month. During this search, the DOR identifies incarcerated parents with outstanding child support orders. If necessary, the DOR works with parents to establish paternity and prepare child support modification requests.[127]

*Texas*
In 2007, the Texas Office of the Attorney General (OAG)—which handles child support orders—launched an initiative to remove the structural barriers to modifying child support orders. Structural barriers have included inadequate sharing of accurate data between OAG and the Texas Department of Criminal Justice, incarcerated parents having difficulty accessing legal resources, and problems processing legal documents and gathering evidence when the incarcerated parents cannot appear in court. The project aims to ensure that orders are set at an appropriate level based on state child support guidelines, to reduce accumulation of arrears, and to promote compliance with child support orders upon release. Some aspects of the project are currently operational while others are in development.[128]

*Oregon*
In 2003, Oregon's child support statute was modified to automatically reinstitute child support payment amounts to pre-incarceration levels sixty days after release from prison to offer parents sufficient time to find employment.[129]

## Recommendations[130]

1. Use the National Electronic Child Support Resource System (https://ocse.acf.hhs.gov/necsrs/) at sentencing to determine if a defendant owes child support, and where applicable, order that child support to be paid.
2. Encourage staff and administrators of child support enforcement agencies at the state level to use the Federal Case Registry (http://www.acf.hhs.gov/programs/cse/newhire/fcr/fcr.htm) to help collect payments from parents in interstate child support enforcement cases.
3. Reach consensus that incarceration is not considered "voluntary unemployment" or "abandonment" for the purposes of legal authorities governing child support enforcement and streamline the review and adjustment processes for modifications of child support orders for parents in prison who lack the financial resources to provide long-term economic support to their children.
4. Expand the number of child support problem-solving courts.[131]
5. Notify child support collection agents when a noncustodial parent has been incarcerated, and work with custodial parents to determine appropriate child support orders during the period of incarceration.
6. Conduct matches between child support caseloads and prison records so that child support agencies can proactively take steps to adjust orders as appropriate.
7. Use child support enforcement mechanisms short of incarceration, when appropriate, that hold the noncustodial parent accountable but do not limit his or her ability to make future child support payments.
8. Enhance outreach and communications so that parents who owe child support can monitor their cases, take steps to avoid accruing arrearage, and consult with a caseworker if necessary.
9. Coordinate—and ideally integrate—distinct agencies' policies, procedures, and information systems related to financial obligations within child support agencies and criminal justice institutions to improve collection rates and ensure that child support is prioritized appropriately.
10. Ensure that new fines, fees, and surcharges do not reduce the ability of people returning from prisons and jails to pay child support.
11. Implement policies and programs that help formerly incarcerated parents maintain employment that will help them provide long-term support to their children.

# State and Federal Benefits and Income Support

## The Problem

**Many children of incarcerated parents need state and federal benefits and income assistance—including funding from Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (Food Stamps), federal housing assistance programs, Medicaid, and the State Children's Health Insurance Program (SCHIP)—as sources of support, whether they reside with a single parent, relatives, or foster parents.[132]**

- In most cases, family income declines significantly when a parent is incarcerated, particularly when a father is incarcerated, and often remains low after a parent is released from prison.[133] Though federal benefits to incarcerated parents, such as Supplemental Security Income (SSI) and Medicaid, are suspended or terminated either immediately upon incarceration or following one year of incarceration, children of prisoners remain eligible to receive some benefits.
- Children with fathers who have been incarcerated are 25 percent more likely to experience material hardship than children whose fathers have not been incarcerated.[134] Children with fathers who have been incarcerated are 40 percent more likely to have an unemployed father, and children with mothers who have been incarcerated are 17 percent more likely to have an unemployed mother.[135] Fathers who have been incarcerated earn 19 percent less per hour and 38–79 percent less over a year than fathers of similar demographics who have not been incarcerated.[136]
- Although there is a lack of data about how many children of incarcerated parents benefit from state and federal health care, housing, and income support programs, evidence suggests that many of those children qualify for support. More than a third (36 percent) of mothers in prison report receiving government benefits prior to incarceration.[137] Children with fathers who have been incarcerated are 19 percent more likely to receive public assistance, and children with mothers who have been incarcerated are 11 percent more likely to receive public assistance.[138]
- Four issues commonly affect the availability of state and federal benefits and income support for incarcerated parents and their children: statutory bans that disqualify individuals with criminal records from eligibility; the ease and speed with which eligibility is restored upon a parent's release; enrolling individuals who did not previously receive particular state or federal benefits or income support; and coordination of services and requirements for recipients.
- Because the rules for eligibility are complex and vary from jurisdiction to jurisdiction, corrections staff who conduct discharge planning may not be familiar with the different requirements of individual state and federal benefits and income support programs.[139] These staff members could benefit from training to help them understand program eligibility and navigate the application process so that an individual's application is either completed before release or initiated so that community case managers or providers can continue the process.[140]

## Temporary Assistance to Needy Families (TANF) and Supplemental Nutrition Assistance Program (Food Stamps)[141]

Temporary Assistance for Needy Families (TANF) is a block grant program administered by the U.S. Department of Health and Human Services that provides funds to states and tribes to cover benefits, administrative expenses, and services for qualifying families. States may use their TANF funding in any manner reasonably calculated to accomplish the program's purposes. Children of incarcerated parents in a relative's care may be eligible for TANF child-only grants exclusive of their caregiver's income, and also may qualify for Medicaid.[142]

The Food Stamp Program, administered by the U.S. Department of Agriculture and now known as the Supplemental Nutrition Assistance Program (SNAP), provides low-income households with coupons or electronic benefits they can use like cash at most grocery stores to ensure that they have access to a healthy diet.

Both federal programs provide states with broad flexibility to determine eligibility, method of assistance, and benefit levels. However, federal law imposes certain restrictions that may affect children and families of people who are or have been incarcerated:

- Federal law prohibits individuals who have been convicted of drug-related felonies from receiving TANF and SNAP unless they reside in a state that has legislatively modified or opted out of the ban.[143]
- When parents are eligible for TANF or SNAP upon their release from prison or jail, it can be difficult for them to establish their eligibility and begin receiving benefits. It may take several weeks for someone who has been in prison to receive food stamps if that individual does not apply before being released, which is permitted because food stamps are available to individuals and households without children (including incarcerated individuals who do not have their children with them until released).[144]
- People who have outstanding warrants or who are in violation of probation or parole conditions are ineligible for food stamps or TANF benefits in some states. Because payment of court-ordered fines, fees, or restitution is often a condition of probation or parole, individuals who are unable to meet their financial obligations are often excluded from assistance that could benefit their children.[145]

## Promising Practices

States may modify the restrictions for TANF and SNAP benefits. As of 2005, twenty-one states had narrowed the reach of the ban related to drug felonies and twelve states had opted out of the ban.[146] Examples of state modifications include

- providing assistance to individuals who have enrolled in or completed an approved drug or alcohol program;
- providing assistance to individuals who have been convicted of drug possession, while excluding benefits for those convicted of manufacturing, selling, or trafficking drugs;
- imposing a time limit on the ban, so that an individual's eligibility is restored after a certain period if they do not violate the terms of their supervision or are convicted of a new crime;
- exempting certain categories of individuals, such as those with disabilities or dependents, from the ban on federal benefits;
- imposing successful completion of drug-testing requirements as a condition of eligibility.[147]

For many of these programs, correctional systems can make agreements with state and federal agencies that enable quicker access for individuals on release. For example, in administering social security and disability benefits, the Social Security Administration (SSA) has established procedures enabling its local offices to provide support to public institutions, including jails, prisons, and other correctional facilities, to help inmates submit applications while incarcerated. SSA will accept and process inmates' applications several months before their anticipated release and make a prospective determination of potential eligibility and payment amount based on anticipated circumstances.

As a result, benefits are payable as soon as feasible after—sometimes even on the day of—release. A formal or informal pre-release agreement between the corrections facility and SSA facilitates this process, but individuals can also submit the forms and have their applications handled expeditiously without such an agreement.[148]

## Recommendations

1. Provide training for state agencies that administer TANF and SNAP to help them better respond to caregivers of children of incarcerated parents and parents returning home from prison and jail.
2. Weigh the benefit of adopting rules that enable people with drug felonies to be eligible for benefits upon release, or of modifying the ban so it does not apply to anyone who is in, or has completed, an approved treatment program.
3. Encourage better coordination among courts, parole and probation authorities, and state agencies to address parents' competing work, treatment, and financial obligations and to ensure they retain their benefits while trying to comply with the conditions of their release.[149]
4. Support training for corrections staff around federal benefit program eligibility and how to navigate the application process to initiate benefits at the time of release.

## Housing Assistance

Having a safe, stable home is important to all children, but particularly for those with incarcerated parents, who are more likely to live in poverty and experience household instability. In 2004, 8.9 percent of parents in state prison reported that they were homeless in the year prior to their arrest.[150] Mothers were twice as likely as fathers to report homelessness.[151] For those children who remain in foster care while their parents are incarcerated, family reunification depends on their parents' ability to find safe, affordable housing.

The U.S. Department of Housing and Urban Development (HUD) administers two main programs that provide housing assistance to low-income families: public housing and the Housing Choice Voucher Program (Section 8).

- HUD provides federal aid to local housing agencies that manage subsidized housing developments in all sizes and types, from scattered single family homes to high-rise apartments. There are approximately 1.2 million households living in public housing units in the United States, managed by some 3,300 local housing agencies.[152]
- HUD also provides funding to housing agencies to administer the housing choice voucher program, more commonly known as Section 8, which provides subsidies to low-income families to enable them to rent from private landlords. The voucher and certificate programs assist more than 1.4 million households in the United States.[153] There are 16,000 Section 8 certificates available to families whose lack of adequate housing is a primary cause of the separation, or imminent separation, of children from their families.[154]
- Local housing agencies may exercise significant discretion in determining admission and eviction policies. However, federal law imposes restrictions on admission for those with criminal records or certain criminal histories; these restrictions may affect the children and families of people who are or have been incarcerated.[155]

## Promising Practices

The best programs for ensuring a stable and safe home environment for children of an incarcerated parent are those that provide supportive housing tailored to caregivers and individuals who have been incarcerated, set aside housing vouchers for use by individuals who have been incarcerated, and consider applicants with criminal records individually.

- The Salt Lake County (Utah) Housing Authority has partnered with the county government to place people released from the jail directly into housing and provide case management to them once they are situated. The housing authority locates appropriate units and serves as a liaison with landlords, as well as assists participants with applications for federal housing assistance.[156]
- The Burlington (Vermont) Housing Authority's (BHA) housing specialists, who are Department of Corrections contract employees, work with incarcerated individuals to help find appropriate housing before release. Many individuals are able to join families in public housing or Section 8 rental properties. If that option is unavailable, the housing specialists will work with local landlords to try to secure market-rate housing. BHA has also been involved in creating two new transitional housing programs, including the Northern Lights program for women and a second Dismas House for men and women, and continues to work on new partnerships and housing opportunities.
- The Housing Authority of Portland (Oregon) considers applications to its subsidized housing by people with criminal records individually, based on guidelines that rate the seriousness of particular crimes. Applicants may appeal denials, and are invited to bring evidence of rehabilitation and an advocate, such as a parole officer, to testify on their behalf at the hearing. When housing assistance is awarded, staff members help program participants connect to resources that help them find and stay stable in their housing.[157]

## Recommendations

1. Develop more pilot programs around housing, especially supportive housing, for those reentering communities from prisons and jails with minor children.
2. Document best practices among housing authorities in providing flexibility in requirements and services to children of incarcerated parents.

## Medicaid and SCHIP

Both Medicaid and the State Children's Health Insurance Program (SCHIP) provide funds to states to provide health care for low-income individuals and families. Whereas Medicaid targets children in families with incomes below the poverty level, SCHIP provides health insurance to children whose families earn too much money to be eligible for Medicaid but not enough money to purchase private insurance.[158] The Centers for Medicare and Medicaid Services at the U.S. Department of Health and Human Services oversee both programs, but each state sets its own guidelines regarding eligibility and services. In 2007, 27.6 percent of minor children received their health insurance through Medicaid.[159] Medicaid provided coverage for 62.5 percent of children below the poverty line and 41.3 percent of children with family incomes between 100 percent and 199 percent of the federal poverty level.[160] However, 20.4 percent of children below the poverty line remain uninsured, and 16.3 percent of children with family incomes between 100 percent and 199 percent of the federal poverty level were uninsured.[161]

Because a child's eligibility for Medicaid and SCHIP is based on the child's status, not the parent's, it is one of the federal programs that is most readily available to children of incarcerated parents, including children in foster care.

However, there are barriers that likely reduce the enrollment of children of incarcerated parents in these programs. In some states, kinship caregivers who are not legal guardians may face special challenges when they attempt to register children for Medicaid or SCHIP. For instance, some states require kinship caregivers to obtain legal custody or guardianship to obtain Medicaid or SCHIP for children under their care, whereas others require proof of blood relationship or full-time caregiver status.[162]

In addition to these barriers, a 2001 Children's Defense Fund survey found that some caregivers believed they had to meet requirements that state law does not impose. For instance, caregivers may be given incorrect eligibility information, asked for unnecessary or burdensome documentation, or discouraged from applying for Medicaid or SCHIP altogether because they are not the child's parents or legal guardians. Some of this misinformation may be the result of lack of training or inconsistent policies among state program personnel.[163]

### Recommendations

1. Streamline the process for kinship caregivers to apply for SCHIP and Medicaid for children in their care.
2. Provide training for state and county staff around 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.
3. Include information about program eligibility for incarcerated parents and how to navigate the application process to initiate benefits at the time of release in training for corrections staff.

# Conclusion

Although children of incarcerated parents face substantial hardships and significant risk factors, much progress has and can be made to improve their well-being through policy changes and better coordination of services across agencies and systems. Improving the outcomes for these children requires comprehensive approaches that involve not only the children of incarcerated parents, but their current caregivers—whether a parent, grandparent, other relative, or foster care parents or facilities. It also requires the commitment and cooperation of the many systems that provide services for, or come in contact with, incarcerated parents and their children.

The 73 recommendations contained in *Children of Incarcerated Parents: An Action Plan for Federal Policymakers* provide a broad spectrum of consensus-based policy options to improve the outcomes for these children by

- addressing the risk factors of children of incarcerated parents through comprehensive programs that take into account various individual needs and different forms of care, whether residing with a parent or kinship caregiver, or in a foster care placement;
- increasing systems coordination to better deliver the services needed by children of incarcerated parents and their caregivers;
- improving policies, practices and programs in criminal justice settings to minimize trauma and ill-effects on children, both during the arrest of a parent and through visitation in prisons and jails;
- focusing on the distinct needs of caregivers for children of incarcerated parents;
- encouraging measures that facilitate permanence for children of incarcerated parents;
- providing treatment and parenting services to incarcerated parents, particularly if contact is likely after release or while incarcerated;
- developing integrated approaches that help incarcerated individuals meet their child support obligations and facilitate the receipt of federal and state benefits and supports by their children.

It is hoped that this publication, in the hands of policymakers and key constituencies, will help facilitate actions that will make a difference in the lives of children of incarcerated parents.

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