

Policy, Legislation, Funding and Service Solutions for  
Multi-System Involved Families:

## Children of the Incarcerated

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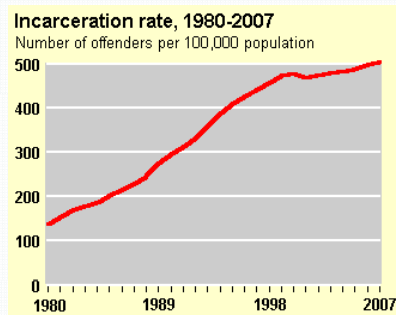
Putting the Pieces Together for Children and Families  
The National Conference on Substance Abuse, Child  
Welfare and the Courts

September 16, 2011, National Harbor, MD

## Introductions

- Tribal Law and Policy Institute ([www.tribal-institute.org](http://www.tribal-institute.org))
- National Resource Center for Tribes ([www.nrc4tribes.org](http://www.nrc4tribes.org))
- Partners: Native American Training Institute ([www.nativeinstitute.org](http://www.nativeinstitute.org)), Indian Child Family Resource Center, Butler School-University of Denver
- Washington State Children of Incarcerated Parents: Department of Social and Health Services ([www.dshs.wa.gov/incarcerated](http://www.dshs.wa.gov/incarcerated))
- Miriam Bearse: [miriam@nrc4tribes.org](mailto:miriam@nrc4tribes.org)

## National Incarceration Rate



- 1 in 31 individuals in this country are under some kind of correctional supervision (imprisoned or under supervision in the community) (Pew 2008, Bureau of Justice, 1997, 2008)

## Children with Incarcerated Parents: A Neglected Population

### Why?

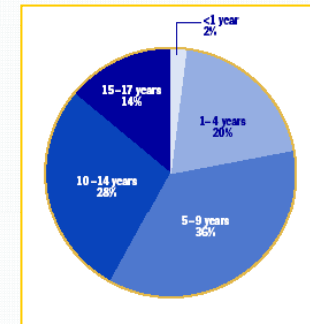
- A criminal justice system lacking a tradition of considering inmates' familial relationships
- An overwhelmed child protection system
- Negative public attitude toward prisoners & their families
- Poor communication among prisons, child welfare agencies, and other social services
- Lack of common databases
- Shame and stigma
- Silence

(from Russell 2009)

## Multiple Systems of Incarceration or Detention

- DOC
  - Prisons
- City and County Jails and Detention Facilities
  - Adult and juvenile
- Federal Government
  - Federal Penitentiaries
  - Detention Centers: Immigration and Other
- Tribal law enforcement
- Other state systems
  - Juvenile Rehabilitation
  - Civil Commitment centers

## Age of Children of Prisoners in the US



- Under 1 year: 2%
- 1-4 years old: 20%
- **5-9 years old: 36%**
- 10-14 years old: 28%
- 15-17 years old: 14%

(Families Left Behind: The Hidden Costs of Incarceration and Reentry, The Urban Institute, 2003)

## Where are children of the incarcerated?

### Child's Current Caregiver: Fathers in State Prison

- **88%: child's mother**
- 13%: child's grandparent
- 5%: other relative
- 2%: foster home or agency (12,556 inmates)

– (BJS, August 2008)

### Child's Current Caregiver: Mothers in State Prisons

- 37%: child's father
- **45%: child's grandparent**
- 23%: other relative
- 11%: foster home of agency (6,402 inmates)

## Most Parent Offenders Non-Violent

- Among male state prisoners, violent (47%) and property (48%) offenders were less likely to report having children than public-order (60%) and drug (59%) offenders.
- For women held in state prison, violent (57%) offenders were less likely than drug (63%), property (65%), and public-order (65%) offenders to be a mother.

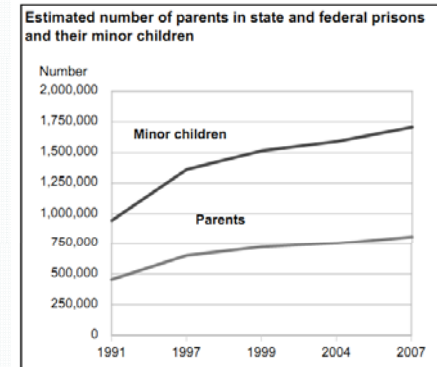
(USDOJ 2010)

## Many Children Have Incarcerated Parents

- 52% of state inmates and 63 % of federal inmates are parents of an estimated 1,706,600 minor children (BJS 2007). Many more are in jail.
- Incarcerated women (62 percent) are more likely than men (51 percent) to report being a parent.
- The number of children with a mother in prison increased 131 percent between 1991 and midyear 2007.
- The Rate of female incarceration is increasing: in 10 years the rate of female incarceration rose 57%, male incarceration rose 34%

(Mumola, BJS 2000, Harrison/Beck 2006)  
(from Simmons, C.W. [www.acjrca.org](http://www.acjrca.org))

## Minor Children with Incarcerated Parents



(USDOJ 2010)

## Effects of parental incarceration

- Several studies have found negative behavioral and emotional effects on children related to having an incarcerated parent. These include:
  - Increased likelihood of criminal behavior by children, (Johnston 1992)
  - Depression and/or difficulty sleeping and concentrating, (Kampfner 1995)
  - Disruption of development. (Travis et al 2005)
- Controlling for other risk factors, a metaanalysis study found an independent effect of parental incarceration on child anti-social behavior, child mental health, child drug use, school problems, and unemployment (Murray and Farrington 2007).

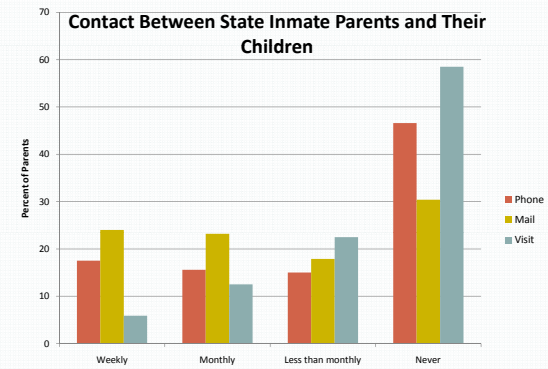
## Possible Developmental Effects of Parental Arrest and Incarceration on Children

- Early childhood (2-6):
    - Inappropriate separation anxiety
    - Impaired socio-emotional development
    - Acute traumatic stress reactions
    - “Survivor’s guilt”
  - Middle childhood (7-10):
    - Developmental regressions
    - Poor self-concept
    - Acute traumatic stress reactions
    - Impaired ability to overcome future traumas
  - Early adolescence (11-14):
    - Rejection of limits on behavior
    - Trauma-reactive behaviors
  - Late adolescence (15-18):
    - Premature termination of dependence on parents
    - Intergenerational crime and incarceration
- (Adapted from K.Gable and D. Johnston, 1997)

## Benefits of prison visits on children's well-being

- Provides assurance  
(Hairston, 2007, Annie E. Casey)
- Reduces separation anxiety  
(Snyder, Carlo and Mullins 2001)
- Can reduce the child's incidence of problematic behavior and improve outcomes  
(Vigne 2008)
- Provides stabilization  
(Hairston, 2007, Annie E. Casey)
- Maintains parent-child attachment  
(Hairston, 2007, Annie E. Casey)

## Do parents and children have contact?



(Christian, 2008, Casey Family Programs)

## Barriers to Maintaining Contact

- Assumptions
  - People who commit crimes are bad parents
  - Parenting from prison is impossible
- Child Welfare Agency Policies
  - Limits on reunification efforts
  - Timelines for permanency
  - Caseworker workload
- Correctional System Policies
  - Location of facilities
  - Restrictions on visits
  - Child-unfriendly conditions  
(Russell 2009)

## Children with Incarcerated Parents Are More Likely to be in Foster Care

- Children whose parents are involved in the criminal justice system have an above average likelihood of entering foster care  
(Phillips et al. 2004).
- Maternal incarceration can affect the length of time the children spend in foster care and child welfare agencies' plans whether to reunite families  
(Ehrensaft et al. 2003).

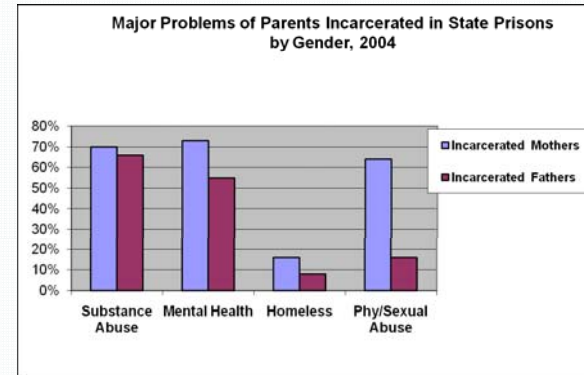
(from Simmons, C.W. [www.acirca.org](http://www.acirca.org))



## Child Welfare Outcomes

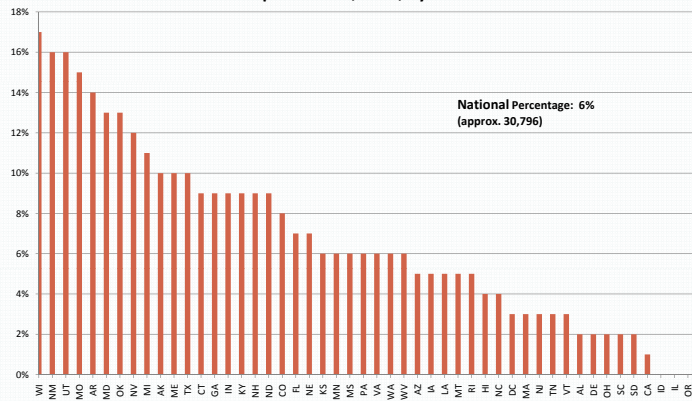
- Reunification is less likely, and adoption more likely, for the children of incarcerated mothers (Ehrensaft et al. 2003; Dworsky 2004).
- Children of incarcerated mothers:
  - More likely to “age out” of the foster care system
  - Less likely to reunify, enter into subsidized guardianship, get adopted, or leave foster care through other means
- Reunification is 21% versus 40% for all children (Ross, Khashu, Wamsley 2004)

## Parental Issues Associated with Incarceration



(from Simmons, C.W. [www.acirca.org](http://www.acirca.org))

Percent of Children in Foster Care due to Parental Incarceration on September 30, 2005, by State



AFCARS 2005 (Christian, 2008, Casey Family Programs)

## Trauma

- An incident is traumatic if it carries a threat against life, physical well being or personal security
- Children always experience the loss of a parent as traumatic
- Trauma diverts a child’s energies from developmental tasks
- Children can be re traumatized by situations characterized by additional threats or **simple uncertainty**

(Mc Allister-Groves, Child Witness to Violence Project 2002) (Family Policy Council 2010)

## The Impact of Trauma

Different functions (regulation of mood, anxiety, behavior and abstract thought) develop or mature at different times in the life of a child. Early experiences become biology, changing brain chemistry thus shaping the way people learn, think, and behave for the rest of their lives

Bruce Perry, MD, PhD. [www.ChildTrauma.org](http://www.ChildTrauma.org)

What gets stimulated( the good and the bad) at each age, gets hardwired.

Robert F. Anda, M.D., M.S. Co-Principal Investigator for the ACE Study( Adverse Childhood Experiences) [www.acestudy.com](http://www.acestudy.com)

(Family Policy Council 2010)

## What do we mean by Adverse Childhood Experiences?

### 10 categories of experience up to 18 years old

#### childhood abuse

- emotional, physical, or sexual

#### childhood neglect

- emotional or physical

#### growing up with:

- domestic violence
- substance abuse (alcohol or drugs)
- mental illness
- parental discord
- Crime

(Family Policy Council 2010)



### Initial Analysis: Washington State BRFSS (Behavioral Risk Factor Surveillance System)

#### Prevalence of Other ACEs: Large Number of ACEs Among Adults with Children

**% 2+ ACEs (0-7)**  
**% 5+ ACEs (0-7)**

	Had an Incarcerated Parent		Total
	Yes	No	
	86.3	40.5	
	45.5	8.0	
And Parent was:			
Substance Abusing	83.8	30.0	35.4
Emotionally Abusive	68.2	33.7	37.2
Divorced/Separated	66.3	29.0	32.7
Battered (D.V.)	58.3	15.2	19.6
Depressed (M.I.)	53.3	23.8	26.8
Physically Abusive	47.6	16.1	19.2
Sexually Abusive	34.8	11.1	13.5

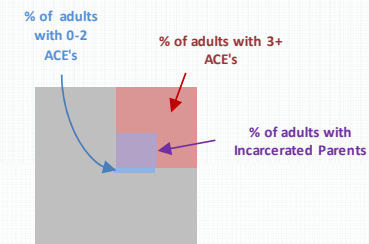
#### Specific Other ACE

(Family Policy Council 2010)



### Initial Analysis: Washington State BRFSS (Behavioral Risk Factor Surveillance System)

#### Prevalence of Other ACEs among Adults of Incarcerated Parents compared to Prevalence of 3+ ACEs among All Adults



(Family Policy Council 2010)

## Adverse Childhood Experiences As a Public Health Disaster

ACEs have a strong influence on:

- adolescent health
- reproductive health
- smoking
- alcohol abuse
- illicit drug abuse
- sexual behavior
- mental health
- risk of re-victimization
- stability of relationships
- performance in the workforce

(Family Policy Council 2010)

## Prevention Opportunities

- Determining what ACEs/ traumas/risk factors youth has been exposed to
- Establishing positive interventions in multiple areas to prevent additional problems and strengthen youth's skills
- Children of the incarcerated are often survivors of multiple traumas, often face high risk of co-occurring disorders

## WASHINGTON STATE

### LEGISLATION, POLICIES, DATA



## Washington State: Incarceration

- Washington's prison population has grown rapidly in the last twelve years. The population rose by 70% during that time, to almost 18,000 inmates. There are also 30,000 offenders currently under active community supervision by the Department of Correction (DOC 2008). Approximately half are parents, with just under 2 children per parent (approx 48,000 children)
- However approximately 25,000 (WASPC, 2007) adults are in jail, (approx. 23,000 children are affected using above estimates)
- Therefore we can estimate that approximately 75,000 children are affected at any one time.



## Initial legislation

- First: **Bill of Rights Project** included Washington State as a site, and multiple partners within the state started coming together to discuss issues affecting children of the incarcerated in WA.
- Then: 2005 Legislative session: HB 1426 was passed following a Department of Corrections (DOC) forum on Children of Incarcerated Parents (CIP)
  - Legislation directed DOC, in partnership with DSHS, to establish an oversight committee to develop a comprehensive interagency plan to provide necessary services and supports for children in Washington whose parents are incarcerated in a jail or prison.
  - Other representation was included

## Subsequent Legislation

- 2007 regular session: E2SHB 1422
  - Established advisory committee managed by CTED, with representatives from DSHS, DOC, OSPI, AOC, WASPIC, DEL, Tribes, non-profits, etc. Advisory committee to review departmental policies and services, make recommendations to legislature
  - Directive to review policies and services, and collect data

## Foci in legislation

- ◎ Identification of state policies and services that serve CIP and ensure that they support the needs of children/families of incarcerated parents, including:
  - Maintenance of familial connections
  - Helping offenders build durable family relationships, and care for their children
  - Services to offenders: parenting and job skills training/education
  - Reduction in parental incarceration (tied to maintenance of family ties)
  - Reduction in intergenerational incarceration
  - Maintenance of safety
  - Focus on foster youth, and youth in schools
  - Focus on recipients of assistance

## Requirement of State Agencies

- Review current department policies and services, assessing adequacy and availability
- Assess the impact of policies on ability of offenders to maintain familial contact and engagement
- Gather data on families of inmates
- Evaluate data to determine impact on recidivism and intergenerational incarceration
- Report results of review to Advisory Committee
- Adopt policies regarding: contact, financial support and services to parents



## The State of Data

- ◎ No system (DSHS, DOC, other) collected ongoing, reliable data on parents or children of the incarcerated, or their caregivers
- ◎ What to do?
  - Create and advocate for data collection within multiple systems and sub-systems
  - Match administrative data across multiple systems (Department of Health to DSHS to DOC over a twenty-year period) using ID data
  - Advocate for the compassionate and timely use of shared – practice-data across systems to help with collaboration and service access
  - Last...collaborate with university and private research partners (which led to the creation of the CFIP Research Partnership)

<http://www.dshs.wa.gov/rda/>

Washington State: Among children under 18 with an identified parent, those with ever-DOC-incarcerated parents are more likely to be . . .

	DAD ONLY Ever in DOC Prison	MOM ONLY Ever in DOC Prison	BOTH Parents Ever in DOC Prison	NEITHER Parent Ever in DOC Prison
Part of a CPS case management case	9%	10%	12%	3%
Using child welfare services	4%	12%	14%	1%
In foster care placement <i>Excluding relative care and group care</i>	2%	6%	7%	1%
Using community mental health services	6%	7%	12%	2%

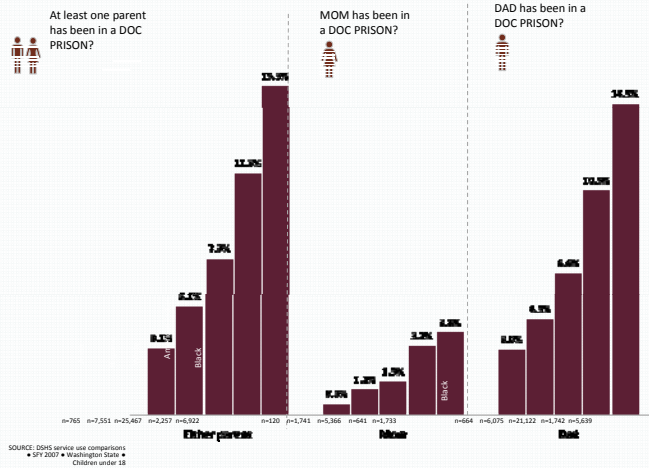
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	DAD ONLY Ever in DOC Prison	MOM ONLY Ever in DOC Prison	BOTH Parents Ever in DOC Prison	NEITHER Parent Ever in DOC Prison
Receiving TANF cash grants	27%	26%	49%	9%
Receiving subsidized child care	19%	11%	21%	7%
Receiving food assistance	44%	32%	51%	20%
Part of a child support case	56%	51%	69%	23%
Enrolled in Medicaid	61%	59%	78%	39%

## Disproportionality in Incarceration: Washington State

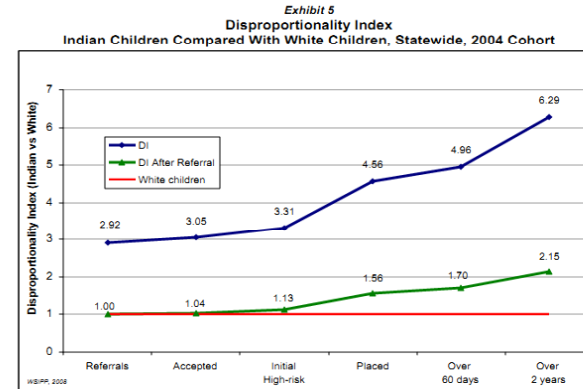
- African-Americans represent 20% of the prison population but 3.5% of the overall population, Native Americans represent 4.5% of the prison population but 1.5% of the overall population, and Hispanic Americans represent 10% of the prison population but 7% of the overall population (DOC 2008).
- Some neighborhoods and communities are disproportionately affected by parental incarceration.

Washington State: There is significant racial disproportionality in the likelihood that a child has a parent who has been incarcerated

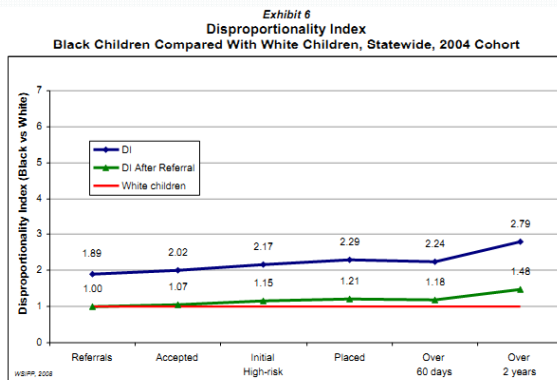


Racial disproportionality in Washington State's child welfare system: Native American children

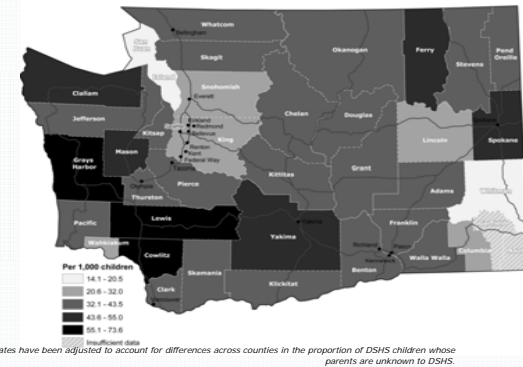
[www.wsipp.org](http://www.wsipp.org)



Racial disproportionality in Washington State's child welfare system: African-American children



Geographic Disproportionality: Southwest Washington has the highest rate of children of ever-DOC-incarcerated parents



RDA CONTACT  
David Mancuso, PhD  
360.902.7557

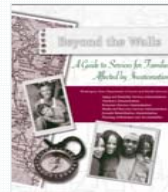
## Resources Produced: Reports and Guides



DSHS REPORT  
**Children and Families of Incarcerated Parents: Understanding the Challenges and Addressing the Needs**

GUIDE TO SERVICES FOR FAMILIES OF THE INCARCERATED

**Beyond the Walls**



<http://www.dshs.wa.gov/incarcerated>

## Change Processes

- **Children's Administration:**
  - In process of adding data fields to FAMILINK to track and monitor services to incarcerated parents
  - Creation of a DVD and web-based training module for social workers and related staff on children of the incarcerated, and how to work across systems for children, caregivers, and incarcerated parents ([www.dshs.wa.gov/incarcerated](http://www.dshs.wa.gov/incarcerated))
  - Improved connections with housing partners, in particular vouchers for family reunification
  - Identified regional contacts for jail/prison case concerns
  - Cross-training with CA and DOC staff
  - Key support from Ass't Secretary and Secretary

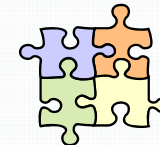
## Recent legislation (2010)

- Substitute Senate Bill (SSB) 6639
  - <http://www.leg.wa.gov>
  - Created two alternatives to incarceration for custodial parents
  - FOSA: Family Offender Sentencing Alternative, used by judges, alternative community sentence with increased supervision and services  
<http://www.doc.wa.gov/community/fosa/default.asp>
  - CPA: Custodial Parent Initiative, used by DOC, in-community supervision and increased services for last 12 months of sentence
- 6639 Staffing Committee
  - Monthly review of cases for CPA to help DOC identify candidates and help connect to community services including financial, medical, child welfare, treatment assistance.

## Systems thinking...

- “What if we instead looked at what these systems do and judged their accomplishments from the perspective of the individuals and families they purportedly serve? From this perspective, it is not a matter of individuals or families entering and exiting systems, but rather it is a matter of systems entering and exiting (and possibly re-entering) the lives of individual and families as they have problems and experience needs across time”

(Phillips and Gleeson 2007 p.6)





## Incarceration: Effects on Family and Community

- The excessive use of incarceration has a variety of social, cultural, and economic consequences that are counterproductive to community life. One study (Clear, Rose & Ryder 2001) found that the residents of two high-incarceration neighborhoods in Tallahassee, Florida, identified four domains in which incarceration had a negative effect on their community:
- (1) The stigma factor: Incarceration produces a negative stigma that causes families to feel shame, and arouses the suspicion of neighbors when offenders return home;
- (2) The financial cost of incarceration: Families are strained by the loss of the breadwinner during incarceration and by the burden of supporting ex-prisoners during post-release.
- (3) Identity problems: Incarceration of a parent can lead to identity problems, especially for children, diminished self-esteem and self-worth.
- (4) Damage to community relationships: The disruption of relationships is an inevitable outcome when a community suffers mass incarceration.

(Garland et al, JPI, Fall 2008)

## Effective Practices: Youth Support

- Mentoring
- Listening to the youth: what do they need?
- Facilitation of visitation/contact
- Teaming with multiple service providers/community and state agencies when one system encounters needs of youth
- Reduction of stigma, peer support
- Effective services for parents, facilitating positive and guiding influence of incarcerated parent
- Modeling of positive outcomes for other children of the incarcerated
- Stability and continuity in placement
- Early intervention and support

## Bill of Rights: Children of the Incarcerated

- I have the right to be kept safe and informed at the time of my parent's arrest.
- I have the right to be heard when decisions are made about me.
- I have the right to be considered when decisions are made about my parent.
- I have the right to be well cared for in my parent's absence.
- I have the right to speak with, see and touch my parent.
- I have the right to support as I face my parent's incarceration.
- I have the right not to be judged, blamed or labeled because my parent is incarcerated.
- I have the right to a lifelong relationship with my parent.
- I have the right to a lifelong relationship with my culture, my spirituality and my relatives (added)**

(www.sfcipp.org)

