

Policies for Parents in Prison: Important Questions and Emerging Answers

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The rising number of parents who are incarcerated in the United States is leading to increasing interest on the impact upon children, their caretakers, and the community. With increased awareness of the ramifications to children with incarcerated parents comes an interest in policy issues. The article will address ways to promote healthy attachment between incarcerated parents and their children and will examine inmate parent's rights and responsibilities concerning their children. Several issues identified by the Virginia Commission on Youth (2002) as significant will also be addressed: prenatal and medical care for incarcerated expectant mothers; termination of parental rights; caregiver awareness of community resources for the children; and the lack of systematic data collection regarding children and their families.

Parenting Training for Incarcerated Parents

Communities and correctional institutions have sought programs designed to reduce the stress on families and children and improve parent-child relationships for affected families. These alternatives include in-prison parenting education programs, special visitation programs, and pre-and post-release reunification programs.

The specific elements of various interventions can vary depending greatly upon the population and circumstances. For example, an intervention working with post-release mothers and fathers might stress the importance of maintaining stability in the home. Accordingly, the importance of drug abstinence, adherence to parole conditions, and success at employment could all assume a central role. By contrast, an intervention working with newly incarcerated parents might stress the importance of maintaining contact through letters, appropriate visitation behavior, and effective communication with caregivers.

Beyond these specific considerations, however, are broad policy-level issues which impact interventions. Four essential issues to be considered in designing a parent-child intervention for correctional populations are: (1) best policies and procedures to forge healthy parent-child attachment; (2) policies and procedures to educate inmates regarding parental rights and responsibilities; (3) logistical concerns of implementing programs; (4) supports and assistance within the community.

Policies and Procedures to Promote Healthy Attachment

A prominent, if not essential, element for healthy child development is secure attachment for the child to his or her parent. Research across many subpopulations attests that children who have ruptured or insecure alliances with their caregivers, particularly at early ages, develop numerous problems across multiple domains. For this reason, effective parenting interventions, both with general and with special populations, place central importance upon developing strong affective emotional bonds between the child and adult.

Although inmates who seek parenting interventions can have strong intentions to create and maintain a loving bond with their children, historical impediments can follow them to prison. Female inmates, in particular, have a disproportionate incidence of mental illness that likely affects their resources for parenting (Teplin, Abram, & McClelland, 1996; Warren et al., 2002). Substance abuse, frequently associated with the incarceration event, may have ruptured the parental alliance even before separation. As a group, incarcerated individuals have experienced substantial physical, sexual, and emotional abuse themselves as children (Widom, 1997), leading to the well-documented generational effect for abusive parenting practices.

These troubled histories often mean that the incarcerated parent, although desiring to better connect with his or her child, has limited experience or emotional resources to do so. Improved parent-child attachment for an prison population requires direct and frank education regarding awareness of and empathy for the child, the practice of skillful communication with the child and caregiver, and attention to the parent's own emotional state.

Factors of Gender and Length of Incarceration

Best practices for forging this alliance can vary with individual inmate situations. For example, best practice for encouraging positive parenting in incarcerated fathers differs from that of incarcerated mothers, as the experiences and role-expectations of incarcerated men and women are likely to vary. Due to the disproportional incidence of female single parenting among the at-risk population, a child with an incarcerated mother is far more likely to be moved to a relative or foster placement than is the case for a child with an incarcerated father (Mumola, 2000). Thus the challenges for the affected child

and caregivers are different according to which parent is incarcerated. The child of an incarcerated mother likely faces a change in residency, triggering changes in school and contact with friends. The substitute caregiver, frequently a grandmother, faces the stress of raising a young child. For the incarcerated mother the loss of identity and surrender of her children to a relative can undermine her self-identification as caregiver. Incarcerated women report that the loss of day-to-day contact with their children represents the greatest hardship of prison life (Coll, Surrey, Buccio-Notaro, & Molla, 1998).

Incarcerated men also experience attachment difficulties resulting from their new status as an inmate. For many incarcerated men, the loss of the provider role means the loss of their primary means of parenting identification. For these men, it is important to stress other ways of staying attached and a part of their children's lives such as through letters and emotional support of the caregiver. A reframing of the meaning of "good provider" to include provision of encouragement to his child, and provision of support to other fathers in stress, provision of support to the caregiver, and provision of better fathering through acquisition of new skills while in prison, can help the incarcerated father understand a different avenue for attachment and closeness to his family.

Similar to the issue of the gender of the parent, is the issue of the institutional status of the inmate. Inmates who are facing long prison terms need support for dealing with their own emotional strain of separation, reasonable means of communication with children and caretakers, and a re-framing of their own concept of how to be a good parent during separation. A refreshed understanding of this role could include supportive communication with children and caretakers, spiritual awareness of the importance of their role, and the development of emotional resilience to the stress of a separation that

can include the entire childhood. By contrast, programming for soon-to-be released inmates would likely emphasize specific and age-relevant instruction for resuming daily interaction between children and inmates. Such programming could include strategies for dealing with anger and frustration likely to occur after release, re-evaluation of unrealistic expectations for resumption of relationships, and education regarding community resources.

Need for Practice

Instruction regarding best ways of interacting and communicating with children and caregivers can be quickly lost in the absence of opportunities to practice new skills. Special visitation programs that provide a structure and positive environment for connection are particularly valuable in this regard. For example, the Girl Scouts Beyond Bars program, (see Spotlight, this issue), supports unique visitation opportunities that encourage the inmate mothers to take responsibility for planning and carrying special activities, such as arts and crafts, group singing, group games, and special time for quiet conversation. Along similar lines, re-unification programs that encourage and support structured activities, during which mothers and fathers can try out and receive feedback on newly acquired skills, are invaluable.

Many inmates, however, have very limited contact experiences with their children (Mumola, 2000). For inmates with long sentences or those with limited contact experiences, parenting programs benefit from emphasis upon the importance of letter-writing, journaling, and networking with other similar inmates. Research with female inmates indicates letter-writing to be particularly important in reducing an inmate's parenting stress (Tuerk & Loper, 2006). Inmates need support regarding not only best

ways of writing letters, but also support for dealing with the stress of limited or sometimes absent responding from children.

Policies and Procedures Regarding Education About Parenting Rights and Responsibilities.

In addition to an emphasis upon the best means of forging a healthy attachment to the child, incarcerated parents benefit from education regarding inmate rights as parents. Since the passage of the federal Adoption and Safe Families Act of 1997, there is an increased potential for the shortened permanency planning timeframes to result in more frequent terminations of parental rights for incarcerated parents. The Adoption and Safe Families Act of 1997 mandates that states find permanent placements (either back in their original home or through adoption or permanent foster care) within a year to 18 months after children enter the foster care system. The law, intended to protect children from protracted periods of instability, can affect imprisoned parents who are unable to secure permanent family-based custodial arrangements. Currently, nearly 10% of the children of incarcerated mothers and 2% of children of incarcerated fathers are living in a foster home or agency (Mumola, 2000).

Parental rights can not be terminated for incarceration alone and survey data by the Virginia Commission on Youth suggest that the rights of incarcerated parents in Virginia are not terminated at higher rates than for other parents who have children in foster care. However, it is clear that incarceration impacts greatly upon reunification for children who were living with their parent(s) prior to the incarceration.

In 2002, the Virginia Commission on Youth noted the difficulties that inmate parents face if they are not fully informed of the need for active participation in reunification plans. Accordingly, the Commission re-iterated a previous recommendation of the 1993 Virginia Commission on Youth that inmates be given an informational packet that explains state custody laws and the foster care system. Optimally, each parent would also be given the foster care treatment plan that delineates the responsibilities of the parent and actions necessary to regain custody of the child(ren). However, the 2002 study by the Commission on Youth noted that no packets of this type have been created and currently the information given to inmates is limited to informal counseling about parental rights.

Virginia is fortunate to have a skilled parenting educator, Suzanne Kennon, herself-an ex-inmate and parent, who includes information on legal rights in her parenting education classes for the Virginia Department of Correctional Education. In addition to rights regarding parental status and re-unification, Ms. Kennon provides information regarding other parental rights, for example, appropriate means to obtain a child's educational and medical records (See Spotlight and reviews, this issue).

Child Support Obligations

Child support obligations do not end when a parent enters the correctional system. Some states consider incarceration as "voluntary unemployment." Parents may also owe court costs, supervision fees, and victim restitution.

The Council of State Governments Justice Center with support from the U.S. Justice Department Office of Justice Programs' Bureau of Justice Assistance developed a comprehensive report (*Repaying Debts*) detailing the various types of debt that people

released from prisons and jails commonly owe their victims, their families, and various criminal justice agencies (McLean & Thompson, 2007). Newly released inmates may have as much as \$25,000 in debt the moment they leave the prison.

Nationally, two-thirds of people detained in jail report annual incomes under \$12,000 prior to their arrest. Many newly released people returning to their community have difficulty finding employment and may even rely upon their families for support. Financial pressures and paycheck garnishment can increase participation in the underground economy, discourage legitimate employment, and contribute to re-incarceration (studies cited in McLean & Thompson, 2007).

The result is that victims, families, and criminal justice systems often compete for a share of the small payment that people released from jails and prisons are able to make. McLean & Thompson found that policies on collecting restitution, child support, and other fees are often at odds with one another.

Repaying Debts makes detailed recommendations and offers very specific strategies to improve how court-ordered financial obligations are handled. The report also provides examples from states that have implemented some aspect of these strategies. The report encourages states to identify a strategic plan. The plan should coordinate and ideally integrate policies and procedures. Unless the inmate has assets, payments to the state should be capped at a percentage of income and a realistic payment plan should be determined. A single agency should calculate and consolidate fines, fees, surcharges, restitution and child support. That agency should collect debts from ex-offenders, allocate the money collected, and disburse it to the recipients. Child support and victim restitution should receive priority for disbursements. The report further suggests a range of

incentives for those willing to meet their financial obligations and alternatives to incarceration for those who fall behind. The full report is available at

<http://www.reentrypolicy.org/>

Adaptations for Unique Parenting Needs

Prenatal Care for Pregnant Incarcerated Women

While the number of pregnant incarcerated women is relatively small (about 6% of the female offenders nationwide according to studies citing by the Virginia Commission on Youth), these parents-to-be have special needs and require additional medical care. The Virginia Department of Corrections provides this care by transporting the women to state teaching hospitals for prenatal care and delivery. In addition, a plan is prepared prior to the birth of the baby in conjunction with the Virginia Department of Social Services concerning the infant's subsequent care. Infants are not allowed to return to prison with their mothers.

Approximately two to five juvenile pregnant youth fall under the custody of the Virginia Department of Juvenile Justice in any given year. The High Risk Pregnancy Clinic operated by the Medical College of Virginia (MCV) manages these pregnancies during the period of confinement. In addition, volunteers from MCV provide additional counseling, education, and support to the expectant teen mothers. This intervention improves the medical picture for the infant of the incarcerated mother, but leaves open the question of best practices for a child who is separated from the mother at birth and ways of minimizing attachment difficulties during subsequent reunification.

Logistical Challenges in Correctional Centers

Working in correctional settings invariably involves logistic considerations that are unique. Within institutional settings, security is of paramount importance, leading to a need for constant flexibility and adaptation in educational programming. For example, problems with routine daily counts can delay release of inmates. Noise levels, unexpected interruptions, and frequent messages over the sound system are common. The types and formats for instructional materials are limited. Inmates may be transferred or released without notice, causing changes in the class community. While these conditions are frustrating, they are unlikely to change. Security lapses can lead to adverse publicity and institutional scrutiny that produce harsher conditions for inmates. Alliance with administrative and security personnel, as well as a respect for their sometimes competing demands, are of critical in a prison setting.

Another logistic consideration concerns who can provide the training. The manpower behind the various family programs offered in Virginia varies greatly, and includes personnel hired by the Commonwealth, researchers from Virginia universities, church groups, social service agencies, non-profit agencies, and other professional and volunteer groups. Many citizens of the Commonwealth have recognized the importance of thoughtful planning in the provision of effective services to inmates. However, the variability of providers can lead to inconsistencies across programs and settings. As there is very little research concerning components of effectiveness in interventions for correctional populations, it is difficult to determine standards for providers (Loper & Tuerk, 2006).

Implementing parenting interventions also requires sensitivity to the educational background of the participants. Correctional populations, as compared to the general

population, tend to have troubled educational histories and greater difficulties with literacy (Harlow, 2003). Learning disabilities, attention problems, as well as historical emotional issues regarding school experiences can interfere with an inmate's acquisition of material. Written materials benefit from simple language and grammatical structure amplified by clear visual aids. Experiential, hands-on learning appears desirable for this population.

The logistics for providing a family intervention are also affected by the constraints posed by the type of institutional setting. Programs at jails, which can include both pre- and post-adjudication inmates, have the challenge of dealing with a diverse set of parenting needs. Parents who are awaiting adjudication are dealing with the uncertainty of their future, and need support for providing reassurance to their children regarding the provisions for their care. Post-adjudicative parents serving short-term sentences may need assistance in preparing for re-unification. These needs can be further complicated by limitations in jail facilities, which, unlike state or federal institutions, are not designed architecturally for extensive educational offerings.

Linking inmates and their families to available community resources is an additional logistic need. Caregivers need support and information regarding public and private non-profit organizations that can provide such services as housing assistance, economic support, and specialized training in caretaking a child of an inmate. Virginia is fortunate to be the home of the Family and Corrections Network, a national data base of organizations that provide support and education to families affected by incarceration. More information is available at <http://www.fcnetwork.org/>.

Caregiver Awareness of Available Community Resources

A report by the Prison Visitation Project (contracted by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services) in 1994 found many deficiencies in the knowledge of the caregivers of the children. Most were unaware of parenting classes, community resources, or even who to contact if the child was having trouble in school. The standard of living for the caregivers and the children was noted to be low with most receiving some type of public assistance. While old, these data from Virginia are similar to what is known nationally about the status and knowledge of kinship caregivers who provide homes for about 90% of children whose parent is incarcerated. (See separate article on Kinship Care.)

Caregivers need support and information regarding public and non-profit organizations that can provide services such as housing assistance, economic support, and specialized training in caretaking the child of an inmate. This issue spotlights several helpful organizations: Family and Corrections Network; AARP; Assisting Families of Inmates; and the Virginia Kinship Care Initiative, among others.

Lack of Systematically Collected Data

Research about children of incarcerated parents is limited at both the state and the national levels. The research that is available is mainly a one-time self-report conducted on caregivers or using the incarcerated parents themselves, rather than choosing children and following them long-term.

While Virginia does not collect data about minor children from adults in the corrections system, they do collect such data from teens. In FY 2002, approximately 11% of juveniles committed to the Department of Corrections were parents. This information

was missing for 22% of juveniles in the care of the Department of Corrections, so the actual number of parents in the juvenile system might be even higher.

Summary

As the number of incarcerated individuals continues to rise, there are growing concerns for how to assist the expanding number of affected families. Implementation of educational and supportive programming for incarcerated parents is a complex process. Provision of services requires attention to individual differences, gender differences, educational level, socio-economic backgrounds, sentence conditions, type and security level of the institution, and stage of the parents within the justice process. Central to all interventions is a need to focus on the attachment to the child, the alliance with the caretaker, education regarding inmate rights and responsibilities, and awareness of the multifaceted logistical constraints for working with this population.

References Available Upon Request