



PARENTAL INCARCERATION



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WHY IT MATTERS

Approximately 15–20% of children entering the child welfare system have a parent who is incarcerated.¹ In 2013, data from the Adoption and Foster Care Analysis and Reporting System (AFCARS) indicated that parental incarceration was a reason for entry into foster care for 19,858 children and youth, representing eight percent of all children who entered care that year.² Children and youth who have a parent who is incarcerated are at greater risk for staying in foster care longer than children without an incarcerated parent; an average of 3.9 years.³ However, research indicates that children in foster care who have regular contact with their incarcerated parent are more likely to achieve permanency (whether through adoption or reunification) and the impacts to the damaging effects of separation are reduced. Because the *Adoption and Safe Families Act* (ASFA)'s timelines for

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initiating termination of parental rights (TPF) are strictly monitored, incarcerated parents lose their parental rights at disproportionately higher rates. Mothers are also more at risk. One study showed that 17% of incarcerated mothers lost their parental rights versus 10% of incarcerated fathers.⁴

The majority of incarcerated parents (93%) are those convicted for non-violent crimes.⁵ Children and youth who are African-American are more likely to have incarcerated

parents than white children, which puts their parents at greater risk for having their parental rights terminated, as many are single parent families in the African-American community.⁶ Poor children are more than three times more likely to have incarcerated parents than children in families with incomes at least twice the poverty level (12.5% versus 3.0%).⁷ Similarly, children

whose parents have little education (i.e., education beyond high school) are 41% more likely to have a parent who is incarcerated versus those children whose parent had some education beyond high school.⁸

Children and youth living outside metropolitan areas (e.g., rural areas) are also more likely to have an incarcerated parent than those living in metropolitan areas (10.7% versus 6.3 %).⁹

ADVOCATES IN ACTION

*Parental incarceration is not, by itself, a reason to file a termination of parental rights.*¹⁰

ACTIONS

- **Learn how your State addresses termination of parental rights and parental incarceration.**

For example, several States (e.g., Nebraska, New Mexico and Oklahoma) expressly prohibit terminating parental rights solely on parental incarceration.¹¹ Other State statutes list parental incarceration as an exception to the enforcement of ASFA's 15 of 22 months provision, providing longer time for the parent and child to be engaged.

- **Locate an incarcerated parent** who may be in an unidentifiable facility. To find a parent in Federal prison, visit the Bureau of Prison's website at <http://www.bop.gov/inmateloc/> or the National Victim Notification Network (VINElink) www.vinelink.com, a free service available in 41 States with which you can search by name or other identifying information. This information can help identify the status of the parent's case and when they may be released.

- **Identify ways to engage incarcerated parents** through visits with their children, court proceedings, services like parenting classes, mental health or substance use counseling, anger management,

counseling with their child, etc. If parents aren't involved, this will both delay the child's permanency and increase the likelihood that TPR will occur. Also, if parents aren't engaged as they should be, a parent can claim that no reasonable efforts were made for reunification and this could delay an adoptive placement.

- **Find resources that can help the child and parent maintain regular contact.** The cost of making outgoing calls from jail or prison are usually high. Check to see if there are donations available through services such as *Friends of CASA* that can help offset these costs. Identify technology such as Facetime or Skype for virtual visits. Ensure that the parent has a way to participate in the court proceedings through remote video or conference call features. Unfortunately, parents may be located long distances from where their child is living and so being creative about visits and contact will be necessary.

- **Keep the parent informed of their child's progress.** Parents are anxious to hear how their children are doing. Send pictures, selections of their drawings or other creative arts, copies of things from school, etc.

- **Advocate for State policy/legislation that supports the rights of incarcerated parents.** For example, Florida’s House Bill 281 requires that the child welfare department must know the facility where the parent is incarcerated, the availability of services and the services available at the facility which must be attached to the case plan.¹²
- **Ensure that children and their parents are having regular visits** by checking in with the caseworker on the status of the visits and asking: Who initiates the visits? How far in advance does the visit need to be scheduled? What is the visiting schedule? What types of documentation or identification is required? Are there prohibited items? Are there any age minimums for visiting children? Are there any facility or community programs that can assist with the visit (e.g., travel or financial assistance)? Can the parent and child have physical contact?
- **Help prepare children for visits with their incarcerated parents.** There are a number of selected resources identified below to help support

visits, but one of the best things an advocate can do to help the child is reassure them that it is OK if they are nervous about visiting Mom or Dad in prison and try to help them understand what the process will be like. Give them some ideas of “ice-breakers” or conversation starters they can use when visiting their parents. Roleplay with them if that is age appropriate. For young children visiting their parents, inquire as to whether the parent has an opportunity to do parental things with their baby such as feed them or change them. If so, make sure the parent has the right supplies.

- **Support caregivers** by ensuring that they have the information and support needed to provide safe, loving homes for children in their care. Relative caregivers and foster parents are more likely to adopt the children of incarcerated parents in their care when they believe their needs and the needs of their children are being met. This will help boost their confidence that they are ready and able to raise a child.

BRIGHT SPOT

NATIONAL RESOURCE CENTER ON CHILDREN AND FAMILIES OF THE INCARCERATED

A number of State and local programs are available to support incarcerated parents and their children. These programs may be provided in the correctional facility to the incarcerated, to other family members in the community or both. CASA staff and volunteers along with child welfare staff can work with correctional facility staff to ensure their agencies and the community have the proper resources to support these families. The *National Resource Center on Children and Families of the Incarcerated* maintains a directory of national and local programs. Advocates can also search for mentoring, after school and other programs, as well as camps, in their community that serves children with parents who are incarcerated.

The screenshot shows the website for the National Resource Center on Children and Families of the Incarcerated. The header includes the Rutgers University logo and navigation links: Home, About Us, Resources, Research & Review, Policy & Practice, Products & Publications, and Training & Technical Assistance. The main content area is titled 'Directory of Programs Serving Children & Families of the Incarcerated'. It includes a 'CONTACT INFORMATION' section for NRCCFI at Rutgers-Camden, a 'SEARCH THE SITE' section with a search bar, and a 'NEW & NOTABLE' section listing recent publications and initiatives. The main text area on the right provides an overview of the directory and lists program categories: View Programs in States Alabama-Missouri, View Programs in States Montana-Wyoming (including Washington, DC), View Programs offering National services, and View International Programs. There is also a 'Submit a Program to the Directory' section with links to submit to the USA and International Directories. A disclaimer at the bottom states that listing on the website does not constitute an endorsement.

SOME OF THESE SPECIFIC PROGRAMS INCLUDE:

- The *U.S. Dream Academy*¹³ provides afterschool and mentoring programs for at-risk youth, especially those with incarcerated parents in seven communities across the United States (Baltimore, Houston, Indianapolis, Orlando, Philadelphia, Salt Lake City and Washington D.C.).
- *Amachi*¹⁴ provides training and technical assistance to local mentoring programs throughout the United States.
- The *Parenting Inside Out* program assists mothers and fathers who are parenting from prison.¹⁵

To learn more: <http://nrccfi.camden.rutgers.edu/resources/directory/>

SELECTED RESOURCES

Name	Description
<p><u>Child Welfare Information Gateway, <i>Child Welfare Practice with Families Affected by Parental Incarceration</i></u>¹⁶</p>	<p>This resource provides tips for working with families affected by parental incarceration as well as a host of resources for helping children and families impacted by incarceration. Although written for child welfare professionals, advocates will find the “Knowledge Checklist” helpful in preparing to work with incarcerated parents and their families.</p>
<p><i>Children of Incarcerated Parents Framework Document: Promising Practices, Challenges, and Recommendations for the Field</i>¹⁷</p>	<p>In 2015, the <i>Urban Institute’s Justice Policy Center and the National Institute of Corrections</i> (NIC) released a framework document that synthesizes the lessons learned regarding the impact of parental incarceration on children. The framework highlights a range of promising and innovative practices designed to mitigate the trauma children experience when a parent is arrested, detained, and sentenced, as well as to strengthen parent–child relationships after a parent’s criminal justice involvement.</p>
<p><u>National Institute of Justice, <i>The Hidden Consequences: The Impact of Incarceration on Dependent Children (2017)</i></u>¹⁸</p>	<p>This article summarizes the range of risk factors facing children of incarcerated parents, cautioning against universal policy solutions that seek to address these risk factors but do not take into account the child’s unique needs, the child’s relationship with the incarcerated parent, and alternative support systems.</p>
<p><u>National Mentoring Resource Center, <i>OJJDP, Mentoring Children of Incarcerated Parents (2016)</i></u>¹⁹</p>	<p>This review examines research on mentoring for children of incarcerated parents.</p>

Name	Description
<p><u>Rutgers University, National Resource Center on Children & Families of the Incarcerated, Children and Families of the Incarcerated Fact Sheet (2014)</u>²⁰</p>	<p>This fact sheet highlights the demographics of children who have parents that are incarcerated.</p>
<p><u>Sesame Workshop, Sesame Street Toolkit: Little Children, Big Challenges (2013)</u>²¹</p>	<p>This bilingual (English/Spanish) initiative helps families with young children (ages 3–8) who have an incarcerated parent continue to develop skills for resilience.</p>
<p><u>Urban Institute, Toolkit for Developing Family-Focused Jail Programs: Children of Incarcerated Parents Project (2015)</u>²²</p>	<p>This toolkit and the strategies and experiences it describes are intended for people interested in developing family-focused jail programs in their own jurisdictions, including jail practitioners and community-based organizations working with jail administrators and detainees.</p>
<p><u>Vera Institute of Justice, A New Role for Technology? Implementing Video Visitation in Prison (2016)</u>²³</p>	<p>This study examines the current use of, and future plans to implement, video visitation through a first-ever survey of all 50 State Departments of Corrections.</p>

ENDNOTES

- 1 Source: [National Institute of Justice, The Hidden Consequences: The Impact of Incarceration on Dependent Children \(2017\) https://nij.gov/journals/278/Pages/impact-of-incarceration-on-dependent-children.aspx?utm_source=Youth.gov&utm_medium=federal-links&utm_campaign=Reports-and-Resources](https://nij.gov/journals/278/Pages/impact-of-incarceration-on-dependent-children.aspx?utm_source=Youth.gov&utm_medium=federal-links&utm_campaign=Reports-and-Resources)
- 2 U.S. Department of Health and Human Services, 2013.
- 3 National Institute of Justice
- 4 Ibid.
- 5 Ibid
- 6 Ibid.
- 7 Ibid.
- 8 Ibid.
- 9 Ibid.
- 10 The *Federal Adoption and Safe Families Act of 1997 (ASFA)* allows for an exception to filing for the termination of parental rights (TPR) when the agency documents a compelling reason why filing of a TPR petition is not in the best interests of the child.
- 11 Child Welfare Information Gateway, (2013).
- 12 <http://www.flsenate.gov/Session/Bill/2018/281>
- 13 <http://www.usdreamacademy.org>
- 14 <http://www.amachimentoring.org>
- 15 <http://www.parentinginsideout.org>
- 16 <https://www.childwelfare.gov/pubs/parental-incarceration/>
- 17 See <https://www.urban.org/sites/default/files/publication/53721/2000256-Children-of-Incarcerated-Parents-Framework-Document.pdf>
- 18 https://nij.gov/journals/278/Pages/impact-of-incarceration-on-dependent-children.aspx?utm_source=Youth.gov&utm_medium=federal-links&utm_campaign=Reports-and-Resources
- 19 http://www.nationalmentoringresourcecenter.org/images/PDF/COIP_Population_Review.pdf
- 20 <https://nrccfi.camden.rutgers.edu/files/nrccfi-fact-sheet-2014.pdf>
- 21 <http://www.sesamestreet.org/toolkits/incarceration>
- 22 <https://www.urban.org/research/publication/toolkit-developing-family-focused-jail-programs-children-incarcerated-parents-project>
- 23 <https://www.vera.org/publications/video-visitation-in-prison>