

INCARCERATION AND CHILD WELFARE

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Children's welfare is negatively impacted when they or close family members particularly parents are imprisoned. In the United States (US) since 1970 the rate of imprisonment has increased by 600% (Bureau of Justice Statistics, (BJS) 2000) as a result of state and federal social policies. These include the "War on Drugs," "Getting tough on Crime," mandatory sentencing and others. The increase is most evident in inner city and/or minority communities. These communities with the highest child welfare caseloads experience catastrophic rates of incarceration with imprisonment of young men, social disintegration and violence the norm. In the United States the prison population has become the largest in the world since 1970 both in numbers and proportionally. The U.S. Justice Department estimates that one in three Black, one in 10 Hispanic and one in 25 White males will spend some time in prison. (BJS, 2000) Females have also been incarcerated in increasing numbers. Planning for the consequences has been minimal.

Imprisonment reciprocally and adversely affects children's economic status, social environment, peers, schools, communities and society. Imprisonment disrupts family life. The necessity of collaboration and coordination of services in communities, and how the criminal justice system, health care, education, the child welfare system and social services together can respond to the needs of the children and families of the imprisoned has been neglected. (Mumola, 2000)

The Bureau of Justice Statistics (2000) estimated between 1.5 and 3.5 million minor children had an incarcerated parent. The Child Welfare League estimated 200,000 children had an incarcerated mother and more than 1.6 million an incarcerated father. (Farmer, 2002) Ex-prisoners increase the numbers to 4.5 to 7 million children affected directly by incarceration of a parent. Many more have an incarcerated sibling or close relative. About an equal number of youth have been in detention. Social service workers estimate that over 50% and up to 75% of the population in poor, urban districts are related to someone who has been or is imprisoned. (Kerness, 2002)

Effects

The social, psychological and economic ramifications of this phenomenon have been little studied nor adequately addressed. A few studies have focused on mothers, yet 90% of imprisoned parents are men. The differential effects on children of the rates of imprisonment in their communities are not known. Those in communities where incarceration is common may think that imprisonment is a normal occurrence. Those living where few children of prisoners live may experience heightened shame and confusion.

Children of parents who have been incarcerated are at high-risk of incarceration. (Bloom, 1995; Seymour, 1996) Previte (2003) a director of a youth detention center in

Camden, NJ, in a speech at Rutgers University Newark, stated that, "In America today, half of jailed youth have a parent who has been locked up ... Having a parent behind bars is the single largest factor in the making of juvenile delinquents and adult criminals." Sibling's imprisonment probably has similar effects.

Behavioral consequences of parental incarceration, without positive intervention, can be: aggression, delinquency, emotional withdrawal, failure in school and even suicide. Previte (2003) in her comments and Seymour (1996) in his book agree that perceived abandonment of children by parents – however it occurs – creates damage to the child. Relationships are disturbed and often destroyed. Lowenstein (1986) believes that separation due to imprisonment produces stronger adverse effects on children than other reasons for parent-child separation. This impairs the psyches of the child and their ability to respond with love or trust to their environment. Extant research supports this.

The prison experience can impair relationships during and after release. Prisons are often far from home communities making visiting difficult. Visiting conditions are unpleasant and intimidating. Phone calls are very expensive. Connections are damaged. Contact is generally confined to letters, phone calls and rare in-prison visits. Visiting and living conditions interfere with normal interactions. The interaction between the prisoner and family is generally under constrained, unpleasant conditions and atmosphere. (Kerness, 2002)

Family relationships are usually not considered in arrest, sentencing and incarceration. Parents of incarcerated children are often considered responsible for the child's "misdeeds." Children of prisoners are usually ignored. Police, criminal justice personnel, sentencing judges or correctional agencies do not routinely ask whether suspects and prisoners have children. By whom or how the children will be given care generally is not part of the proceedings. Child Welfare and social service agencies often don't understand or take into account issues related to imprisonment. Thus, the special needs of parents, children and families are ignored in most cases.

Female prisoners are in danger of loss of parental rights and having their children adopted if the children are placed in foster care. Although many incarcerated women's children are cared for by relatives about 25% are placed in foster care. (Farmer, 2002) Under the US Adoption and Safe Families Act of 1997 parental rights should be terminated if a child has been in foster care 15 of the prior 22 months. States are mandated to seek adoption for the "abandoned" children. The median sentence for females in state and local prisons is 60 months (Mumola, 2000). The situation for men is also dire. Their role as parent is denigrated or ignored although for many being a parent is a important part of their lives. The Osborne Association, (2005) in New York City, and others working with imprisoned fathers and their children, finds that many male prisoners have strong parental feelings and find separation from children traumatic. Separation from father can also be traumatic for children.

Child welfare agencies have generally not dealt with these issues. Further, foster care and adoption often traumatically separate siblings. A shocking report is that children have been incarcerated when foster placements were not available. (Lezin Jones & Kaufman, 2003) New Jersey, New York and other states had instances of children under state guardianship being severely abused or killed while parents were incarcerated. (Benson & Gibbons, 2003; Pearce, 2003) These situations are not necessary. Alabama in reorganizing its child welfare system included positive responses to the imprisonment of

parents. (Eckholm, 2005) Recent National Association of Social Workers (NASW) (McFall, 2005) and National Association for the Advancement of Colored People (NAACP) statements decry a general lack of attention to these issues by the social work profession, child welfare systems and social policies. In 2001 the Child Welfare League of America, the National Institute of Corrections (NIC), the National Council on Crime and Delinquency (NCCD) and the American Correctional Association (ACA) began the Resource Center for Children of Prisoners.

Implications for practice

Universal or proactive policies, programs and alternatives to imprisonment are urgently needed if the impact of imprisonment on select groups in the society is to be mitigated or erased. This means working to open opportunities for legitimate life styles. These would include legislating a living wage and greatly improving schools, housing and employment for all particularly in poor communities. Impediments to employment, education and housing must be lowered after sentences have been served. The punitive approach to incarceration needs to be changed to a habilitative mode. Imprisonment rates should be reduced greatly. Victimless crimes in most instances should be decriminalized. Treatment programs for substance abuse need expansion. Reform of “corrections” into a humanistic, rehabilitative system with concern for families is essential. Full service schools (Dryfoos, 1994) recreation and social service centers with a multitude of services and greatly expanded hours need to be developed particularly in hard hit communities (Barbarino, Dubrow, Kostelny, & Pardo, 1992) Social and political action is necessary to make necessary changes in social policies and programs, gain resources and the will to provide them.

In the meantime, meantime residual or reactive services are needed, while waiting for society to change social policies including those relating to youth and adult justice and corrections. The following are some that might help:

1. Child Welfare systems need approaches to families of prisoners that are proactive and responsive. If a foster child is the child of a prisoner services are needed by the child, foster family and family of origin to work around the issues of separation, trauma, stress and denigration. Families of detained youth need services to deal with the trauma, stress and distress.
2. When people are sentenced the justice, corrections and child welfare systems must insure that children involved are properly taken care of and monitored. When a family or child are receiving service knowing and asking about imprisonment may open communication and lead to more appropriate service.
3. Child Welfare systems should **NEVER** hold children in detention due to lack of alternative services.
4. An NASW statement indicated in 2003: “The children of incarcerated parents may require a network of services that address their unique needs. Public and private agencies and systems that serve children and families should work collaboratively to maximize their resources and effectiveness... Such a collaborative network would include child protective services, courts and law enforcement agencies, medical providers, educators and mental health providers.” (McFall, 2005)

5. Money from public and private sources needs to be funneled to community service deliverers. Coordination and collaboration between service deliverers is necessary to avoid duplication and holes in services. Most important is development of adequate, positive responses to the issues that imprisonment of children and adults pose for families and children detailed above.
6. The (Osborne Association, 2005) model of in prison programs and facilities and community based family resource centers can be a model across the country. This includes “play room” like facilities in prison with trained support staff and supervision for family bonding and enhancement. There are Family Resource Centers in several communities with high imprisonment rates to provide support services for families of prisoners and ex-prisoners.
7. Support programs, particularly housing, as developed by the Fortune Society for returning prisoners including employment and educational programs are needed almost everywhere.
8. Services in highly effected communities need expansion, particularly child-care, preschool programs, recreational opportunities, counseling services for families and children and support groups. Services in schools need expansion to help children deal with the traumas associated with imprisonment of parents and siblings. Parents and siblings of prisoners need help also.
9. Development of rehabilitative and treatment programs in prisons and removal of liabilities for those who have served their sentences should be a priority.
10. Programs to help maintain, improve and strengthen family ties are essential both in prison and communities.

The issues for children and families caused by incarceration of parents and juveniles need attention and resources made available to deal with them openly and humanely. Child Welfare professionals need to take a major role in responding to this issue.

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