



Engaging Incarcerated Parents : Strategies for Strengthening Families

Corey Best, Child Welfare Consultant

Kathleen Creamer
Managing Attorney, Family Advocacy Unit
Community Legal Services of Philadelphia

Peter Sleasman
Managing Attorney
Disability Rights Florida



OVERVIEW

- ❖ Family Engagement/Why Engage?
- ❖ Video
- ❖ 5 Myths About Children of Incarcerated Parents
- ❖ Overview of Law
- ❖ Strategies
- ❖ What You Can Do Today



Why Engage Incarcerated Parents

- ❖ What is Your Definition of Parent/Family Engagement?
- ❖ Why Is Engagement of Incarcerated Parents Important?
- ❖ Why Is Quality Parent Engagement Good for Kids?
- ❖ What Values are Needed to Honor the Role of Incarcerated Parents?



Video: Echoes of Incarceration

<https://www.youtube.com/watch?v=B4VZR3E1N0>





5 Myths about Children of Incarcerated Parents



5 MYTHS

Myth #1:

Children of incarcerated parents are six times more likely than the average child to go to prison themselves



5 MYTHS

- ❖ There is no research to support this proposition
- ❖ In fact, existing research suggests that a large majority of children of incarcerated parents do not become justice-involved
- ❖ Repeating this myth compounds the shame and stigma children of incarcerated parents feel



5 MYTHS

Myth #2

Most children of incarcerated parents have no relationship with their incarcerated parent



5 MYTHS

- ❖ Almost half of all incarcerated parents lived with their children prior to their arrest
 - 64% of mothers
 - 47% of fathers
- ❖ Mothers are a fast-growing population: From 1991-2007, the number of children with a mother in prison increased by 131%



5 MYTHS

Myth #3

Incarcerated Parents are Dangerous People



5 MYTHS

- ❖ A very small minority of parents are incarcerated for crimes against children
- ❖ Most parents are incarcerated for non-violent crimes
 - 71% of mothers are nonviolent offenders
 - 52% of fathers are nonviolent offenders



5 MYTHS

Myth #4

Prison Visitation is Damaging to Children



5 MYTHS

- ❖ Children of incarcerated parents experience trauma and loss characterized by feelings of grief, shame and isolation
- ❖ Visitation can help a child's emotional adjustment and behavior
- ❖ When the incarcerated parent was the primary caregiver, visiting is especially crucial to addressing the trauma of separation



5 MYTHS

Myth #5

Parents Can't Play an Important Role in their
Child's Life from Jail



5 MYTHS

- ❖ Incarcerated parents can be valuable partners to the caregiver and offer love and support to the child during incarceration
- ❖ Engagement of the incarcerated parent often produces positive outcomes for children
- ❖ Involving incarcerated parents in decision-making can make the reentry and reunification process smoother for children and parents.



Overview of the Law



Case Planning

New Law Effective July 1: F.S.A. § 39.6021

- requires that incarcerated parents be included in case planning;
- that the agency make efforts to receive information from the prison facility on how to include the parent in case planning;
- that the agency obtain information about how parents can participate in services at the facility;
- that should a parent become incarcerated, the parties move to amend the case plan to accommodate the changed conditions;
- and that if the parent cannot participate, the department will explain the circumstances that prevented such participation.



Case Planning

See also In re J.L., 15 So. 3d 866, 869 (Fla. Dist. Ct. App. 2009). (Reversing termination of parental rights because the incarcerated father had never received a copy of the case plan and the case managers made no efforts to assist him in complying with it.)



Visiting/Family Time

Keeping Children Safe Act. *See* F.S.A. § 39.0139. Rebuttable presumption that contact between a parent or caregiver and a child would be to the child's detriment if the parent:

- Sexually abused the child (probable cause standard)
- Has been found guilty of:
 - Removing/concealing minors
 - Sexual battery
 - Lewd/lascivious behavior
 - Incest
 - Abuse
- Is a sexual predator

Note: There is no reason to believe this is likely to apply to most incarcerated parents



Reasonable Efforts

“Reasonable effort” means the exercise of reasonable diligence and care by the department to provide the services ordered by the court or delineated in the case plan.

Fla. Stat. Ann. § 39.521

No specific definition for incarcerated parents, but new case planning statute and federal law offers guidance



Reasonable Efforts

Reasonable Efforts Should Include:

- ❖ Engagement of incarcerated parent through caseworker visits or other contact
- ❖ Identifying relatives who may be a resource for the child
- ❖ Encouraging and facilitating parent-contact
- ❖ Working to preserve the parent-child relationship
- ❖ Involving the parent in case planning for the child

Source: Federal Interagency Reentry Council



Reasonable Efforts

Aggravated circumstances:
Reasonable efforts to reunify are
not required if the court finds that
any of the acts listed in s.
39.806(1)(f)-(l) have occurred.

Fla. Stat. Ann. § 39.521



Termination of Parental Rights

F.S.A. § 39.806(d): Parental Incarceration Grounds

Incarceration may be grounds for terminating parental rights if one of three conditions is also satisfied:

- “The period of time for which the parent is expected to be incarcerated will constitute a significant portion of the child's minority,”
- the parent has been found guilty under certain enumerated criminal statutes or “substantially similar offenses” in another jurisdiction, OR
- “[t]he court determines by clear and convincing evidence that continuing the parental relationship with the incarcerated parent would be harmful to the child,” after weighing certain specified factors, *see* F.S.A. § 39.806(d)(3).

Note: This is also a ground for aggravated circumstances under 806(2)



Termination of Parental Rights

F.S.A. § 39.806(b): Abandonment Grounds

- A parent's incarceration may be considered a factor in terminating parental rights on the basis of abandonment, as defined by F.S.A. § 39.01(1).
- Incarceration alone is not sufficient prove abandonment for the purposes of terminating parental rights. *See B.F. v. State, Dep't of Children & Families*, 237 So. 3d 390, 393 (Fla. Dist. Ct. App. 2018).

Note: this is also a ground for aggravated circumstances under 806(2)



Strategies/Nuts & Bolts



LOCATING AN INMATE

VINELINK.COM
(any state or local facility)

Florida Department of Corrections
“Offender Information Search”

<http://www.dc.state.fl.us/OffenderSearch/Search.aspx>



Florida Department of Corrections

Florida Department of Corrections (FDC)

- Over 90,000 inmates in prisons
- 50 Correctional Institutions
- 7 Private Prisons: “Correctional Facilities”
- Many more work camps, work release centers, and re-entry centers



Florida Department of Corrections

Institutional Placement

33-601.210, FAC.

- After completing the orientation process at a reception center, inmates are transferred to a “permanent facility”.
- An inmate shall be assigned to a facility that can provide appropriate security and supervision, that can meet the health needs of the inmate as identified by the department’s health services staff, and, **to the extent possible, can meet the inmate’s need for programs and is near the location of the inmate’s family.**
- Inmates may request a transfer from their Classification Officer after they have been at an institution for a significant amount of time with proper institutional adjustment.



Florida Department of Corrections

Programming

FDC provides some academic education, career and technical education, substance abuse, and life skills programs.

Some institutions also have additional “faith and character based” programs that often include family or parenting skills.

The available programs vary significantly by institution. Access to programs of any kind may be very limited or there may be waiting lists.

Institution information with available programs is on the FDC website: <http://www.dc.state.fl.us/facilities/ciindex.html>

Program availability should be confirmed with the classification officer.



Florida Department of Corrections

Programming Example: Homestead CI (Female Inmates)

Academic Programs:

Adult Basic Education; General Educational Development (GED); Literacy Program

Vocational Programs:

Automotive Service Technology; PC Support Services

Substance Abuse Programs: None at this time.

Chaplaincy Services:

Chapel Library Program; Kairos Week-ends; Religious Education; Worship Services

Institutional Betterment Programs:

100-hour Transition Program; AA/NA; Aerobics; Alternatives to Violence

AM/PM Walking; Anger Management; Art; Music; Creative Writing; Dancing Inside/Out; Family Development I & II; Softball Teams; God Behind Bars; Hannah's Gift; Law Library Program; Library Program; Life Skills; Parenting; Pre-Release Counseling; Spanish;

Active and Passive Sports; Wellness Education; Yoga

Re-Entry Programs:

Upper Room Parenting & Financial Preparation; Houses of Healing; Emotions;

AA/NA; Drug Awareness; Purpose Driven; Self-Esteem; Human Relations;

Celebrate Recovery; Spanish Worship; Spanish Religious Studies



Florida Department of Corrections

Visitation

- FDC states visitation is a “privilege and not a right.” 33-601.714, FAC.
- Inmates are only able to receive regularly scheduled visits from people on their approved visitors list. No more than fifteen people, twelve years of age or older, including family and non-family members, are allowed on an inmate’s approved visiting list. 33-601.716, FAC
- Visitation is regularly scheduled for Saturdays and Sundays and most holidays.
- Visitation may be restricted for individual inmates for a variety of reason including disciplinary reports.



Florida Department of Corrections

Visitation with Children

- Minor children must be accompanied by a parent or by an approved visitor eighteen years or older who has notarized authorization to escort a minor and represent the minor's parent or legal guardian 33-601.713, FAC
- At most institutions visitation areas have “games, small toys and other suitable activities that are available for small children to assist visitors with keeping their children occupied during visitation.” 33-601.721, FAC.
- Parents who have a current or prior sex offense of child abuse conviction cannot visit with a person younger than 17 without obtaining prior permission from the institution Warden.
33-601.720, FAC.
- Parents are not permitted to visit with minors who are victims of their offenses unless a family court makes the determination that the visitation is necessary. 33-601.720



Florida Department of Corrections

Telephone and Mail

- Parents are allowed to place collect calls. to people on their approved list. 33-602.205, FAC.
- All telephone calls are subject to being recorded and/or electronically monitored.
- Parents may send and receive routine mail. 33-210.101, FAC.
- Incoming and outgoing routine mail may be opened and read by prison officials.



CAREGIVER RESOURCES

- ❖ Sesame Street Incarceration Toolkit
<https://www.sesamestreet.org/toolkits/incarceration>
- ❖ Osborne Association: See Us, Support Us
<http://www.osborneny.org/about/susu/>
- ❖ Children of Incarcerated Parents Partnership
<http://www.sfcipp.org/>
- ❖ National Resource Center on Children and Families of the Incarcerated
<https://nrccfi.camden.rutgers.edu/>



What You Can Do Today



What You Can Do Today

Judges and Hearing Officers

- Appoint counsel for incarcerated parents
- Order the parent to appear at every hearing
- Ensure the Agency is providing reasonable efforts to the incarcerated parent
- Order visits and other parent/child contact, unless there is a documented reason it is not in the child's best interests



What You Can Do Today

Case Workers

- Locate and initiate contact with incarcerated parents
- Include the parent in the development of the case plan and share information about the child with the parent
- Support regular parent/child visits and other forms of contact
- Ensure the child and caregiver have resources (such as Sesame Street toolkit) to deal with the unique challenges of parental incarceration



What You Can Do Today

Parent Attorneys

- Ensure that your client is brought to court for every hearing
- Review with the incarcerated parents her rights and responsibilities and the ASFA timeframe
- Advocate at court hearings for regular contact and visitation
- Encourage your client to participate in prison programming and stay in touch with her child and her caseworker



What You Can Do Today

Child Attorneys/CASA

- Discuss with your client whether she would like to visit with her incarcerated parent, and advocate for her wishes
- Explain to the child what might take place at visitation
- Follow up after visitation to address any concerns of the child or the caregiver
- Actively participate in case planning to develop a plan to strengthen the family and support the case plan goal



What You Can Do Today

Court Improvement/System Changes

- Create/foster a dialogue and inter-agency collaboration between child welfare and corrections officials
- Create and support trainings for child welfare and corrections
- Develop informational materials for incarcerated parents and caregivers
- Develop uniform protocols and practices for engaging incarcerated parents
- Support improvements in visiting conditions
- Collect data



What You Can Do Today



PROTECT YOUR RIGHTS

What You Should Do Now if You are Incarcerated and Your Child is in Foster Care or County-Paid Kinship Care

When your child is in foster care or kinship care, the law says you can't wait to act. You need to take steps now to protect your rights. Know your rights and responsibilities and stay involved with your child's life during your incarceration.

YOUR RIGHTS

If your child is in foster or kinship care, you have the right to:

Have a say in where your child is placed. If you have a safe relative or family friend who can care for your child, tell your Agency caseworker. The Agency must try to first place children with relatives.

Visit your child. Unless a judge said you can't, you have the right to regular, in-person visits with your child.

Know how your child is doing and where your child is living. The Agency must keep you informed about your child's health, education, and development. They must give you the address of where your child is staying, unless there is a documented reason not to.

Help make plans for your child. A Family Service Plan (FSP) will be made and you will be given goals to meet. The Agency must involve you in making the FSP, and you should have a say about what goals and supports will help your family.

Help to meet your goals. The Agency must make "reasonable efforts." That means that the Agency should help you stay in contact with your child and support you in meeting your goals.

An attorney. If you can't afford an attorney, you can request that the court appoint you one. Your attorney must communicate with you and represent your wishes in court.

Participate in court hearings. If you can't be taken to court for your hearing, ask to participate by phone.

YOUR RESPONSIBILITIES

If your child is in foster or kinship care, you have the responsibility to:

Make regular contact with your child. Have in person visits, send letters and ask for phone contact. You can also send cards and gifts, no matter the age of your child. Staying in touch is good for your child and shows the judge and the Agency that you care about your child.

Stay in touch with your children's workers. Make sure you have the names, phone numbers, and addresses of the Agency workers who work with your family. Let them know about the progress you are making and ask them for updates about your child.

Work on your Family Service Plan goals. Do everything you can to meet the goals you have been given while incarcerated. Tell the Agency and your attorney if goals on your FSP aren't possible in jail/prison.

Participate in court hearings. If you can't be there in person or by phone, ask your attorney to represent your wishes in court.

Stay in touch with your attorney. Tell your attorney about your progress on your FSP goals and any problems you are having. Be sure to give your attorney any papers you have that show you are working on your FSP goals. This information can be given to the court.

Help in planning for your child. Help to make educational, medical, and treatment decisions for your child. Stay informed about how your child is doing and what supports your child needs.

Your Parental Rights: What You Need to Know

The Adoption and Safe Families Act (ASFA) says that if a child has been in foster or kinship care for 15 of the past 22 months, the Children & Youth Agency must file to terminate parental rights (TPR) so that the child can be adopted. But, the Agency does **not** have to do this in certain situations, like if your child is living with a relative or if adoption is not a good idea for your child. This decision is made on a case-by-case basis by the court. The most important thing you can do to prevent losing your parental rights is to work on having a strong relationship with your child.

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Concluding Remarks

