

CHILDREN OF INCARCERATED PARENTS A BILL OF RIGHTS



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SAN FRANCISCO PARTNERSHIP
FOR INCARCERATED PARENTS

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**San Francisco Partnership for Incarcerated Parents
Supported by The Zellerbach Family Foundation**

San Francisco Partnership for Incarcerated Parents (SFPIP) is a coalition of social service providers, representatives of government bodies, advocates and others who work with or are concerned about children of incarcerated parents and their families. Formed in 2000 under the auspices of the Zellerbach Family Foundation, SFPIP works to improve the lives of children of incarcerated parents and to increase awareness of these children, their needs and their strengths.

After studying the issues affecting these children and their families in San Francisco, SFPIP members agreed that a children's perspective was the logical framework from which all future work should evolve. We understand that children's rights and needs sometimes conflict with what people in authority, or even incarcerated parents, believe is safe or appropriate, but it seems to us essential to start from the child's perspective and work on what is possible from there.

The bill of rights that follows is derived from the experience of Gretchen Newby, executive director of Friends Outside—who drafted the original bill of rights on which this one is based—in working with prisoners and their families, and from interviews conducted by journalist Nell Bernstein with over 30 young people who have experienced parental incarceration (names of interviewees have been changed). It also relies on the research and conclusions of Charlene Simmons of the California Research Bureau and Peter Breen of the Child Welfare League of America, and on the ongoing conversation that has been taking place among SFPIP members under the guidance of Ellen Walker of the Zellerbach Family Foundation.

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INTRODUCTION

MORE THAN TWO MILLION AMERICAN CHILDREN HAVE A PARENT BEHIND BARS TODAY—50 percent more than a decade ago.¹ Approximately ten million—or one in eight of the nation’s children—have experienced parental incarceration at some point in their lives.²

Little is known about what becomes of children when their parents are imprisoned.

They have committed no crime, but the penalty they are required to pay is steep.

There is no requirement that the various institutions charged with dealing with offenders—the police, courts, jails and prisons, probation departments—inquire about children’s existence, much less concern themselves with children’s care. Conversely, there is no requirement that the front-line systems serving vulnerable children—public schools, child welfare, juvenile justice—inquire about or account for parental incarceration.

Children of prisoners have a daunting array of needs. They need a safe place to live and people to care for them in their parents’ absence, as well as everything else a parent might be expected to provide: food, clothing, medical care.

But beyond these material requirements, young people themselves identify less tangible, but equally compelling, needs. They need to be told the truth about their parents’ situation. They need someone to listen without judging, so that their parents’ status need not remain a secret. They need the companionship of others who share their experience so they can know they are not alone. They

need contact with their parents; to have that relationship recognized and valued even under adverse circumstances. And—rather than being stigmatized for their parents’ actions or status—they need to be treated with respect, offered opportunity, and recognized as having potential.

These needs, too often, go not just unmet but unacknowledged. Over the years, a series of court cases has delineated the rights of prisoners in the United States. These rights are limited—some would argue insufficient—but they are, at the least, recognized. The idea that prisoners, while they may be required to forfeit the right to liberty, nevertheless retain other rights that demand respect, is generally taken for granted. Where it is not, advocates are ready and able to step in and fight on behalf of the incarcerated.

The same does not hold true for the children of prisoners. They have, it ought to go without saying, committed no crime, but the penalty they are required to pay is steep. They forfeit, in too many cases, virtually everything that matters to them: their home, their safety, their public status and private self-image, their source of comfort and affection. Their lives and prospects are profoundly affected by the numerous institutions that lay claim to their parents—police, courts, jails and prisons, probation and parole—but they have no rights, explicit or implicit, within any of these jurisdictions.

This need not be the case. Should the rights that follow be recognized, the children of prisoners would still face obstacles and traumas. But they would do so with the knowledge that the society that had removed their parents took some responsibility for their care.

A criminal justice model that took as its constituency not just offending individuals but also the families and communities within which their lives are embedded—one that respected the rights and needs of children—might become one that inspired the confidence and respect of those families and communities, and so played a part in stemming, rather than perpetuating, the intergenerational cycle of crime and incarceration.



BILL OF RIGHTS

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I HAVE THE RIGHT
**TO BE KEPT SAFE AND INFORMED AT
THE TIME OF MY PARENT'S ARREST.**

Many children of offenders are introduced to the criminal justice system when their parent is arrested and they see him taken away in handcuffs. The majority of police and sheriff's departments do not have protocols for dealing with the children of arrested parents³; in too many cases, the resulting experience is terrifying and confusing for the children left behind.

Shana, 21, was five years old when she witnessed her mother's arrest on the street:

My mother got handcuffed and put in the car. I saw the police coming at me and I just ran. As a child, I thought maybe they might arrest me. At five years old, I should have been aware of the police as good people who help you. Not, "My mom is in the car with them!" Not, "My mom is handcuffed!"

When I got home and told my brothers what had happened, they said, "Oh, she must be in jail." My brothers and I took the food stamps and went to the grocery store together. When we would try to get junk food my older brother would be like the mother: "No, put that back!" We would burn food and he would get real mad at us. "I'm supposed to do the cooking! I deal with fire!"

Looking back, I think that when my mom was arrested, the police should have asked about the children. Because a lot of children go through the same thing, and some brothers aren't as strong and responsible as my brother, so the kids are just left alone, hungry and running the streets.

Some children wind up in the back of a police car themselves, on the way to what may be the first in a series of temporary placements. Because they do not understand what is going on, they may feel that they are being punished along with their parents.

In some cases—when there is evidence of abuse, or no family member or friend can be located to care for a child—a child welfare response is necessary and warranted. But when taking an unattended child to a shelter becomes a first line of response, it can add unnecessarily to the trauma of parental arrest.

Elaine, 27, was 12 when her mother was arrested:

I was coming home from science camp and something had happened at home and they took me away in a police car, too. They didn't call a relative to come get me.

They took me to the children's shelter. You had to wear their clothes, can't wear your own. It's a place that I wouldn't ever want to be again. I felt that my life was over. That I would never see my family again. I thought I had done something wrong because I had to go away, too.

If there are no children present at the time of arrest, there is no requirement that police or any other representative of the criminal justice system ask whether an arrestee has children and whether they are safe. As a result, some young people describe the experience of sitting at home wondering where their mother is, and fending for themselves.

Antonio, 23, cared for himself and his younger siblings on multiple occasions when his mother failed to return home:

I'd be in the neighborhood walking around as a little kid by myself. I remember eating cereal when she was gone, or if there was rice made from the other night we used to throw that in some milk and pour sugar on it. If my mom was there she would make something and we would have to eat on that until whenever she came back. We wouldn't know. Sometimes she would be gone for a couple days, maybe a week straight we wouldn't see her.

Arrested parents often prefer not to involve public agencies in the lives of their children, because they fear they will lose custody as a result. Many children share this fear, but at the same time, long for someone to notice and attend to their needs.

Amanda, 15, has witnessed her mother's arrest on several occasions:

Cops don't really pay attention to how kids are living—they're just there to pick up whoever's doing bad and leave. How do you know if those kids are going to be left alone? I think they should ask, "Who's taking care of you guys? Are you guys going to be OK? Do you guys need help? Do you need any numbers to any counseling or programs?"

Parental arrest is by definition a traumatic event for children. But if children's well-being is made a priority, it can also become an opportunity—to assess a child's needs, offer aid in what will likely be an extremely difficult period, and connect with and support vulnerable families.

“THE POLICE SHOULD SIT DOWN AND TALK WITH YOU.”

At nine, Dave was left alone with his baby brother after their mother was arrested. Now 19, Dave went on to foster care and is a freshman in college. He never learned why his mother had been arrested, and saw her only once after the day of her arrest.

I was nine when my mom got arrested. The police came and took her. I was trying to ask them what was going on and they wouldn't say, and then everything went so fast.

I guess they thought someone else was in the house. I don't know. But nobody else was in the house. They arrested her and just left us there.

For two or three weeks, I took care of my one-year-old brother and myself. I knew how to change his diapers and feed him and stuff. I tried to make breakfast for myself in the morning and I burnt my hand trying to make toast. I had a blister.

I wasn't really afraid. I was just trying to take care of my brother. That was my goal—to take care of him. Sometimes he would cry because he probably would want to see my mom.

When my mom was there, every day we used to take my little brother for a walk in the stroller. So I still did that every day, even though my mom wasn't there. Her friend across the street saw us and I guess she figured out something was wrong. She called Child Protective Services and they came and took us.

My mom did come back eventually, but by that time we were already gone. All I know is that they just rushed me in the system and that was that. They didn't tell me why I can't go back with my mom.

I was at a temporary foster home and my brother was in a different foster home. Then I got placed in the foster home where I live now. I've been there for about eight years.

I saw my mother once after she was arrested. I'd been in foster care for three or four years. I was on my way home from school. I heard someone calling my name, and it was her. She told me she was getting herself together and trying to find a new apartment so she could come back and get us.

All I know is that they just rushed me in the system and that was that.

About a year after that, she died. The lady that was taking care of her during the time that she was in the hospital wrote me a letter. I guess they talked a lot about me and my brother. She wrote that my mom was going to come back and get us after she got herself together—that she was pulling herself together but she was real, real sick.

**They
should just
be honest
with you
and tell
you what's
going on.**

I felt bad about being separated from my brother. I should have had visits with my brother, to at least know exactly where he was. I just prayed that he was doing OK. During that time we were split up, my mom died. So then I was really mad because my brother was the only person I had left of my family and I didn't know where he was.

It turned out my brother had been adopted by a family in the area. When his adopted parents read his file and found out that he had a brother, they started trying to find me. They wanted to adopt me too so they could have the brothers together. They finally found me, and they told me I was welcome to come over and spend the night, so I started to spend the night there.

By then I had been with my foster mother about five years, so I had a lot of feelings for her. She asked me if I wanted to be adopted by my brother's family and I said no, because I had been with my foster mom for a long time. On my brother's side, his adopted parents treat me like I'm their kid, too, so I get the best of both worlds.

I think when the police first arrested my mom, they should have looked around the house and seen that we were there by ourselves. Then I wouldn't have had to take care of my brother for that long.

The police should sit down and talk with you. Explain the situation. Why, and what are they going to do with you? How long do they think your mother is going to be there? And don't just say, "She'll be out in a couple of days, we're going to put you in foster care and she'll get you back," and then you don't never get back out. They should just be honest with you and tell you what's going on.

NEXT STEPS

Develop arrest protocols that support and protect arrestees' children but do not unnecessarily involve the child welfare system and increase the risk of permanent separation.

Training police officers to understand and address children's fear and confusion when their parent is arrested is an important first step. At a minimum, police could be trained to inquire about minor children, and to rely—in the absence of evidence that to do so would place the child at risk—on the arrested parent as a first source of information about potential caretakers. This would minimize both the possibility of children being left alone, and of children entering the child welfare system unnecessarily when family members or other caretakers are available.

Recruit and train advocates to support children during and/or after a parent's arrest.

The amount of time a police officer can invest in caring for the child of an arrestee is necessarily limited. In any case, when a child has seen an officer arrest his parent, he may be less than receptive to seeing that officer as a source of comfort and aid. To fill the resulting gap, volunteer advocates could be recruited through existing organizations that serve prisoners and their families, or at-risk youth generally. Police could call on these advocates when they have reason to believe a child may be present at a planned arrest, or shortly after an arrest takes place. The advocate would be there to support and reassure the child, and also to assist in finding a family or other informal placement when child welfare intervention is not deemed necessary.



I HAVE THE RIGHT
**TO BE HEARD WHEN DECISIONS ARE
MADE ABOUT ME.**

When a parent is arrested, children whose chaotic lives may already have left them with little sense of control often feel even more alienated from the events that swirl around them. Adults they have never met remove their parents with little explanation, then decide where the children will go without consulting them.

Randall, 18, recalls his confusion at the time of his mother's arrest:

I came home after school one day and the door to our apartment was already open. I saw a policeman in there. I didn't think of running, 'cause I knew I didn't do nothing. I just asked what happened to my mom.

There was a social worker there, but she was talking over me. She was telling me, "People make wrong decisions," and stuff like that. I didn't understand at first. I said, "Uh, where's my mom at?" And she just kept going, "Well, she's not going to be here for a while."

It would have been better if everything was explained to me from the beginning, like I had a part in it—which I do, but they made it seem like I didn't.

Marie recalls feeling similarly alienated when she had to fight to be heard as police discussed what to do with her at the time of her mother's arrest:

When I was about five years old, my mother and her boyfriend and my uncle were all arrested. I was with them. I can recall, as I sat in the police car, one officer saying, "What are we going to do with this kid?" The other guy said, "Well, we'll just take her down to McLaren Hall (children's shelter)."

I said, "I'm not going to McLaren Hall. You need to take me to my grandmother's house, or put me in a cab." I was already living with my grandmother at that time, but they never bothered to ask me, or ask my mother where did she want them to take me.

I was terrified of the police at that time. Very terrified of what I had seen, what happened to family members, what happened to my mother. I felt I hadn't done anything wrong. It was a very frightening experience.

When children continue to feel unheard, their sense of powerlessness grows.

Teresa, 15, has struggled to live up to the responsibilities that landed on her in the wake of her mother's arrest. She often wishes the adults in her life would ask her about her circumstances rather than blaming her for their impact:

My mom got locked up when my little brother was about nine months old. My grandmother was going to work so I stopped going to school and started taking care of him. Then my mom got out but they didn't allow me to go to the same school anymore 'cause I was missing too much school 'cause of my mom. It was a really good school—I got in there 'cause I'm a GATE (Gifted and Talented) student. They told me, "There's other students willing to come here who are willing to learn." I'm willing to learn, too. It's just I was having problems.

Adam, 30, cared for himself off and on as a grade-schooler while his mother and stepfather were incarcerated. Like Teresa, he felt shunned rather than heard within the school system:

The school system failed me from start to finish. I had been chosen to be in a fifth grade class that was a higher track. People would make fun of me because they could see the holes in my socks through the holes in my shoes. Right around the time my mom disappeared, some kid started a fight with me, probably because I came to school in my holey clothes, and the teacher had me kicked out of that class.

The teacher didn't even listen to me, probably because I was a poor kid who had holes in all my clothes. I wish that teacher would have listened. Once I was kicked out of that class, I felt like I'm this lesser person, or this bad person—like somehow I didn't deserve.

I failed the fifth grade. I went to school every day, but I didn't do my work. What they were talking about really didn't seem to be of any significance. Who wants to do schoolwork when your mother doesn't come home?

As much as they long for a voice within the systems and institutions that dominate their lives, young people also speak of wanting opportunities to be heard directly by their parents. When parental rights are terminated, or contact with an incarcerated parent is denied, children are robbed not only of their right to parental affection, but also of the right to express their anger and disappointment.

Danny, who rarely saw his mother during her nearly-continuous incarcerations, believes that he deserved the opportunity to confront her:

I think it would help my mother, or any mother, to get into a rehab or some kind of program where the kids can come and actually say, "Hey mom, you're messin' up. Your life is trashed. Do you want me to go down the same road that you did?" Something to make it click in her head that what she's doing is messing up not only her life, but her kids' life.

There are aspects of the lives of children of incarcerated parents that must inevitably remain beyond those young people's control. Children cannot choose whether or when their parents will be taken from them, or how long they will be gone. But when young people are offered a voice within the systems and institutions that come to dominate their lives, they are more likely to respect those systems, and find some sense of control and optimism in their own lives.

“WHAT WOULD HAVE HELPED ME MOST IS COMPASSION FOR MY MOM.”

Ahmad, 21, was born while his mother was incarcerated in a California state prison. When he was five, his mother’s parental rights were terminated and Ahmad was adopted by a single father. Ahmad reunited with his birth family at 16. He is currently attending college.

When I was a teenager, my mom and my sister and I were talking one day, and I said, “I’m glad I was born in Children’s Hospital. That was a beautiful hospital.”

All my friends would say they were born there, so I just assumed I was, too. But suddenly it got real quiet in the living room. My sister said, “You weren’t born in Children’s Hospital. You were born in prison.”

The whole little picture I had faded out and I had to fix up the jail picture. My new picture was a bailiff standing behind some bars and seeing the little jail cell where my mother was giving birth to me.

My mom said, “No, no, it wasn’t like that.” She told me they drove her to a hospital to deliver. My aunt drove down to pick me up and care for me while my mom was trying to get her life together and get over her addiction.

When I was living with my aunties, I remember a lot of happy stuff. A lot of family things. Chuck E. Cheese. Birthdays. A lot of kids. A lot of Big Wheels.

Then the system saw fit to step in and put me in foster care. After that, I was adopted. I was totally separated from my mom and the rest of my family. They said it was for my “mental stability”—that if I continued to see my family, I would be confused. I was always taught to say nothing about it.

That really impacted me and the way I felt about myself. Was I that bad of a child? Was I that much of a problem that people don’t want to take care of me?

Later, I learned that it actually had nothing to do with me. It was something my mother had to battle her way through herself, and I couldn’t change it.

When I was 12, my adoptive dad moved my adoptive brother and me out of state. Then one day, out of the blue, I came home from school and my dad said, “Your mother called.”

I called her and we were just talking like nothing is happening. It was good. Eventually, my dad said, “Well, I’m going to get you a Greyhound bus ticket and you can go ahead on back.” So he put me on a bus with some grilled cheese sandwiches, and I went.

I saw my mom and my sister and my grandma and my little nephew, who I didn't know I had. There was this whole other part of the family that I just never knew. New children now. New babies. I had to relearn all of this about my family.

My whole impression, growing up, was that my family were drug dealers or they were in and out of jail, but it wasn't like that. My sister was this working mom who went to college. My mom, she's gotten over her past. She still feels the urge, but she doesn't do drugs.

I stayed with my mom and my aunt and finished high school. Mom is my friend—she won't lead me to danger. She'd say, "Take the car. I don't want nobody shootin' at you getting on the buses." Not that I was in trouble like that—she just knew people were getting shot in the community and didn't want me to be a statistic. So I was like, "Maybe my mama cares."

I know it affected her a lot being pregnant and in jail with her baby. I've had to think back on what that was like for her emotionally. And after giving birth, to have to hand me over and then stay and finish her time.

She told me it was hard, and that the love she had for me is what kept her alive. It was what kept her pushing. If I wasn't born, she probably would have been dead. Took her own life.

All the system saw was a drug-addicted mother. "We don't want this baby to be affected by this drug-addicted mother. The baby could do better without her." They wanted to protect little Ahmad. Why didn't they care about his mother?

That was the thing that always struck me. People like little babies. But they didn't focus on getting her life right, 'cause they didn't make the connection with little Ahmad.

There are mothers out there that are abusive to their kids, so the system has to step in and do something about that. That's understood. But when there's a mother struggling with an addiction, struggling with herself, but is not abusive towards her kids, then the system has to help better that situation. Help the mother as well as the child.

My mother was abusive to herself, not to Ahmad. But the system associated her abuse of herself with abuse of me. Were they right to do that? No.

What would have helped me most is compassion for my mom. Services must be provided to the mom. We have to bring the mom back, so the mom can be a mother to the child.

The mothers don't want to use drugs. Mothers use the drug as their crutch, when they are mentally disabled. We have to remove the crutch. Start the therapy. 'Cause if you stay on the crutch for so long, you're not healing what needs to be healed.

Me and my mom, today we have a good relationship. We argue a lot over little petty things—I didn't bring her car back on time—but we love each other. I never stopped loving her for my whole life.

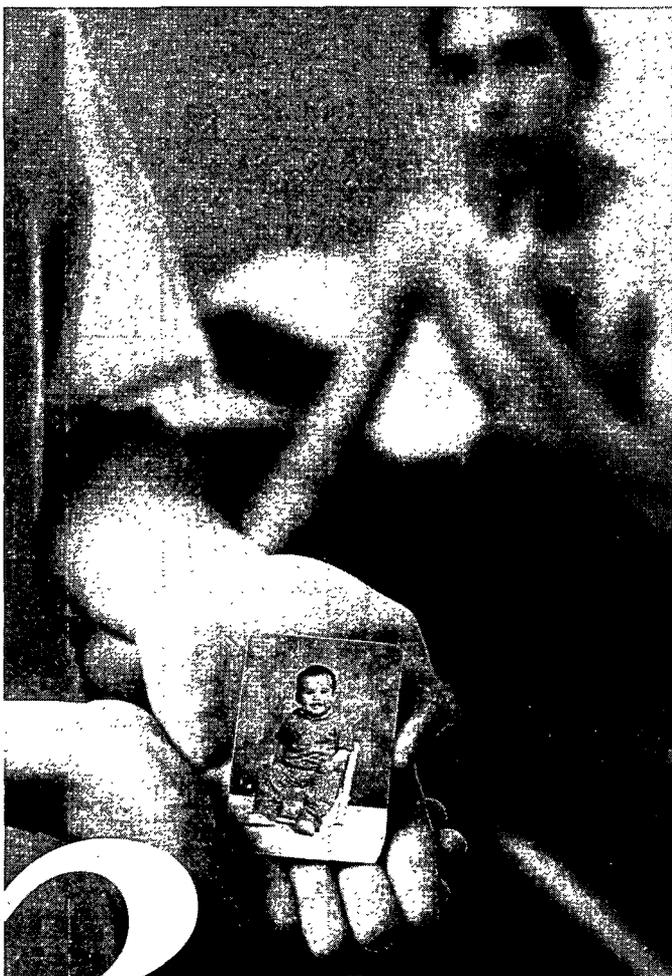
NEXT STEPS

Create a voice for children in court proceedings that will affect their lives.

When a violent crime is committed, a victim's relatives may be included in the judicial process and given a chance to speak at sentencing about the impact of the crime on their lives. While a similar role for a defendant's children may not be appropriate or feasible in the case of serious or violent crimes, in the case of drug charges or other low-level offenses, children could be given a chance to voice their wishes and express their concerns. While their voices would not be determinative, simply being heard and considered could help alleviate the sense of insignificance and alienation many children feel when their parents are tried sentenced, and taken away from them. Children's input might also increase awareness of the impact on families of sentencing decisions and policy.

Listen.

Every interaction between a prisoner's child and a representative of the adult world—be it police officer, judge, probation officer, teacher, relative or neighbor—presents both a risk and an opportunity. If young people feel blamed or unheard—if their pain remains secret or their needs go unexpressed—the burden of parental incarceration grows heavier. But if adults make the effort to listen without judgment and learn from children's hard-won experience, each interaction also provides an opportunity to offer solace and respite.



I HAVE THE RIGHT
**TO BE CONSIDERED WHEN DECISIONS
ARE MADE ABOUT MY PARENT.**

Ask the child of an incarcerated mother what might have improved his life and his prospects and you're likely to get some version of this answer: "Help for my mom." Even after years of trauma and abandonment, young people are likely to see their parents as troubled and in need of support rather than as bad and in need of punishment.

One specific young people cite frequently is the need for drug treatment to help parents liberate themselves from the addictions that have devastated them and their families. Many young people also mention counseling to help parents deal with the traumas that often trigger or result from drug abuse. Others cite help with housing and employment upon release as something that would have helped hold their families together.

Adam, 30, fended for himself as a child during his mother's frequent incarcerations. Today, Adam wonders what his life might have been like had his mother been steered into treatment and offered support earlier in his life:

Sending people to prison for victimless crimes—for abusing themselves—doesn't really seem to produce a solution. As a matter of fact, the laws only perpetuate what they're trying to prevent. You take somebody that's in a bad situation and you put them in a worse situation. It doesn't take a brain surgeon to figure out that sending people to prison only perpetuates the prison system, that they only become professional convicts.

You're also sending a very, very bad message to their children. The message is that the law and the government don't care about the integrity of the family.

Violent criminals, rapists and murderers should be incarcerated. But there's so many people stuck in there for drugs. People become convicts and then after that, if they come back out in the real world, they can't get a job. How is that going to help them become better people? They need to be healed internally, educated mentally, and given skills physically for them to be productive people.

When young people feel their needs are not taken into consideration by the authorities who control their parents' fate, they often feel insignificant, alone and alienated. They are also likely to lose faith in authority generally.

Jess, 15, was nine years old when his mother was sentenced to 19 years in prison on conspiracy charges. Later, Jess wrote the judge in an effort to defend his mother's reputation and secure her release:

Dear Judge, I need my mom. Would you help my mom? I have no dad and my grandmom have cancer I don't have innnyone to take care of me and my sisters and my neice and nephew and my birthday's coming up in October the 25 and I need my mom to be here on the 25 and for the rest of my life. I will cut your grass and wash your car everyday just don't send my mom off. Please Please Please don't!!!"

When his pleas went unanswered and, as far as he knew, unheard, Jess felt abandoned and morally adrift:

I just knew my mom was innocent and I didn't have anybody, so I prayed, and I thought the best thing was to write—maybe he'll hear you. I wrote two letters to the president and two to the judge. I heard nothing back. I never did lose hope. I just thought they wasn't interested. At the time, it made me feel like right was just wrong.

Jess has since made three suicide attempts.

There is no question that tougher sentencing laws—particularly for non-violent drug offenses—have had a tremendous impact on American children. But as it stands, sentencing law not only does not require the courts to consider the impact on children as they make decisions that will transform every aspect of children's lives; in some cases, it actively forbids judges from doing so.

A more sensible and humane policy would take as a given that sentencing decisions will inevitably affect family members—particularly children—and strive to mitigate the resulting harm as much as possible.

"IT GOT LONELY AND IT GOT SCARY."

Terrence, 24, spent nearly six months on his own as a teenager after his mother was arrested. Today, he is a student and a musician.

When I was 16, the police came. They kicked the door in and took my mom to jail. They told me, "Call somebody to come watch you." They were so busy trying to take her out, they didn't care about me.

At first, I didn't know when she would be coming back. Then she called and said she was in jail for possession for sale. She told me to be good and strong. Keep going. After that I just did what she said.

I had to take care of myself for almost six months while she was in jail. I cooked, cleaned, went to school. Stayed out of trouble. I never liked being in my house by myself all the time. It got lonely and it got scary. I'm like, "The police could come kick the door in at any time again. They might think I'm doin' something."

I had 56 dollars in a piggy bank. I cracked out some money and bought some food. When the groceries got low, I did some work washing cars in the neighborhood, sold newspapers door to door. That's what I did to survive.

The landlord felt sympathy for what had happened so he let me stay in the house until my mom got home. The electricity got cut off, but I still had water. Then everything got cut off. I was sitting around there in the dark. I had my friends come over and we'd sit around and talk. Go to sleep together. Wake up and go to school.

In my head I was like, "I'm going to be the man. I'm going to pay the bills. I'm going to try to do it." But I just didn't know what to do. I basically had to eat noodles and do what I could until Mom came home. I wanted to show Mom that I'm a man.

Around the fifth month, I ended up meeting some friends in a foster home. When I really started trippin' off the lights being cut off and everything, I started staying over there a lot.

The foster father asked me, "How come you've been spending the night so much? What's the matter?" I told him, "My mom's in jail." I don't know what he did, but he came back with some papers. He put me on emergency foster care with him.

I basically had to eat noodles and do what I could until Mom came home.

Then my mom got out and I was in a foster home. My mom ended up having to pay the money from the foster home. They have to bill somebody for it, and she don't have no money to do it now, still. She's still in debt because of it. If I had known that, I wouldn't have done it. Even though it was a good environment, I wouldn't have put my mom in that position.

**Using drugs,
she's hurting
herself.
Take her
away
from me
and now
you're
hurting me.**

After I turned 18, it was either be homeless or move back with Mom, so I moved back with Mom. She started doin' drugs more, keeps going in and out of jail. We're still poor. I didn't know what to do. I'm mad now. I'm doin' things I knew I shouldn't be doin'. I was fighting people and breaking into cars looking for some food. Stealin' off of stores. Things like that. Bad things.

I started going to jail. I got eight months on my first offense, for depositing a bad check in the ATM and taking the money back out. The third time, I got a three year sentence for receiving stolen property. They put me in an alternative program. It was in a penitentiary, but it was like a boot camp. I got my business certificate. That helped me when I got out of jail, to get good jobs and get on my feet.

My mom, they just put her in jail. Let her do her time. Kick her out. She's still the same person. She didn't learn.

The biggest solution I can think of is stop bringin' the drugs to the area. Just make sure they don't get it, somehow. If they take the liquor stores off the corner and paint all the buildings and clean the streets up, there won't be all these guys hangin' out, and there won't be as much drugs.

I think they shouldn't have took my mama to jail that first time. Just gave her a ticket or something, and made her go to court, and give her some community service. Some type of alternative, where she can go to the program down the street, or they can come check on her at the house. Give her the opportunity to make up for what she did.

Using drugs, she's hurting herself. Take her away from me and now you're hurting me.

NEXT STEPS

Ensure that sentencing laws, guidelines and decisions fulfill their public safety function without causing unnecessary harm to children.

As many states face severe budget crises—and public opinion polls show growing numbers of Americans favoring rehabilitation and alternative sentences for drug offenders—sentencing reforms are being contemplated, and enacted, in state houses across the country. At the same time, the number of U.S. prisoners recently reached a record two million, making the nation the world’s foremost jailer.⁴ In this context, the impact on children of lengthy sentences—and the fiscal impact of associated costs such as foster care or welfare for caretakers—warrants serious consideration, as does the potential positive impact of a shift towards drug treatment and community-based alternatives to prison.

At the same time, children deserve to have their needs taken into consideration when individual sentences are handed down. Expanding the capacity of judges to consider children as they make sentencing decisions—and encouraging them to use what discretion they already have—would go a long way towards protecting children from “doing time” for a parent’s crime.

Turn arrest into an opportunity for family preservation.

Parental arrest can push an already-vulnerable family to the breaking point. But at best, it can also be an opportunity to intervene and offer support before parents lose the capacity to care for their children, and children lose the opportunity to be cared for by their parents. If questions about the existence, status and needs of dependent children became a part of the intake procedure for arrestees, and efforts were made to connect prisoners and their children to family supports, the criminal justice system could play a role in supporting, rather than undermining, fragile families.



I HAVE THE RIGHT
**TO BE WELL CARED FOR IN MY
PARENT'S ABSENCE.**

When a child loses a single parent to incarceration, he also loses a home. In the most extreme cases, children may wind up fending for themselves in a parent's absence.

Adam, 30, watched his mother go in and out of jail and prison throughout his childhood because of her drug addiction.

When I was in the fifth grade, my older brother was in juvenile hall. Then my mom went to jail. Shortly thereafter, my stepdad became incarcerated. There I was, on my own. I'd stay out until 11 at night, looking at *Soldier of Fortune* magazine at the 7-11. At 11 years old, I would come home to an empty house. I starved, to be honest with you.

Most children are not left entirely to their own devices. The majority stay with a grandparent or other relative.⁵ Remaining with family can provide children with an important sense of continuity and love. But caretakers—particularly elderly grandparents—are often strained personally and financially by the challenge of caring for a second generation of children. When caretakers struggle, children feel the resultant stress acutely.

Amanda, 16, has lived with her grandmother most of her life as her addicted mother cycles in and out of jail and prison:

When they see that children don't have fathers and the mothers are incarcerated, they need to give the grandmothers more financial support. My grandmother gets SSI and welfare gives her 140 dollars a month for four children. I don't know if she's going to have any money for next month's rent.

Besides financially, I think my grandma also needs someone there for her, 'cause it's not right that she's always stuck inside the house taking care of us. She needs to get out.

Nationwide, just under ten percent of the children of incarcerated mothers are in foster care.⁶ Many more have experienced—or will experience—the involvement of the child welfare system at some point in their lives.⁷ These children have the same needs as any other foster child for love, continuity and shelter, but also have other needs specific to their situation: contact with parents who can only call collect and who may well be housed hundreds of miles away; honest communication about, and help in understanding and accepting, their parents' situation.

Children whose entry into the foster care system begins with a trip to the shelter may identify that experience with their parent's incarceration.

Christian, 10, was taken to an emergency shelter when police raided a methamphetamine lab run by his mother and her boyfriend:

I went to kiddie jail. The children's shelter—it's a jail for kids. Someone stole my watch. And they gave me clothes too small for me. For breakfast, they gave us a little box of cereal and a little piece of toast. And they barely gave us any lunch.

They keep you in cells—little rooms you sleep in, and you have nothing except for a bed, blankets and sheets. You couldn't even go to the bathroom in the middle of the night. You could barely communicate with someone in another room. You had to knock on the wall.

The child welfare system is generally unprepared to respond to the needs of children of incarcerated parents in a concerted fashion. One study found that while more than half of foster care administrators reported an increase in the number of children of incarcerated mothers needing placement, 97 percent reported that their agencies had no specific policy in place to address the needs of these children.⁸ As a result, young people may rebel against a system they perceive as unsympathetic to their needs and wind up burning through multiple placements. Conversely, when foster parents recognize and respect the unique needs of prisoners' children, a placement stands a much better chance of success—as does any future reunification with the parent.

When children lose a mother to incarceration, says Ida McCray, a former prisoner who now works with prisoners and their families, “an unspoken promise has been broken—that they're going to have a mother to love them and take care of them.” When children who have already suffered this loss go on to receive inadequate care, a second promise has been broken: that the society that removed their parent will not then abandon them; that they will not be asked to pay for crimes they did not commit.

“AM I IN THIS WORLD BY MYSELF? ”

Antonio, 23, spent 11 years in foster care while his mother was in and out of jail and prison on drug-related charges. He is currently working as a peer counselor.

When I was four years old, my mother started doing drugs. She used to be in and out of jail, and then she started going to prison when I was seven years old. That's we first got taken from her. Her friends took me to Social Services, dropped me off, left me there.

I've been in about 18 different group homes since then, and three or four foster homes. I don't care how bad whatever we were going through, I still wanted to be with my mom.

At the foster homes they would try to talk to me and I would say “yes” and “no.” I didn't tell them anything else, because I was so hurt about it. Even to this day I am, but I try not to let it get me down. It's just the past and I'm an adult now. I can go on.

One foster home I was in, I called the lady there my grandmother, 'cause she took care of me. She always made sure that I got in touch with my mom. Even if my mom was locked up and tryin' to call collect, she could call there. My grandmother knew that mattered in my life.

The other places, they didn't care. There was only a couple of people that I lived with that actually took me to see my mom.

I did go up to the jail a couple times. I understood my mom was there because she did something real bad. I used to be sad, real sad, and I used to cry. It was like, “I miss my mom. I love my mom. But then I don't.” I mean, I don't like her.

I used to ask her, “When are you gonna come out and get us?” And she would say, “Oh, I'm gonna try to do right when I get out. I'm gonna get a job. I'm gonna get my own place. You guys are gonna come live with me. I'm gonna stay off drugs.” Some of that stuff she did stop. Some of that stuff she went right back to after she stopped.

I couldn't go see her when she was in prison later on. It was too far away. In the group homes they knew my mom was in jail and they would just tell me, “Oh, it's gonna be alright.” But they don't know how I feel because they're not going through it.

**I don't care
how bad
whatever
we were
going
through,
I still
wanted
to be with
my mom.**

At school kids would ask where my mom was at and I'd say "jail." Some kids would be like, "Oh, that's cool." The good ones would be like, "Oh, that's all bad. Your mom's crazy." When Mother's Day used to come around and people would be chillin' with their mothers, kids would say, "What are you gonna do on Mother's Day? Oh, I forgot, you don't have a mother."

Now that I have kids, I don't know why anyone would want to leave a little precious thing like that by themselves.

What could have helped my mom be a mom is if she would have believed in herself more. If she would have had some positive people around her, and if we weren't living in the projects. A rehab could have helped, too, but a Christian place, where she can focus her mind on God. Because she believes in God, and I know that would help her out.

Maybe I didn't have a family, but when my daughter was born, I knew for sure that was my family. I knew I could make something better out of my life. When she was born, I cut all my friends loose. I started working at a warehouse, picking up 50-pound bags for \$6.50 an hour.

My daughter is always smiling. She's always happy. I look at her face and I'm like, "Tell Daddy what's goin' on in your little head. I would love to know."

I love having a family. Before, I would think, "OK, do I got a family, or am I in this world by myself?" Even to this day, there's that fear that I can lose my family, 'cause I've already lost my first family.

Now that I have kids, I don't know why anyone would want to leave a little precious thing like that by themselves. I don't understand why they would let that happen.

I don't care what I have to do in this world, if I have to do everything right, I will, just to make sure that my daughter gets everything that I didn't have.

NEXT STEPS

Support children by supporting their caretakers.

In many cases, relative caretakers receive less financial support than do non-related foster care providers—or no support at all. When the caretaker is an impoverished, elderly grandmother—as is often the case—it can prove particularly difficult for her to meet her family’s basic needs. Equalizing payments for relative caregivers would be an important first step towards supporting the children for whom they care. Additional private-sector help—including respite care and group support—for grandparents who parent could also help sustain struggling multi-generational families.

Consider subsidized guardianship as an alternative to foster care for children of incarcerated parents.

Children whose parents are serving long sentences deserve an opportunity for stability and permanence without being asked to sever permanently their bond with their parents. Guardianship—in which a caretaker gains most of the legal rights of a parent but biological parents do not permanently lose rights—is one way of providing this. If guardians were routinely offered the same level of support as are foster parents, more friends and family members of prisoners might feel able to step into this role. When reunification looks unlikely—as when a parent is serving a life sentence—an open adoption can also provide both a permanent home and an ongoing connection to an incarcerated parent.



I HAVE THE RIGHT **TO SPEAK WITH, SEE AND TOUCH MY PARENT.**

Visiting an incarcerated parent can be difficult and confusing for children. If the parent is in a county jail, the child may have to talk to him on a staticky telephone and look at him through scratched Plexiglas. If he is in prison, the child may have to travel a long distance to spend a few hours in a visiting room full of other prisoners and their families.

Michelle's mother began going to prison when Michelle, now 30, was a small child:

When my mother was in prison, my grandmother did take me to visit. I hated it. As a child, you had to be searched in some jails. I remember my grandmother had baked a cake and they kind of crumbled the cake up. Every time I went up there, I left in tears.

I remember one time there was this Christmas thing. They had Christmas trees, presents, even a Santa Claus there. Even though they tried to make it festive it was still awful for me, because the reality was, my mother is in jail.

We were living in Northern California and several times she was sent to Los Angeles. We caught a bus there, and it was the most awful thing for me to get on the bus. That's how I was able to get to Disneyland, because we had to go see my mother. How awful is that?

Despite the challenges, research suggests that contact between prisoners and their children benefits both. A 1972 study of California prisoners—still the most frequently-cited in the field—found that prisoners who had regular visitors were six times less likely to re-enter prison during their first year out than those who had none. These findings, wrote researchers Norman Holt and Donald Miller, suggest “that it might be well to view the inmate's family as the prime treatment agent and family contacts as a major correctional technique.”⁹

In some circumstances, visitation may not be in the best interests of particular children; in others, parents or children may choose to forgo visits. But the great majority of families want and will benefit from regular visitation. Children who regularly visit with parents from whom they are separated, according to several studies, show better emotional adjustment, IQ scores and behavior than those who do not. One study found that not only a parent's odds of recidivism but a child's odds of delinquency increase dramatically when visits are denied.¹⁰ When parents are expected to reunify with a child, regular contact visits—and the bonding they facilitate—are crucial to the success of their future relationship. Even when reunification is not anticipated, regular contact with a parent can assure a child that he is loved, and that his parent has not abandoned him by choice.

Danny, 18, grew up in foster care while both parents were in and out of prison:

I remember one time, when I was ten or 11, my father came to pick me up so I could meet my mom on Mother's Day. He took me to a prison. I remember the prisoners were sitting at tables on one side, and we were sitting on the other, and there was a gate in between all the way down. I threw a rose over the gate.

It really messed my head up, 'cause you can only see your mom through a gate, and that's supposed to be your blood parent. The last thing I remember is I had to turn my back to her and leave. It was hard.

That was the last time I saw her until I was 13 or 14. If there had been some time set up where I could talk to my mom consistently on a one-on-one basis, I think my life would be completely different. Just knowing I had a mother that cared. Even if it was fake, it would have helped to know that someone is there. You're livin' life solo but there's a mother out there that you came from.

As increasing numbers of prison facilities are built in remote rural areas, more and more prisoners are held at prohibitive distances from their families. Nationally, according to the Bureau of Justice Statistics, 60 percent of parents in state prison report being held over 100 miles from home.¹¹

As a result—and despite the evidence that regular visits provide significant benefits to children and parents—too many children are unable to spend time with their incarcerated parents. In 1978, according to a study by the National Council on Crime and Delinquency, only eight percent of women prisoners had not received a visit from their children.¹² By 1999, when the federal Bureau of Justice Statistics conducted its own major survey, 54 percent of mothers in state prisons, and 57 percent of fathers, reported never having had a single visit from their children.¹³

"WHEN IT'S HARD TIMES, YOU STICK TOGETHER."

When Malcolm, 17, was four years old, his mother was arrested for a crime committed before he was born. He lived with his grandmother until his mother was paroled nine years later.

When my mother was arrested, I went with my brothers and sisters to live with my grandmother. I really don't remember the first couple of years, but I remember that it was a long, long time that I didn't see my mom. Then, maybe after the first couple years, we started seeing her once every month or two. My mom started finding people to drop us off and give us rides. Then it came to like twice a month.

I was told why my mother was in prison, but I really didn't care. I cared more about not having my mother being in my arms, and tucking me in on going to sleep, than about the reason she was there.

I couldn't even begin to express to you in words how fulfilling that was to my soul to give my mother a hug.

We made the most of each visit that we had. My mom was very special about trying to give time to each little child. Like for my sister she would sit there and braid her hair while she had her little private time to talk to her. She would try to make the three-hour visits enriching.

I remember she used to teach me karate. I remember her pushing me on a swing. Me showing her my muscles, even though I didn't have any. Just me being relaxed and having fun with my mother is what I remember most. And me really realizing how much I missed her towards the end of the visit, when someone would tell us we would have to say goodbye.

I couldn't even begin to express to you in words how fulfilling that was to my soul to give my mother a hug. For her to give me a kiss. For me to sit in her lap. If I hadn't been able to do that, I would have felt very empty then, as a child, and maybe as well now.

Family is very important in my life. And I try always to indulge myself in that, after having that stripped away from me.

Whatever the parent may have done, you shouldn't demonize or punish the child by taking the child away from everyone that he or she has loved and tearing away all values, all sense of family. That's a crime in itself to me, and it is very saddening to me when I hear it.

Because I didn't have that permanent separation—I always had contact in some form, whether it was writing, phone calls or visits, with my mother—I understand the strength of a family. When it's hard times, you stick together. And that was just a hard time.

**Whatever
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I didn't think that my mother was going to be out until I was 26. But she was paroled when I was 13. Because the contact I'd had with my mother was only for a couple hours at a time, it wasn't easy when she moved back in with us. We had to get used to each other.

I remember one day when she first got out, she walked me to school. A lot of kids are ashamed that their mom's walking them to school. I was so happy for her to be in my presence, and for the first time in my life for my mom to even come to my school, that I couldn't care less what people thought.

I wanted her to always be in my presence—for me to always have contact with my mother. That's what I always wanted. Me as a child, and me still, growing up.

NEXT STEPS

Provide access to prison visiting facilities that are child-centered, non-intimidating and conducive to bonding.

Visiting a jail or prison is necessarily an intimidating experience for a child, but much can be done to reduce fear and anxiety and improve the quality of the experience. So-called “window visits,” where visitors are separated from prisoners by glass and converse by telephone, are not appropriate for small children. In facilities such as county jails where these visits are the norm, exceptions should be made for prisoners with children. In facilities where contact visits already take place, visiting rooms should be designed with children’s needs in mind, or separate accommodations should be made for prisoners with children.

Consider proximity to family members when assigning prisoners to a particular facility, and when making foster care placements for children of prisoners.

Because visits are beneficial to prisoners and their children—and because distance is the foremost impediment to regular visits—every effort should be made by those who hold jurisdiction over parents and over children to communicate with each other and work together to minimize that distance.

Encourage social services departments to facilitate telephone and in-person contact between children in their care and incarcerated parents.

Children in foster care—who must depend on over-extended social workers or foster parents—have a particularly hard time gaining access to their parents. At the same time, social services departments have a legal mandate to make “reasonable efforts” to provide families with the support they need in order to reunify. One way to ensure that this mandate is fulfilled would be to establish units within child welfare departments dedicated to serving the children of incarcerated parents. Workers in these units would be trained to deal with prison visitation and other issues unique to this group of children and would also be able to establish long-term relationships with prison authorities in order to facilitate contact.

There is no question that extra effort is required to keep children in contact with incarcerated parents. But from a child’s perspective, it is only reasonable that such efforts be made.



I HAVE THE RIGHT **TO SUPPORT AS I STRUGGLE WITH MY PARENT'S INCARCERATION.**

Children whose parents are imprisoned carry tremendous burdens. Not only do they lose the company and care of a parent, they also must deal with the stigma of parental incarceration and fear for their parent's safety and well-being. Researchers who have interviewed offenders' children have found them prone to depression, anger, and shame.¹⁴ Many young children experience a parent's arrest as simple abandonment.

One study of the children of 70 mothers awaiting trial in Boston found that over half suffered from a major psychological disturbance.¹⁵ Another study of the children of incarcerated parents found that many showed symptoms of post-traumatic stress reaction—depression, difficulty sleeping and concentrating, flashbacks to their parents' crimes or arrests.¹⁶

Amanda, 16, has watched her addicted mother go in and out of jail and prison as long as she can remember. So have her two younger siblings:

My sister is 11. It affects her so much, she's gone to mental hospitals, she's tried to kill herself. At school she sees everyone talking about their mothers and she just cries. Someone was teasing her at school 'cause she didn't have her mother and she had an anxiety attack and couldn't catch her breath. They called an ambulance and she was in the hospital for a week.

While schools have no explicit mandate to address the needs of children of incarcerated parents, they are nevertheless on the front lines of a problem that is affecting increasing numbers of school-aged children. Depending upon how a school does or does not address the needs of these children, the school can be a place of refuge or of stigma and isolation.

Amanda, a talented student, found it difficult to focus on school during her mother's incarceration:

School is hard, 'cause I'm thinking, "Oh my god, when is my mom going to get out?" It's hard for me to concentrate. I tell my teachers and they say, "Yeah, I understand, but you still need to do your work."

I think the schools should have a daily sheet where kids can explain how they feel or if they need some time out or someone to talk to. I don't like how for youth to be able to get anger management you have get in a fight or something. They should attack the problem before it actually gets to that point.

Young children whose relationship with a parent was disrupted by that parent's imprisonment often experience "survivor guilt," and feel as if they are to blame for the parent's disappearance. Older children may express their grief through aggression, leading to disciplinary problems at school. When they hit adolescence, their anger may lead them into delinquency.

Antonio, 23, went from foster homes to group homes to juvenile hall as his grief turned to despair and self-destruction:

I can't be alone. I have to be around people. Otherwise it's like being locked up or something—by myself, nobody around caring about me or nothin'. When I was a little kid, I felt that there was no one that cared about anything that I did. Basically, I just needed a mother. I needed a mother to be a mom—to show her little boy she loved him.

I left school in the ninth grade. I was out there kickin' it with my friends, getting high. I was just depressed, and wondering what my life was gonna be like. I was suicidal, too, for a while. When I was in a group home, I climbed all the way on the roof and jumped off. Another time me and my friend tried to slit our wrists.

I used to gang bang and do drugs. You go out there in the streets doin' anything and everything, trippin' on your mom not being there. You gotta go out and try to get your mind off it, even though it all comes back at the end. 'Til one day you just let it out—speak it to somebody, or you just speak it to God.

The good news is that children of incarcerated parents often express an eagerness for help and comfort, and latch on powerfully to whatever is offered them.

After nearly two decades, Adam, 30, still remembers a teacher who reached out to him:

Whenever somebody did take an interest in me, no matter how fleeting, I ran with it. My sixth grade teacher saw that I was coming to class stressed out and she brought me a little sticker that said, "One day at a time." I used to have a little safe that I got from my brother, and I put that sticker on that safe and that stayed with me for a long time. She showed an interest in me that one time, and I've never forgotten her.

The fleeting nature of the kindness that meant so much to Adam indicates what many other children confirm: Young people who "can't be alone" all too often are.

“THERE IS MORE IN THE WORLD THAN BAD STUFF.”

Shana, 19, was adopted by her aunt and uncle as a result of her mother’s addiction and repeated arrests. She is currently a college sophomore.

When I was seven years old, I was taken away from my mother because she was addicted to crack cocaine. My father was never in the picture. He was in and out of jail.

When I was little, even though my mom did use drugs and our house was a crack house, it wasn’t the worst situation I have heard of. My mom always stayed clean; she always kept food on the table. When we’d have Christmas or Thanksgiving dinner with family members, we’d always cover it up—“Oh, everything’s fine.”

But gradually, it got out of control. My mom started being gone for days at a time. We didn’t have any food or clean clothes. There were men coming in and out of the house, and there were nights where I would have to lock my door and my brother would stand in front of my room and guard it all night.

Sometimes my mom would get arrested and my brothers and I would be on our own. I didn’t really understand what was going on, but I knew it wasn’t right. Eventually, our lights, our phone, our water were all turned off. I know it’s not the teachers’ responsibility, but I wish they would have come by just to see how we were living. Just to see that we were on our own, in a dark room sometimes, with candles.

Finally, my older brother said, “I have to tell. I can’t wash clothes, I can’t cook every day, I can’t do all that by myself. It’s getting too hard for me.”

He went to my aunt and uncle and told them the situation, and they just took me out of the house. My oldest brother went to another aunt’s, and my other brother stayed with my grandmother.

I think there should be a program to help kids cope with the fact that their mother is arrested. Therapy, to see how the child is feeling and let them know what’s going on. I know I needed something.

When I was five, I wasn’t in a five-year-old place. I shouldn’t have been able to know what drugs smell like, to see my mom doing it. When a child is exposed to that type of stuff, you can’t take it away, but you can put them back in a child’s place by getting them involved in childlike things. In my community, all the resources for kids, like the rec centers, are gone or shut down or taken over by drugs.

You need to know you can go through bad stuff, get out of it, and do so much more. Be so much more.

I would have liked to go camping. Horseback riding. Rock climbing. At a young age, that's when you develop your talent. Drawing. Singing. Dancing. Acting. Something like that would have shown me that there is more in the world than bad stuff. You need to know you can go through bad stuff, get out of it, and do so much more. Be so much more.

Miss Norris told me, "I know you're probably not looking for one, but if you ever need anybody, I'll be your mother."

I think the moms should have their own counseling sessions too. Even though they can go to rehab for drugs, they probably need some private counseling, and a probation officer really doesn't do stuff like that.

Through all that time my mom was in and out of the drug programs, in and out of jail, prostituting, doing all kinds of drugs. But I never got to see her or write to her when she was in jail, because my aunt and uncle didn't want me to.

I did go with my grandmother to visit my dad in jail. It hurt, because he would say how much he loved me and how much he was sorry and make these promises, and now he's out and they don't hold true.

I never hated my mom, but I gave up on her. When I joined the Omega Boys Club, Miss Norris and Dr. Marshall taught me that my mom is human. My mom is bound to make mistakes. But I'm not going to get down and sorrowful and every time something happens say, "Oh well, my mom was on drugs and went to jail—that's why I have that problem." In my household and in Omega, they taught me to take responsibility for my own actions.

My aunt and uncle encouraged me to get involved in sports. Go to school, act civilized and get good grades. The Omega Boys Club helped me a lot, too. The first time I went to a meeting, Miss Norris told me, "I know you're probably not looking for one, but if you ever need anybody, I'll be your mother. I'd love to be your mother." Just to hear something like that is priceless.

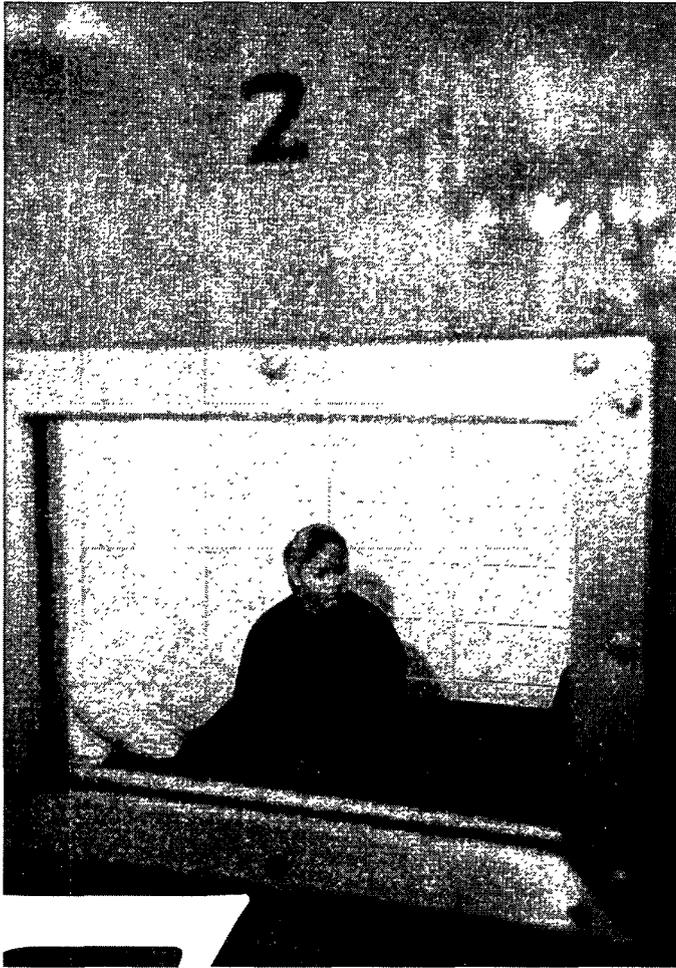
NEXT STEPS

Train staff at institutions whose constituency includes children of incarcerated parents—schools, foster care agencies, juvenile detention centers, child care programs—to recognize and address these children’s needs and concerns.

Any institution dealing with vulnerable youth will likely serve numerous children of incarcerated parents. In many cases, children do not feel able to talk about this aspect of their experience, and, in part as a result of this, find little in the way of support among the adults with whom they interact. When adults are sensitive to the needs—not to mention the existence—of children of prisoners, they are better prepared to offer the support these children need.

Provide access to therapists, counselors and/or mentors who are trained to address the unique needs of children of incarcerated parents.

Some of the same issues that make counseling so essential for many children of prisoners—repeated loss; heightened fear of authority; discomfort in institutional settings; difficulty in forming trusting relationships—can also make providing that care particularly challenging. Children of incarcerated parents need access to therapists or other counselors who have the background and training to surmount these barriers.



I HAVE THE RIGHT
**NOT TO BE BLAMED, JUDGED OR
LAELED BECAUSE OF MY
PARENT'S INCARCERATION.**

Incarceration carries with it a tremendous stigma. Because young children identify with their parents, they are likely to internalize this stigma, associating themselves with the labels placed on their parents and blaming themselves for their parents' absence.

Shana, 19, kept her mother's drug use and jail stints secret throughout her early childhood. When her extended family found out, they intervened and Shana went to live with her aunt and uncle:

When I moved in with them, they asked me, "Do you think it's your fault that you're not living with your mother?" I was like, "Yeah, I guess I'm paying for it now." They broke it down for me—that it wasn't my fault my mom was on drugs. Just to hear an adult tell you that you're not at fault—as a child, it makes you feel better.

Not everyone receives so reassuring a message. Many young people hear—from relatives, caretakers, or other adults—that they are "just like" the offending parent and will likely meet the same fate. Antonio, 18, recalls the shame of living up to negative expectations:

When I was 15, I spent maybe a month in juvenile hall. I was like, "Man, here we go. My foster mother said it." 'Cause my foster mother said, "Keep doin' what you're doin', you're gonna end up like your mom, in jail. Don't call me from jail."

Shame over parental incarceration can affect arenas such as school performance and social life. Randall, 18, recalls the strain of trying to cover for his mother's absence and his resultant child welfare status:

I was moved from a foster home to a group home and then to a boy's ranch. Stuff like that'll really throw you off from school, 'cause a lot of people will be in your business. Somebody from the group home would pick me up and kids at my school would be like, "I see you with that white lady all the time. Where your mom at?"

Amanda, 16, says the stigma surrounding her mother's incarceration has affected her relationship with her peers:

I don't like telling my friends that my mom's locked up because then they're like, "Oh, well, that family's all bad. They're low class." Kids look at you differently and then they'll talk behind your back.

When children's grief and shame express themselves as anger and withdrawal, they are often simply interpreted as bad behavior. Martin works in a school setting with children of incarcerated parents; his father spent time in prison when Martin was a child.

The labels you put on children and teens—they hear it, they really do. Children have feelings when their parents are incarcerated. And sometimes if they don't listen for a little while, the adults get mad or tired and they'll send the children to detention or to the principal. A lot of children are being sent to Special Ed not because they're lacking knowledge but because of behavior problems.

As children hit adolescence, the principal's office may give way to juvenile hall. Having a parent in prison greatly increases the odds that a young person will wind up in the juvenile justice system.¹⁷ And juvenile hall is a major port of entry into the adult criminal system—the beginning of a devastating cycle of intergenerational incarceration.

Arrest and incarceration are traumatic for any young person. But when children of incarcerated parents find themselves behind bars, they face a special set of issues. They may feel that their own incarceration was and is inevitable; that they are fated to follow in their parent's footsteps.

Danny, 18, grew up in foster care while both of his parents were in and out of prison:

I was arrested one time for fighting and I went to juvenile hall. I felt that I was falling into my parents' footsteps, and I was locked up with a bunch of animals just like me. It killed me. I felt like I was in a jungle and I had to find my way out the door and jump to something better.

Many offenders' children say the stigma they have experienced as a result of their parent's status is the heaviest burden they carry, lasting long after the parent is released or the child reaches adulthood. Working to lift this stigma would go a long way toward lightening the load the children of prisoners carry.

"IT'S HARD TO FIND A SENSE OF VALUE IF EVERYBODY TELLS YOU YOU'RE NOT WORTH ANYTHING."

Early incarceration—starting with juvenile hall—marked Rachel's mother's life. When Rachel, now 21, was two years old, her mother left her with her great-grandmother. Rachel is now working as a waitress. In recent years, she and her mother have reconnected.

When I was around six, my mother got locked up. I was already living with my great-grandmother at the time. I really missed my mom a lot of the time. If she wasn't locked up, she was gone doing something else, and it left me feeling really isolated.

When I was 11, I got taken away from my grandmother because I was deemed incorrigible and her home was deemed neglectful. After that, I was in lot of placements. I can count ten on my hand, then some of them just blur. There were three mental hospitals, and juvenile hall.

In juvenile hall, a psychologist evaluated me and said I was nuts, basically. She said I was sociopathic. I was all types of crazy. It stuck. It's hard to find a sense of value if everybody tells you you're not worth anything. If you don't feel like you're worth it, you're never gonna do for yourself.

My mother was sent to juvenile hall when she was a teenager. She blames that for why she started using drugs, because she met this girl in juvenile hall that got her on drugs. She also developed a deep fear of institutions. Her concept of the world is based on a fear of authority, and also a loathing and envy, instead of a sense of "I can achieve that position."

Growing up, I just generally thought my mom was a loser. I gave her a hard time. I wouldn't call her Mom. When she came over I would steal money from her purse and not talk to her. I abused her because I felt abused. I guess I didn't feel like she was a mom.

Now I understand that my mom had no support. My family has always been color-oriented, and because she was a dark-skinned black woman, they abandoned her. My mom was raised by her grandma, because her mom disowned her.

My mom needed someone who cared. Someone to show her how to go to school and invest in life. Someone to take her camping, biking, to the water. She needed someone to get her out of her environment.

**If you don't
feel like
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never gonna
do for
yourself.**

That's what made a difference for me. After I was placed in foster care I ran away a lot, and in my runnings I would hitch-hike to different cities and states. Instead of letting the community make me feel like I was trapped, I completely defied it.

Even in juvenile hall, I was very optimistic. I had people that brought me books, and I'd live in my books until I could get away. I'd read about heroines that were kept in towers. I read about women who survived obstacles, and reading about survivors made me feel like one. If they could leave slavery and defy Rome, I could do it.

I don't think my mother found that sense of freedom till a lot later in life. I still don't know if she's found it or not. But she didn't find me. We don't have a great relationship. And I don't know how to ask her if she found that freedom.

Some people can't find the door in the dark. You have to put a light. We could make a place that was a prison where you couldn't leave, but have activities. Have your baby there with you. And teach living skills. Let them go to school.

When rich women do drugs, where do they go? To some nice Betty Ford Center. Why can't we have a Betty Ford Center for our rehabilitation, with child care and swimming pools and softball and school? My mom has always wanted to learn computers, and she never got a chance.

If my mom had been able to get a good secretary job, it would have been the joy of her life. Even today, she always tells me when she sees me, "I'm going back to school." She's fifty-something years old. She's been going back to school for the last 30 years.

No matter what your mom does, she's still a person. After a while, you realize that people screw up. You realize that your mom's not the only screw-up. You either hold it against her and have this big old knot in your stomach, or you let it go. It feels so much better to let it go.

I was able to do that when I realized that I was probably going to go a lot farther than my mom ever went. And that I was going to take my mom with me—not physically, but in my heart. That one day I'd be able to show her something beautiful. I'm going to show my mom the door.

NEXT STEPS

Create opportunities for children of incarcerated parents to communicate with and support each other.

The shame young people experience when a parent is incarcerated is enhanced when they harbor the misperception that they are alone in their experience. The company of other children of prisoners—whether in support groups or informal activities such as recreation programs or summer camps—can allow young people to unburden themselves of a painful secret, learn that they are not to blame for their family's troubles, and perceive themselves as having potential.

Offer an ear, and respect for privacy.

Children of incarcerated parents often feel torn between the longing to share their burden and the fear of their “secret” getting out. Too often, sympathetic adults may offer help but neglect to respect young people's need for privacy.

Adults in “helping” roles—whether within schools, youth groups, social services departments or neighborhoods—can alleviate this tension by offering an understanding ear but also offering the same discretion one might wish for one's own family.

Create a truth fit to tell.

“If I were the one placing a child,” says Rochelle, 25, who spent her early years with a drug-addicted mother before entering foster care, “I'd say, ‘Your mom is away in a place where she's going to try to get some help. For now you'll be placed with family members, or if not, in a foster home. And I'm going to be there for you and with you.’”

If this were the truth, it would be easier to tell. If arrest meant acknowledging a problem and was followed by an attempt to solve it; if children knew they would be reunited with their parent as soon as possible and well cared for in the interim; if those who claimed custody of the parent also offered support and solace to the child, then the criminal justice system might not be so cloaked in shame and stigma that children felt compelled to hide their parent's involvement in it, and view themselves as tainted as a result.



I HAVE THE RIGHT **TO A LIFELONG RELATIONSHIP WITH MY PARENT.**

Separation is hard on families—but so, paradoxically, is reunion. Recently-released prisoners face an obstacle course of challenges and obligations. They must maintain a relationship with a parole or probation officer; find work and housing despite a criminal record; and struggle to rebuild relationships with friends and family.

Children face their own set of challenges. Now that an often longed-for reunion is upon them, they must grapple with anger and questions of authority, as well as the persistent fear that their parent will once again be taken from them.

Adam, 30, was separated from his mother repeatedly throughout his childhood due to her incarcerations:

I feel for my mother, because she still assumes the parent role as if I was 11. She didn't get to be the parent, and now that she actually is responsible enough, she is trying to get that back.

The thing that she is forgetting is that I raised myself. When you've taken care of yourself for so long, if someone comes along and thinks that they're just being the parent again, it's like, "No, I'm way beyond that." So my relationship with my mom has been difficult.

There is ample evidence that such challenges are well worth facing. Research consistently indicates that the strongest predictor of successful re-entry into society is abiding family bonds.¹⁸ Supporting these bonds, and reducing the obstacles to maintaining them, may well be the best anti-recidivism approach around.

Changes in child welfare law, however, have greatly increased the odds that even a relatively short prison term will lead to the permanent severance of family bonds. Under the 1997 Adoption and Safe Families Act (ASFA), states must begin proceedings to terminate parental rights if a child has been in foster care for 15 of the past 22 months—six months if the child is under three.¹⁹ The average term served by state prisoners is two-and-a-half years.²⁰ These clashing timetables mean increasing numbers of prisoners risk losing their parental rights if their children are in foster care.

Even those inmates who manage to get out of prison with a little sand left in the hourglass face a daunting obstacle course if their children are in foster care. First, the social services department will hand them a reunification plan that requires, for example, that they complete a drug treatment program, attend a parenting class and provide a stable residence for their children. Since anyone with a felony drug conviction is ineligible for benefits, including housing, under welfare reform laws in many states, this last may prove particularly challenging.²¹ A criminal record also makes finding a job difficult, so market rate housing is likely out of reach. The net result is that many former prisoners fail to meet reunification requirements, and termination proceedings begin.

After Christina, 39, was arrested on a petty theft charge, her four-year-old son was placed in foster care. Christina was unable to meet the requirements for reunification, and her parental rights were terminated.

When I got out of jail I had nowhere to stay, no family to go to and was still using drugs. And then to give you a certain amount of time to either clean yourself up or it's over—I don't think there's any time frame you can put on a person.

These last two years, I have turned my whole life around. I haven't had any police contact. I have a car, a job, I maintain my home. My life is good and has been from when I started my rehab program. But as far as the system is concerned, it was too little, too late. I was already put in a bag and thrown out way before. To me, the CPS (Child Protective Services) workers are like a god. My worker ran the ball too quick. She put me in this category like, "She's never gonna do anything, she's a loser and we're gonna get this in and out as fast as possible."

My son is seven now. My rights were terminated last year. I don't understand why the system couldn't give me another chance, for my son's sake if not mine. Because he's still my child, and there's always gonna be a question in his mind—"How come I'm not with Mama?"

Ahmad, 21, vividly remembers the trauma of realizing that his relationship with his mother had been legally severed:

When I was five, my mother's parental rights were terminated. I wasn't even allowed to be by her in the courtroom. I was away from her when they did the decision-making. But I just knew from her expression, her tears, begging the judge, what had happened. I was reaching out to her, begging, trying to have that last hug. They picked me up and just took me away. Me screaming and yelling, "Mommy, I'm sorry, I won't be bad again."

As a teenager, Ahmad left his adoptive home and reconnected with his mother; the two are in the process of rebuilding their relationship. His experience—and that of other young people who have been able to maintain a connection with a parent serving a long sentence—offers evidence that reunion is possible and desirable even when reunification, in a legal sense, is not. Even when parents do not prove able—because of the length of a sentence or the intractability of an addiction—to resume caring for their children, it is often still possible, and worthwhile, to maintain a relationship.

Shana was adopted by an aunt and uncle, who encouraged her to maintain contact with her intermittently incarcerated mother.

My second semester in college, my mom and I started talking on the phone. She had cancer by then, but that still didn't make her slow down and get off drugs. But we became close again. She became my mother. I became her daughter. She started giving me advice. I started being open to what she had to say.

Not long after that, she died. So, like my auntie says, everything does happen for a reason. It was meant for me to hear what she had to say in her last days. It was meant for me to not hate her, to forgive her, to be open to what she has to say. Just like when I make mistakes people forgive me.

Unless there is evidence of danger to the child, or the parent or older child chooses otherwise, every effort should be made to support reunification between incarcerated parents and their children. When reunification does not prove possible, avenues must remain open for some form of ongoing connection. When those avenues are closed, children are forced to forfeit the most fundamental right of all—the right to remain part of their families.

"I'M GETTING MY MAMA BACK."

As a child, Mark, 18, cared for his three younger siblings while his mother was in and out of jail. He spent his later years in foster care and juvenile hall while his mother did time in prison. At the time of this interview, he was about to emancipate from a group home and was planning to attend college.

When I was about eight, my mom started smoking crack and leaving me home late at night. Then she'd go to jail and wouldn't nobody know I'd be at home watchin' my brothers and sisters the whole time.

I was smart, 'cause it happened so much, She ain't home for a week, I know what to do. I put oatmeal in a bowl with water, warm it up and stir it around, put some butter in it. I know I burnt eggs.

When I was about nine, we were home alone and my little brother busted his head on a piece of wood. I had to call 911, and that's when Child Protective Services started coming in. After that, we didn't see my mom.

My mom'd start callin' the house crying. She'd be in jail. She'd say she's sorry, won't do it again. She'd get out. Do the same thing. It got to the point where my mom was going to the penitentiary, like that's all she knew. When she'd get out, she knew she was going back. But she couldn't explain it to us—that she had a problem.

Later, when I was living in group homes, I started going to juvenile hall myself. I'd go to juvenile hall for a change of placement, until about my third time, when I got introduced to crime. I learned how to steal a car in 30 seconds. After that it was high speed chases. I had one assault and battery case. One burglary.

When I was in juvenile hall all, I could think about was my mom being in jail. I think that's why I was in most of the situations I was in. I didn't care about going to juvenile hall, 'cause my mom's in jail.

I think what would have helped me is just somebody to talk to.

Somebody to take me somewhere, do something. I did have a mentor when I was little. I started opening up more and more, talking about my mom. After about a month and a half I moved again and then I stopped seeing him.

I got to the point where I hated my mom. But that was before I understood what she was goin' through. See, she was lost. When we were with my mom, she knew she couldn't pay the bills. She knew she couldn't feed us right. She was stressin', and the only way she could hide it was go smoke some crack. Steal something to get more crack. When we were separated, it made it worse.

I started to understand that she wasn't doin' the stuff she was doin' 'cause she didn't like us—she was doin' it 'cause she needed help.

I started looking at documentaries and reading books when I was locked down, like a documentary that one of the staffers brought in on women prisoners. I started feeling the mother's part that's in jail. How they miss their kids, and they don't tell us they love us 'cause they're scared. They feel, how can they tell us that they love us when they don't even know us?

I realized I kind of hurt my mom when I never called or visited or wrote her. And I started to understand that she wasn't doin' the stuff she was doin' 'cause she didn't like us—she was doin' it 'cause she needed help. And when she'd go to jail it just made her worse, 'cause she started learning new crimes from new people.

One time when I was locked up she wrote me a letter telling me how to deal with my stress, because she was locked up and she knows what I'm goin' through. She told me to keep a lot of books, and read a lot, so I could free my mind and I won't get institutionalized. Talk less and observe and learn more. And she said try not to sleep too much, 'cause when I get out I'd be lazy. Exercise. And try not to think about home as much, 'cause that just stresses you even more.

When I got out, she brought me something for my birthday. I knew she was my mom, but the only time I'd felt loved was around the time when I was little—four, five, six. Now I got that little kid feelin' again.

She started coming around and taking us out. Then she got locked up again. That's when I finally understood—she needs help. 'Cause she tried to be a mom. She just needed help.

Later on, when I was 16, we were both at my grandma's, just visiting. I told her, "You're disturbed. You need help."

She burst out crying. Then the next day she sat down and told me she's going to fix herself. This time I believed her. The next time I talked to her, she was doin' good.

She put herself in rehab and got her a sponsor, and they've been helping her out. Today, she works at the church. She's got her own two-bedroom. And she's clean, about two years.

What made it happen is love. Love from me and my family. That little piece that's lost—it's filled the gap there. At first I used to think my mom would be dead, but now I know she's going to see my kids. I know she'll see me graduate from high school, see me go to college.

So I just tell other young people, if their mom is locked up, "Why don't you just tell her you love her? Send her some socks, send her a card, and it's going to start. It ain't going to happen as quick as you want it to, but it'll start."

I used to pray at night for a new mommy and daddy. I'd see people in magazines and go, "Oh, I wish she was my mama." And now I'm getting my mama back.

**At first I
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NEXT STEPS

Re-examine the Adoption and Safe Families Act (ASFA) as it applies to incarcerated parents to ensure that viable families are not dissolved because of rigid timelines for termination of parental rights.

Under ASFA, exceptions to the timelines for termination are permissible under two circumstances: when a court determines that “reasonable efforts” have not been made to support reunification, or that termination is not in a child’s best interests.²² In practice, prisoners rarely have the wherewithal to mount a challenge to a termination proceeding. Given the minimal efforts that are generally made to maintain contact and plan for reunification between incarcerated parents and their children—and the obstacles even the most energetic social workers face when they do try to support reunification—terminations in these cases ought to receive automatic scrutiny under the “reasonable efforts” clause. When children enter foster care simply because of parental arrest, rather than evidence of abuse or neglect, these cases deserve careful consideration under the “best interests” clause. At the same time, arrested parents whose children are in or may enter the dependency system should receive complete information about that process, its potential impact on parental rights, and their own rights and responsibilities within it, prior to any plea bargain that could lead to a sentence long enough to trigger the ASFA timelines.

Designate a family services coordinator at prison and jail facilities whose role it is to facilitate family contact and support reunification.

Incarcerated parents may have a hard time even locating their children, much less arranging visits from behind bars and fulfilling the multiple mandates required for reunification. Investing in a staff member whose job it is to support these efforts could result in significant child welfare savings down the line, as well as decreased recidivism.

Support incarcerated parents upon re-entry.

The most basic tasks of parenting—providing food, shelter and clothing—are made immensely more difficult by a criminal record. At the same time, researchers have found that abiding family bonds are the strongest predictor of successful re-entry. Removing felony conviction restrictions to public benefits for custodial parents, or those actively seeking reunification with their children, would be a first step towards giving struggling families a fighting chance. Prison and jail family services workers could also develop pre-release plans for incarcerated parents and refer them to community agencies that might assist them with housing and employment upon their release. Probation and parole departments could establish family services units dedicated to serving probationers and parolees who are actively working to re-establish themselves as parents.

Focus on rehabilitation for non-violent offenders whose children are otherwise at risk of becoming the responsibility of the state.

The most valuable intervention on behalf of children could take place before a parent ever sees a jail cell. Diversion programs for non-violent offenders, treatment for drug addicts, and other rehabilitation-focused alternatives to incarceration could make a tremendous difference to offenders' children.

CHILDREN OF INCARCERATED PARENTS AN AGENDA FOR ACTION

1. I have the right to be kept safe and informed at the time of my parent's arrest.

- Develop arrest protocols that support and protect arrestees' children but do not unnecessarily involve the child welfare system and increase the risk of permanent separation.
- Recruit and train advocates to support children during and/or after a parent's arrest.

2. I have the right to be heard when decisions are made about me.

- Create a voice for children in court proceedings that will affect their lives.
- Listen.

3. I have the right to be considered when decisions are made about my parent.

- Ensure that sentencing laws, guidelines and decisions fulfill their public safety function without causing unnecessary harm to children.
- Turn arrest into an opportunity for family preservation.

4. I have the right to be well cared for in my parent's absence.

- Support children by supporting their caretakers.
- Consider subsidized guardianship as an alternative to foster care for children of incarcerated parents.

5. I have the right to speak with, see and touch my parent.

- Provide access to prison visiting facilities that are child-centered, non-intimidating and conducive to bonding.
- Consider proximity to family members when assigning prisoners to a particular facility, and when making foster care placements for children of prisoners.
- Encourage social services departments to facilitate telephone and in-person contact between children in their care and incarcerated parents.

6. I have the right to support as I struggle with my parent's incarceration.

- Train staff at institutions whose constituency includes children of incarcerated parents—schools, foster care agencies, juvenile detention centers, child care programs—to recognize and address these children's needs and concerns.
- Provide access to therapists, counselors and/or mentors who are trained to address the unique needs of children of incarcerated parents.

7. I have the right not to be judged, blamed or labeled because of my parent's incarceration.

- Create opportunities for children of incarcerated parents to communicate with and support each other.
- Offer an ear, and respect for privacy.
- Create a truth fit to tell.

8. I have the right to a lifelong relationship with my parent.

- Re-examine the Adoption and Safe Families Act (ASFA) as it applies to incarcerated parents to ensure that viable families are not dissolved because of rigid timelines for termination of parental rights.
- Designate a family services coordinator at prison and jail facilities whose role it is to facilitate family contact and support reunification.
- Support incarcerated parents upon re-entry.
- Focus on rehabilitation for non-violent offenders whose children are otherwise at risk of becoming the responsibility of the state.

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CHILDREN OF INCARCERATED PARENTS BILL OF RIGHTS

- 1. I have the right to be kept safe and informed at the time of my parent's arrest.**
- 2. I have the right to be heard when decisions are made about me.**
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