

**Recommendations for the Advisory Board to the
New York State Governor’s Children’s Cabinet
Regarding Children/ Youth of Incarcerated Parents**

Tremendous opportunities for reform and positive change are possible if the child welfare and children/ youth-serving communities approach and examine the criminal justice and law enforcement systems with the aim of raising awareness about the impact of their policies and practices on children’s well-being, and of addressing this systems overlap in their own programs and services to children and families.

As the Cabinet moves forward to focus on “disconnected youth” in New York State, it is critical to identify, examine, and address the roots of “disconnection.” Presently, the policies and practices of our law enforcement and criminal justice systems *actively disconnect* children from their parents and family members (though this may be unintentional). As of January 2007, mothers and fathers in NY State prisons reported having over 80,800 children. Over 10,000 children have a mother in jail or prison in New York State.¹ (Children whose mother is incarcerated are more likely to enter foster care, and more likely to experience multiple moves and instability.) Many more children have experienced the arrest of their parent. This is a large number of children who are impacted by arrest and sentencing policies; visiting, mail and telephone contact policies; prison assignment procedures; and parole procedures; all of which currently do not integrate into their decision-making a consideration of children’s well-being and the impact on children these policies have.

To date in New York State, the child welfare/ children- and youth-serving community has not formally or collaboratively approached law enforcement, corrections, probation and parole agencies advocating for the welfare of children impacted by these systems. As a result and on a hopeful note-- it is unknown what kind of reform, with promising benefits for children and youth, is possible if this community was to take this step; the opportunities for safeguarding children and maintaining their connections-- preventing or repairing disconnection— appear to be many and too important not to pursue. One concrete first step in this direction would be for the **Governor’s Children’s Cabinet to include representatives from law enforcement (Police and Sheriff’s Departments), DOCS, DOC, Probation and Parole on the Cabinet, itself.**

Some specific areas of policy and practice the Advisory Board and Children’s Cabinet could target regarding children of incarcerated parents are outlined below. These are followed by recommendations for addressing the three identified “disconnected youth” populations – youth in foster care, youth in juvenile justice and youth of incarcerated

¹ *Imprisonment and Families Fact Sheet*, Women in Prison Project, March 2008. See www.correctionalassociation.org

parents-- *simultaneously*, recognizing common issues faced by all and building on opportunities to pool resources and bolster coordination and collaboration among agencies, programs, and services.

Policies

- **Implement a Subsidized Guardianship Program in NY State.** More than 20 states in the United States currently offer some form of subsidized guardianship, financial assistance for caring for children outside of the child welfare system. New York State currently does not offer this. Benefits to bringing SG to NY include: potential for significant cost-savings (foster care costs at least \$20,000 per year per child), improved outcomes for children and their permanency, and strengthened, connected families and communities. For children whose parents are incarcerated, disconnection may begin if there are no family members to care for children outside of the foster care system, and/ or when family members who could care for the youth after a period of foster care cannot do so without the financial support. Many extended family members are reluctant to “adopt” their grandchildren or nieces, creating fictive relationships and terminating the parental rights of their own son or daughter (ex. grandma becomes mom in the eyes of the law).
- **Examine policies pertaining to contact between people who are incarcerated.** When youth and the parent are both incarcerated, staying connected is difficult but can be very important and an influential force in helping a young person turn their lives around. Policies should be examined to ensure such communication can occur through letters and phone calls and does not depend on a particular sympathetic staff person, but is a written procedure known to all staff. If possible, visiting face-to-face or via videoconferencing should also be considered.
- **Consider the impact of criminal justice decisions on children.**
 - **Examine arrest policies**, ensuring that they are consistent with best practices in this country as outlined in the protocols of New Haven, CT; San Francisco, CA; and, the State of New Mexico. There are very specific, and concise arrest protocols in San Francisco and New Mexico which could be adapted by localities in NY State. NYC’s current arrest protocol for the “arrest of someone responsible for dependents” is vague, does not offer clear directions, and does not hold up to current best practices.

- **Consider integrating Family Impact Statements into initial sentencing hearings and at parole hearings**, these would make the Court and Parole Board aware of the impact of various decisions on the children of the individual they are making life-altering decisions about.
- **Add proximity to children and family into the factors that are considered when prison location is assigned.** This would facilitate visiting, as well as re-entry planning. When the parent has a Family Court case, this would greatly facilitate production to Court and permanency planning.
- **Examine existing visiting policies at local jails and NY's 70 State prisons from a child's eye view. Make visiting information available to families**
- **Data Collection:** Require all City and State agencies to **collect statistics/ data** on the number of children served by their programs who have incarcerated parents. This could include adding a question to existing intake forms, as well as ongoing assessment tools. *Caveat:* staff training is essential to ensure that identification is for service planning purposes to meet the young person's needs, not stigmatizing or alienating them, further disconnecting them from their parent and family. Agencies should report on how many children in their midst have an incarcerated parent as well as *what they have offered / put in place to address the young person's needs.*
 - Agencies should also be able to **track outcomes**—in child welfare, “how many children with incarcerated parents were reunited with them? Reunited with other family? Were adopted? Are “freed’ but not adopted?”
 - An example of this is Minnesota's child welfare system which has an “**incarcerated parent code**”; with the **parent's incarceration being identified as either the primary or secondary reason for placement.** They tracked children over the 7 year period Jan 2000 to June 2007 and found 4,816 children with incarcerated parent code, experiencing 5,031 placements; with the majority returning to live with their parent(s). See *CW360 Report: Children of Incarcerated Parents.* (Spring 2008), p.5.
 - **Data should also include children placed with child welfare/ emergency services DUE to a parent's arrest.** Currently in NYC this is not tracked anywhere and is an invisible, masked issue because Police Officers must call in the parent's arrest as a “failure to plan” launching dual Family and Criminal Court cases. **Implications for services are also not identified because the primary reason for placement is hidden.**

- **Data Sharing:** examine opportunities where shared data between/ among systems serving the same young people would both facilitate coordinated service planning and potentially conserve resources.

Practices

- Following the example of Task Forces on children of incarcerated parents created in other States, the Advisory Board and/ or Cabinet could **include a university/ research partner** to guide efforts to track progress and contribute to conversations about measurable outcomes and performance indicators.
- **Provide training** to staff of all City and State agencies-- and those they contract with-- that work with children, parents, and families about the impact of parental incarceration on children; i.e., **build professional capacity to address children's needs around this issue and serve caregivers/ families nonjudgmentally.** **Washington State found that** families caring for a child of an incarcerated parent feared seeking services from state funded agencies, particular fears were around losing custody and incurring high child support payments for the incarcerated parent. (Final Report of the Oversight Committee: "Children of Incarcerated Parents: To the Governor and Legislature of Washington." June 30, 2006. p.11)
- **Issue best practice guidelines and/ or minimum standards** to guide best practice implementation regarding safely identifying and addressing the needs of youth whose parents are incarcerated (NYC's ACS has such guidelines that could be adapted).
- **Examine resource constraints and existing policies that are barriers to meeting children's needs or actually harm children (encourage or cause disconnection) when parents are incarcerated.** This would open up potential opportunities for systems coordination, MOA and joint systems programs that can be mutually beneficial to the agencies as well as to youth and families.
- **Develop mechanisms to support children's engagement in school despite this experience; recognize stressors having an incarcerated parent may place on youth and how this may impact school performance.** Ensure that Guidance Counselors, teachers and after school providers are trained to create safe spaces, to mention this reality proactively so young people know it is okay to talk about, and to support children/ youth in this situation.

- **Develop and/ or expand visiting programs, support groups, and mentoring programs.**

Areas of Focus Cutting across all three “disconnected youth” issue areas—child welfare, juvenile justice and parental incarceration:

Visiting—a key strategy for maintaining, strengthening, rebuilding, establishing connections

- Current policies and practices
- How can access be expanded and family relationships maintained?
- What are creative strategies to maximize limited resources?
- What are existing policies that form barriers?

Educational engagement and performance—developing mechanism to support all of young people in any and all of these situations to feel engaged, accepted in school and have their educational needs met, in context of other stressors in their lives.

Resources & Professional Development—

- Creating or disseminating existing tools and materials
- Expanding program services and facilitating coordination/ communication/ collaboration among programs
- training and CROSS-training—all professionals working with youth should have minimum competency in navigating and understanding all three areas — foster care/ child welfare, juvenile justice, and parental incarceration, including access to resources for youth and families involved with any or all systems

Data Collection and Outcomes Tracking—

- All city and state youth-serving agencies should include questions on their intake and service planning forms that identify involvement in foster care, juvenile justice and/ or having a parent who is incarcerated.

For more information about the NY Initiative for Children of Incarcerated Parents, please contact Tanya Krupat, at tkrupat@osborneny.org or call 718-637-6595.