

Family

The Most Powerful “Re-entry Program”

Supreme Court Symposium

May 28, 2015



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Incarcerated Parents Project

Overview

- ▶ Introduction
- ▶ Impact of Incarceration and Child Welfare System on WA Families:
 - ▶ Facts Stats & Myths
- ▶ Strategies and Solutions



The Incarcerated Parents Project



- ▶ Project developed by WDA and SU School of law in conjunction with OPD and UW School of Law
- ▶ Temporarily Funded Through award of cy pres funds from Judd v. AT&T

What does family reunification have to do with re-entry?

- ▶ Family members are the greatest anticipated source of financial resources, housing and emotional support before prisoners are released
- ▶ Families provide the greatest tangible and emotional support after release

Overview: Incarcerated Parents & Child Welfare System

FACTS, STATS & MYTHS



Washington State



80% of prisoners report to have 1.91 children

Approximately 30,000 children have
incarcerated parents

Note that these numbers exclude jail and federal prison

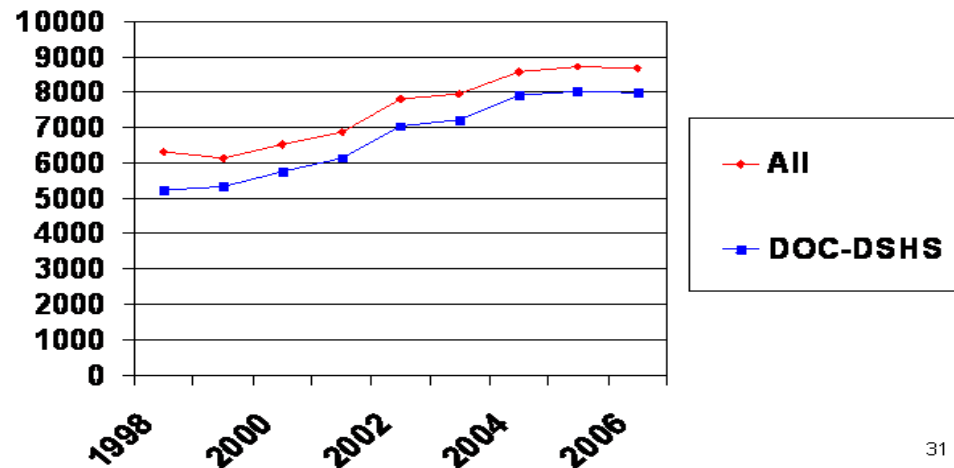
Racial & Class Bias in Criminal Justice System and Child Welfare System



ONE IN NINE BLACK CHILDREN HAS AN INCARCERATED PARENT

Increase in WA Prison Population = Increase in WA DSHS Involvement

DOC – DSHS Overlap:
Admissions (1998 – 2006)



Problem: 2X more likely to lose parental rights*

- ▶ Permanency challenges-
 - ▶ barriers to family support systems, therapeutic services and visiting opportunities
- ▶ Difficult timeframes
 - ▶ sentences are often longer than 15/22 months, and
- ▶ Frequently more labor intensive and time consuming



WA Response: SHB 1284 “Children of Incarcerated Parents Bill

- ▶ Prevent unnecessary separation of families as it is devastating to children in foster care
- ▶ Support family reunification which is linked to reduced recidivism for parents, greater family stability, and improved emotional response for children.*



Components of the Bill

- ▶ Access to
 - ▶ Case conference meetings
 - ▶ Responsive Permanency planning
 - ▶ Visitation
- ▶ Extending Child Welfare Timelines
 - ▶ Good Cause Exception
- ▶ Guardianship and Open Adoption
 - ▶ Parents in long-term incarceration
- ▶ Rights at Termination



Masters Tools Not Working

- We are still seeing incarcerated parents with no visitation or attempts at maintaining contact
- Service Plans do not reflect services available at prisons
- Refusal by DSHS and AG's to use guardianship as an alternative to adopting & termination of parental rights
- Parents coerced to choose adoption instead of fight termination trial
- Refusal of DSHS to place children with relative caregivers
- Default Terminations entered when Incarcerated Parents Cannot be Reasonably Attend

Real Problem: Bias & Stigma Against Families facing Parental Incarceration



**MYTHS ABOUT
CHILDREN OF
INCARCERATED
PARENTS**

MYTHS

MYTH 1:

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

DEBUNKING MYTHS

- ▶ There is no research to support this proposition
 - ▶ Research does support other negative outcomes such as risk for juvenile delinquency, behavior and school problems
- ▶ Need to avoid stigmatizing “facts.”
 - ▶ Support them because they are going through something difficult, not because they may become “just like their parent.”

MYTHS

MYTH 2:

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

DEBUNKING MYTHS



Almost half of all incarcerated parents lived with their children prior to their arrest

- ❑ 64% of mothers lived with their kids, most were primary caregivers
- ❑ 47% of fathers lived with their kids

DEBUNKING MYTHS

Gender Bias Works Both Ways

▶ Mothers:

- ▶ More often mothers are primary caregivers before criminal justice involvement

- ▶ 90% of fathers report their child is left in the care of the other parent, only 25% of mothers report the same

- ▶ most live with relatives or end up in foster care

▶ Fathers:

- ▶ Non-custodial parent bias:

- ▶ Fathers are often not contacted by child welfare workers, in one study, 70% of caseworkers had no recent contact with fathers, and many had never attempted contact. *

MYTHS

MYTH 3:

Most children of incarcerated parents are better off being adopted by relatives or a foster care parent.

DEBUNKING MYTHS



- ❑ Most people are released from prison and return to their communities
- ❑ Family ties are the #1 predictor of successful reentry. Even having one visit reduces the likelihood of recidivism

DEBUNKING MYTHS

From the voices of youth, we find that although their parents may be less than perfect, the love that they have for their parents is as real and strong as any other child's. The loss experienced by these children when their relationships are severed is real.

“There was so much emphasis on me, supposedly, that they forgot about her... [w]hat would have helped me most is compassion for my mom.”

All Alone in the World: Children of the Incarcerated,
written by Nell Bernstein

“We only have 129 days left to go and I am 100% sure we can make it”

Carina Perry, age 14 to Mother Chandra Perry, Skagit County

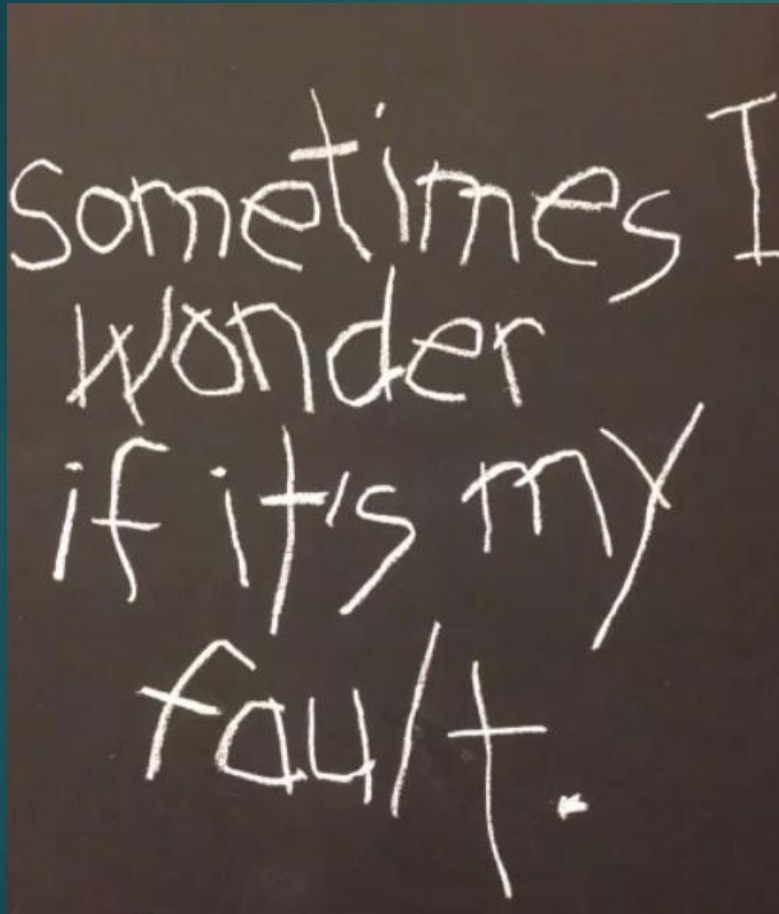
MYTHS

MYTH 4:

Visits are Dangerous for Children.

- Traumatizing for children visitation rooms usually aren't "child-friendly"
- If can't move to reunification, why put kids through visits?
- Too far away/takes too much time

DEBUNKING MYTHS:



Sometimes I wonder if it's my fault.

- ❑ Children of incarcerated parents experience trauma and loss characterized by feelings of grief, shame and isolation
- ❑ Visits can help a child's emotional adjustment and behavior

DEBUNKING MYTHS: Benefits of Prison Visits on Children's Well-Being

- ▶ Provides assurance
- ▶ Reduces separation anxiety
- ▶ Can reduce the child's incidence of problematic behavior and improve outcomes
- ▶ Provides stabilization
- ▶ Maintains parent-child attachment



T.Q. and her 6 year old son, she is successfully parenting from prison since he was a baby and will release in 2019.

DEBUNKING MYTHS: Maintaining Contact Helps Children



M.L. and her 3 year old son at WCCW Holiday Event 2014, she gave birth to her sons In jail and she has been successfully parenting from prison

- ❑ Express emotional reactions to separation
- ❑ Learn they are not alone
- ❑ Have a realistic understanding & can correct frightening/idealized images
- ❑ Prevents the chances of termination of parental rights

DEBUNKING MYTHS

- ❑ A very small minority of parents are incarcerated for crimes against children.
- ❑ Most parents are incarcerated for drug related or property crimes:
 - ❑ 71% of mothers
 - ❑ 52% of fathers
- ❑ For a majority parents who committed violent crimes, their crime has no connection to their parenting skills



T.Q. is an incarcerated mother serving time in WA for a violence crime who gets visits and overnights visits with her son.

DEBUNKING MYTHS

Instead of being treated for trauma, depression, addiction and other injuries of violence, these individuals have been displaced into the criminal justice system.

DEBUNKING MYTHS

Higher Incidence of Prior Sexual and Physical Abuse*

- ▶ Among state prison inmates 1 in 20 men and 1 in 4 women said they had been sexually abused before the age of 18; 1 in 10 men and 1 in 4 women, physically abused.

7 out of 10 women!

- ▶ Are Survivors of sexual, physical or domestic abuse

Prior Abuse and Drug Use

- ▶ For state prisoners reporting prior abuse, 89% had ever used illegal drugs: 76% of the men & 89% of the women.

Lack of Treatment

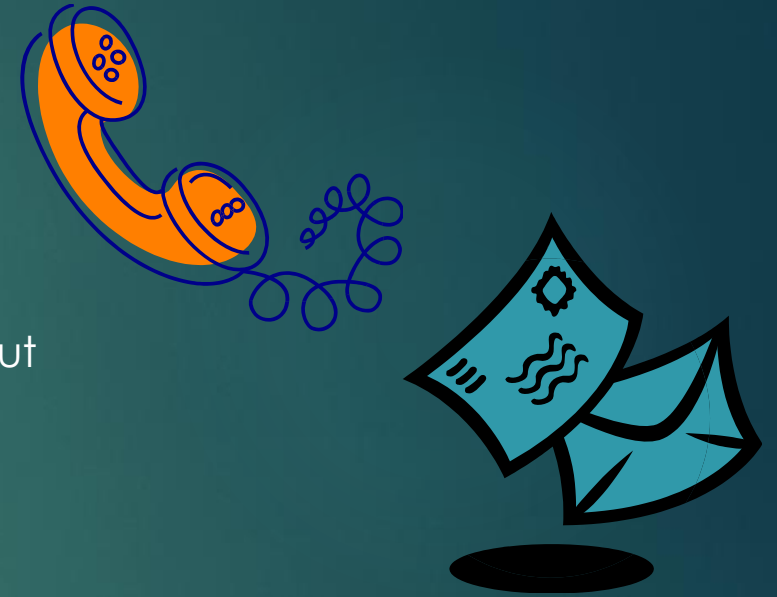
- ▶ 1 in 5 individuals in state prisons with history of substance abuse & 1 in 8 individuals in federal prisons receives treatment for substance abuse.

What can we do?



Use Current Law

- ▶ SHB 1284
 - ▶ Encourage DSHS to facilitate visits, phone calls and letters
 - ▶ Provide services when feasible
 - ▶ Good Cause Exception for Incarcerated Parents
 - ▶ Allow more time on cases-why terminate when mother will be out in 6 months living in same home, create guardianship!
- ▶ Federal Law
 - ▶ You don't have to move to terminate when child is in relative care!
 - ▶ Good cause exception!



Systems Change: Remove Barriers to Maintaining Contact

- ▶ Create State Funded Programs and money allocated to visitation and services!
- ▶ Visitation Rooms at Jails
 - ▶ Sesame Street Resources
- ▶ Connect Services to Reality:
 - ▶ Parenting Classes with Children involved
 - ▶ Trauma informed programs



Systems Change: Become less reliant on Incarceration

The System must be accountable to Incarcerated and Formerly Incarcerated Individuals

- ▶ Not just create alternatives to incarceration reduce poverty and create access to programs before prison!
 - ▶ Employment, housing and mental health care
- ▶ Don't pass alternatives that work against strengthening families
 - ▶ Future parole considerations must facilitate collaborations between communities, not further stigmatize families willing and able to provide housing to returning family members



Improve Service Provision



- ▶ Recognize current programs are :
 - ▶ often disempowering, not culturally appropriate
 - ▶ Short-term, partial support e.g. need kids to get housing, need housing to get kids.
 - ▶ Don't recognize underlying trauma or systemic and institutional oppression
 - ▶ Are programs taking people out of current conditions?
 - ▶ Operate on punishment redemption model not healing from underlying trauma and poverty
 - ▶ Use disempowering language "offender", "ex-con", "ex-felon"

Thank You!

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