



See Us, Support Us

Identifying and Supporting
Children of Incarcerated Parents in Child Welfare

Allison Hollihan and Tanya Krupat

New York Initiative for Children of Incarcerated Parents

The Osborne Association

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About the New York Initiative for Children of Incarcerated Parents

The Osborne Association established the New York Initiative for Children of Incarcerated Parents in 2006, following the creation of the Children of Incarcerated Parents Bill of Rights in San Francisco. The New York Initiative was founded to create alignment among public agencies and community and faith-based organizations, in support of policies and practices that meet the needs and respect the rights of children and youth whose parents are involved in the criminal justice system.

About the Osborne Association

The Osborne Association was founded in 1931 to work with individuals and families affected by incarceration. Osborne offers innovative and effective programs that serve the community by reducing crime and its human and environmental costs. Osborne seeks reform and rehabilitation through public education, advocacy and alternatives to incarceration that respect the dignity of people and honor their capacity to change as they achieve self-sufficiency, adopt healthy lifestyles, enter the workforce, form and rebuild families, and rejoin their communities.

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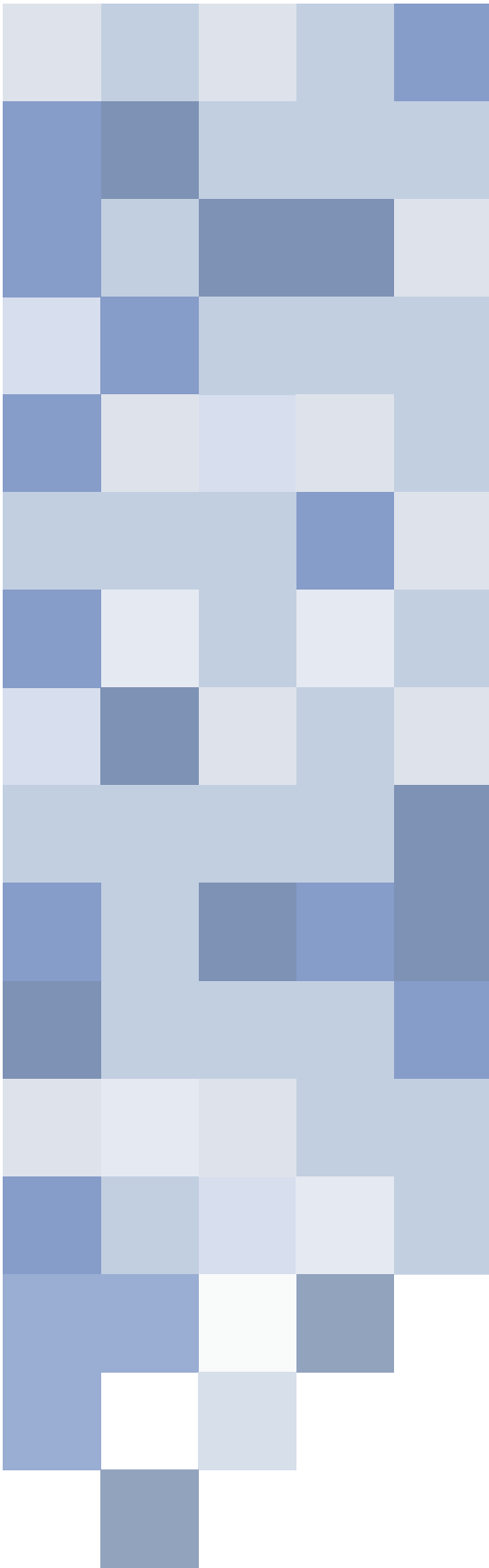


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Executive Summary

In order for child welfare agencies to fully support children's wellbeing, it is essential that agencies know where their parents are. This is so important that it is part of the legally mandated reasonable and diligent efforts. This includes determining whether a parent is incarcerated, and if so, taking steps to engage the incarcerated parent within the context of incarceration. Knowing that a parent is incarcerated allows for service providers to better support children's relationships with their parents, provide children with services to process this unique form of loss, and promote positive outcomes for children. It also allows agency leaders to see the need for coordination with criminal justice agencies, for staff training on this topic, and to tailor best practices to this particular circumstance. Within child welfare, some policies do exist to uphold the rights and meet the needs of these children, but data collection mechanisms are needed to monitor compliance with existing policies and to track outcomes. Taking these important steps to identify and support children with incarcerated parents promotes child and family wellbeing, setting children up for success rather than costly involvement in the mental health, homeless, and juvenile or criminal justice systems.

This report describes the results of an unprecedented data collection effort within New York City's child welfare system, the Administration for Children's Services (ACS), and offers a set of recommendations to guide the field in better attending to the needs of this significant subset of children in the child welfare system. ACS is representative of most child welfare agencies across the country where data collection on parental incarceration is rare and needed. For this reason, the findings and recommendations offered here are relevant nationally, and our goal is to contribute to strengthening child welfare practice and improving outcomes for children with incarcerated parents across the country.

In October 2015, the Osborne Association's New York Initiative for Children of Incarcerated Parents (NYCIP) launched **See Us, Support Us** to raise awareness about children with incarcerated parents and the need for better data collection by child welfare agencies. As part of this project, point-in-time data was collected during Snapshot Week (October 19 - 23, 2015) to estimate how many children in foster care served by ACS and its contracted provider agencies have an incarcerated parent. Fifteen provider agencies serving 69% of the children in foster care (7,073 children) reported that 373 children or 5.25% of children in their foster care programs had an incarcerated parent during Snapshot Week. Qualitative data was also gathered to provide insight into the challenges agencies experience in identifying and supporting children of incarcerated parents. Because agencies disclosed that there were many barriers to identifying how many children of incarcerated parents they serve, we believe these estimates to be an undercount.


Drawing on this ground breaking quantitative and qualitative data collection effort, this report includes recommendations to assist child welfare agencies across the country with implementing sustainable mechanisms to better identify these children and track their outcomes, and to strengthen practice to better support children of incarcerated parents and their families.

We recommend that child welfare agencies take the following steps:

- ▶ Strengthen the ability of automated integrated information systems to capture and aggregate data about parental incarceration.
- ▶ Note parental incarceration in family and child service plans.
- ▶ Monitor compliance with policies and practice regarding children of incarcerated parents in provider agency performance reviews and corrective action plans.
- ▶ Explore inter-agency data matching with Departments of Correction, Probation and Parole, and Family Court.
- ▶ Foster Care agencies should implement internal identification and tracking mechanisms.
- ▶ Deliver staff training about practices that support children of incarcerated parents and an overview of the criminal justice system.
- ▶ Discuss how best to support children of incarcerated parents in staff supervision.
- ▶ Designate an agency point person who has expertise about working with incarcerated parents and navigating the criminal justice system.



Introduction

 **N**any given day, approximately 2.7 million children in the United States¹ and over 148,000 children in New York State have an incarcerated parent.² One in fourteen children has lived with a parent who was incarcerated at some point during their childhood.³ Because data on the actual number of children with incarcerated parents is hard to find or unreliable due to inconsistent reporting, these staggering estimates are likely an undercount. There is no federal, state, or city agency responsible for identifying, tracking, and supporting this invisible population of children and, if asked, families are often hesitant to disclose parental incarceration due to the stigma attached to criminal justice involvement.

A 2011 report by the U.S. Government Accountability Office (GAO) acknowledged that nationally children of incarcerated parents in foster care are not well identified. The report cited underreporting by state agencies and lack of national reporting requirements for tracking parental incarceration throughout a family's involvement in the child welfare system.⁴ The U.S. Department of Health and Human Services (HHS), Administration for Children and Families collects case-level information on children in foster care nationally using the Adoption and Foster Care Analysis and Reporting System (AFCARS). Per AFCARS, it is estimated that eight percent (19,858 children) of all children entering foster care nationally in 2013 resulted from a parent's incarceration in jail, but this estimate does not capture how many children in foster care had parents who were incarcerated prior to or after their children were removed from their care.⁵ In fact, it appears to be more common for a mother to be incarcerated *after* a child enters foster care.⁶ Moreover, the AFCARS estimate does not include the number of children in foster care with non-custodial incarcerated parents and incarcerated caregivers, or the number of children of incarcerated parents receiving preventive services. Recognizing the need for more comprehensive data collection, HHS has proposed changes to expand AFCARS reporting requirements to include whether a parent or caregiver's incarceration in a *prison* or jail was a factor in the child's entry into foster care, and whether long-term incarceration of the caregiver is the reason for a permanency plan change. To date, these recommended changes to AFCARS are pending.⁷

Parental incarceration is an Adverse Childhood Experience (ACE), a measure of childhood trauma that is associated with negative health outcomes and social consequences throughout one's lifespan.⁸ Children who experience multiple ACEs are significantly more likely to experience negative outcomes as adults, making it all the more important to identify children in child welfare who experience the incarceration of a parent. It is important to note that it is difficult to disentangle the effects of parental incarceration on children because in many instances, children are exposed to other ACEs that predate and/or are concurrent to the incarceration. Moreover, structural forces of racism, poverty, and inequity and exposure to community violence also contribute to the heightened risk for some children of incarcerated parents. Nonetheless, we do know that separation from a parent is traumatic and a source of toxic stress.⁹ As a result, children may experience depression, anxiety, confusion, fear, and anger which can contribute to externalizing or internalizing behaviors and long term negative mental and physical health outcomes.¹⁰ Furthermore, children

may experience instability—especially when mothers are incarcerated—that can also negatively affect their wellbeing.¹¹ When their fathers are incarcerated, children experience higher rates of homelessness than their peers, likely due to the loss of financial support previously provided by the father. Unlike other parental losses, separation due to parental incarceration carries with it a stigma that discourages children from talking about their situation and from seeking support, often resulting in feelings of shame and isolation.

By identifying these children in a non-judgmental way that avoids further stigmatization, child welfare professionals are better able to promote protective factors against all of these risks, and provide children with the support that they need to reach their full potential. Data also informs resource allocation, program development, professional capacity-building, and cross-systems coordination. Further, taking steps to identify and support these children will likely reduce the incidence of these children accessing costly health services or becoming involved in costly, publicly funded systems (homeless and juvenile and criminal justice systems among them). Seeing and supporting children with incarcerated parents promotes child wellbeing and cultivates generations of bright and promising young people.

Snapshot Week Methodology

THE Osborne Association’s NYCIP launched *See Us, Support Us* during October 2015 to raise awareness about children of incarcerated parents and the need for better data collection by child welfare agencies. As part of this project, point-in-time data was collected during Snapshot Week (October 19 – 23, 2015) to estimate how many children in foster care served by ACS and its provider foster care agencies had an incarcerated parent.¹²

The NYCIP partnered with the ACS Division of Family Permanency Services and ACS Children of Incarcerated Parent Program (CHIPP) to encourage foster care agencies to voluntarily participate in Snapshot Week.¹³ ACS Commissioner Gladys Carrion fully supported this effort, co-authoring a memo with the New York Council of Family and Child Caring Agencies’ CEO Jim Purcell to request that foster care agencies participate in Snapshot Week and take a pledge to “see and support” children of incarcerated parents. At the time of this data collection effort, 28 agencies were contracted by ACS to provide foster care services to 10,421 children.¹⁴ Fifteen of these agencies (see Appendix A), serving a total of 7,073 children in foster care, provided data about how many of these children had an incarcerated parent during Snapshot Week.

Participating agency directors assigned a point person to aggregate data from foster care caseworkers or supervisors and completed an online survey (see Appendix B). The Osborne Association offered technical assistance to point-persons from participating agencies. Some agencies also provided data on the number of children with incarcerated parents in their residential and preventive programs, but the data was not as comprehensive as the data collected from the foster care programs that were the focus of our data collection efforts. In December 2015, participating agencies were recognized at a special event and received a certificate from Commissioner Carrion and NYCIP acknowledging their participation.

Under the leadership of New York City Family Court Judges Ruiz and Richardson-Mendelson, the New York City Office of Court Administration counted the number of orders to produce that were generated during Snapshot Week to bring incarcerated parents to New York City Family Court for future proceedings.¹⁵ Orders to produce youth in juvenile delinquency matters or orders to produce children were not counted.

Although outside the scope of ACS, Columbia County Department of Social Services also participated in Snapshot Week with the assistance of the Greater Hudson Initiative for Children of Incarcerated Parents.

Research Limitations

FIFTEEN of the 28 foster care agencies participated in Snapshot Week, accounting for approximately 69% of the children in New York City's foster care system. Participants reported encountering challenges in collecting data, with the most common including:

- ▶ Needing more time to collect and submit accurate data.¹⁶
- ▶ Lacking sufficient information (i.e., birthdate, full name) to determine whether a parent whose whereabouts were unknown was incarcerated.
- ▶ Clarifying whether to include a parent who was only incarcerated for part of Snapshot week.
- ▶ Clarifying whether arrested parents should be counted.
- ▶ Lacking information about non-respondent parents (overwhelmingly fathers).
- ▶ Determining what type of facility the parent was incarcerated in.

Given these obstacles and that only a sample of the foster care population was examined, it is fair to say that the data provided undercounts the number of children in New York City's foster care system who had incarcerated parents during Snapshot Week. Some foster care agency directors theorized that workers may not know that a parent is incarcerated because families do not often disclose this information. An agency to which the Osborne Association previously provided technical assistance about working with this population reported the highest percentage of children of incarcerated parents on their caseloads. It is possible that this is indicative of caseworkers having more knowledge about identifying and documenting incarceration and routinely monitoring correction systems when parents' whereabouts are unknown.

Due to the survey design, it was challenging to differentiate how many children reported on in residential placement were categorized as foster care children, so this data is reported separately.

NYCIP attempted to count the number of children of incarcerated parents receiving preventive services, but we learned this would require more planning due to the size of the preventive system.

At the time, ACS contracted with 59 agencies overseeing 200 programs that served almost 12,300 families and approximately 25,000 children in 2015.¹⁷ Nonetheless, we were able to collect Snapshot Week data from five agencies with preventive programs serving approximately 1,500 children.¹⁸ Because preventive programs reported many challenges in determining whether children in their programs had an incarcerated parent, we believe that the submitted data was also an undercount.

It is important to note that the voices of youth and incarcerated and formerly incarcerated parents who have been involved in the child welfare system were not included in our Snapshot Week survey. Our goal was to collect data, identify data collection challenges, and to learn from child welfare practitioners about what their challenges and needs are. However, the NYCIP is advised by and includes children and families of the incarcerated, and their critical voices have informed the practice recommendations in this report. Furthermore, the Osborne Association is collaborating with Graham Windham and the Jewish Child Care Association, two New York City child welfare provider agencies, to hold focus groups with youth, formerly incarcerated parents, foster parents, and caseworkers to learn more about their needs and to harness their ideas to further inform practice recommendations and build on the recommendations included in this report.



Snapshot Week Findings

ACS Provider Agencies' Results

In October 2015, approximately 10,295 children were in foster care and approximately 25,000 children were receiving preventive services in New York City.¹⁹ Fifteen foster care agencies serving 69% (7,073 children) of the children in foster care reported that 373 children or 5.27% of children in their foster care programs had an incarcerated parent during Snapshot Week (see Table 1). Five of these agencies also submitted preventive program data, reporting that 42 out of 1,539 children or 2.73% of children in their preventive programs were known to have an incarcerated parent during Snapshot Week. Overall, a total of 9,534 children in New York City's foster care, preventive programs, and residential programs were included in the Snapshot Week review, and 4.69% of these children were reported to have an incarcerated parent.

Table 1
Snapshot Week Provider Agency Results per Program Type

Program Type	Number of Participating Programs	Total Number of Children Served	Total Number of Incarcerated Parents Served	Percentage of Children of Incarcerated Parents Served	Total Number of Incarcerated Parents Served
Foster Care	15	7,073	373	5.27%	305
Preventive	5	1,539	42	2.73%	36
Residential	6	922	32	3.47%	32
Total	26	9,534	447	4.69%	373

For the reasons previously mentioned, it is fair to speculate that the number of children in foster care who have an incarcerated parent at any point in time exceeds 5.27%. Moreover, this estimate is incongruent with national AFCARS data that cites parental incarceration as a reason for entry into foster care for 8% of all children entering care nationally in 2013; and, this percentage does not include children who have experienced the incarceration of their parent or caregiver after entering foster care.²⁰ The data collection challenges brought to light during Snapshot Week and the incongruence of local versus national data combined with the concerns outlined by the 2011 GAO report underscore the need for better mechanisms to identify and track the outcomes for these children and families.

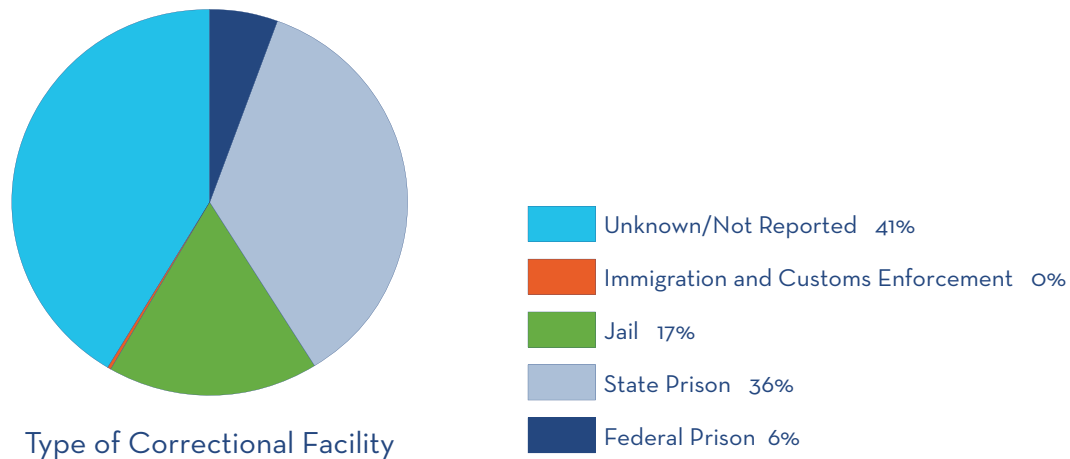
Congruent with national incarceration trends, there were more incarcerated men than women identified (see Table 2).²¹ However, it is important to note that the number of women in prison—the majority of them mothers²²—has been increasing at a rate 50 percent higher than men since 1980.²³ For this reason, it is fair to speculate that children in foster care are experiencing maternal incarceration at a higher rate over the past few decades. Nationally, mothers incarcerated in federal and state prisons in 2004 were five times more likely than incarcerated fathers to report having a child in foster care.²⁴ In part, the higher percentage of incarcerated mothers with children in foster care may be because incarcerated mothers are more likely than incarcerated fathers to have been the primary caregiver prior to the incarceration.²⁵

The data did not differentiate whether the incarcerated parent was the respondent or non-respondent parent.²⁶ Many foster care agency staff reported that they more often lacked identifying information for non-respondent fathers than mothers, making it difficult to determine if the father was incarcerated.

Table 2
Gender of Incarcerated Parents with Children in Provider Agency Programs

Type of program serving child	Number of Mothers	Number of Fathers	Total
Foster Care	101	204	305
Preventive	7	29	36
Residential Placement	8	24	32
Total	116	257	373

Caseworkers did not know the facility type or did not submit data for 41% of incarcerated parents identified during Snapshot Week (see Figure A), and it is unclear why caseworkers did not have this information. In some instances, caseworkers reported that they knew a parent was incarcerated but did not have enough information (full name, birthdate) to use correction search engines to locate the parent. We theorize that confusion about whether a facility is defined as a jail or a prison may have contributed to the high percentage of unknown/not reported responses. This suggests that caseworkers could benefit from additional training about the criminal justice system and how to locate a parent who is incarcerated using department of corrections' search engines.

Figure A*Types of Correctional Facilities Where Parents are Incarcerated***ACS CHIPP Results**

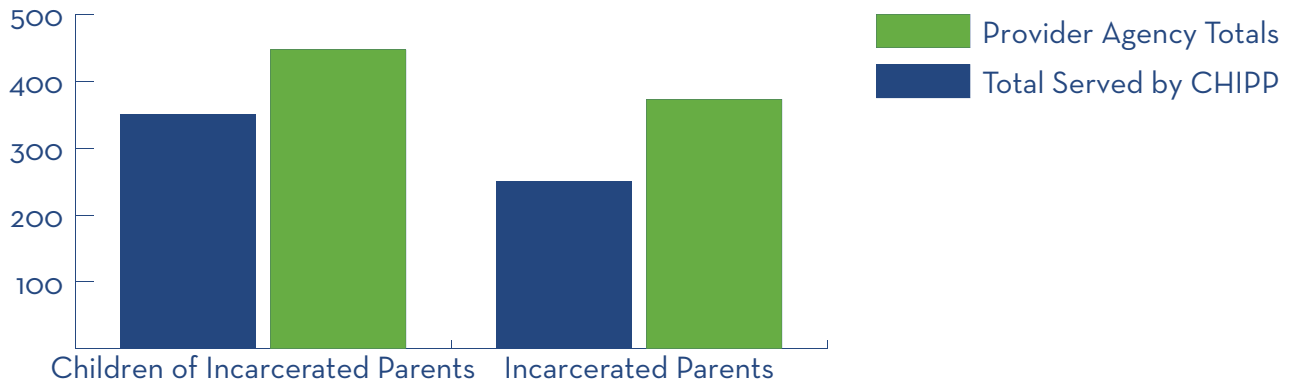
The ACS Children of Incarcerated Parents Program (CHIPP) is the nation's only program dedicated to supporting children of incarcerated parents that is housed within a city (or state) child welfare agency. CHIPP is overseen by the Family Visiting Unit located within ACS's Division of Family Permanency Services. This program works with provider agencies and others to facilitate quality parent-child visits and case conferences with incarcerated parents.

CHIPP reported having 350 children and 250 incarcerated parents on their roster during Snapshot Week.²⁷ Throughout 2015, CHIPP facilitated one or more visits for 303 incarcerated parents at correctional facilities (county jails, NYS DOCCS prisons, Federal Correctional Institutions and out of state prisons) throughout the tri-state area and beyond. CHIPP primarily serves children in foster care. Although children in preventive programs and residential settings are also eligible for CHIPP services, CHIPP rarely receives referrals from these programs.²⁸ Because CHIPP has no way of identifying children of incarcerated parents with open child welfare cases, the program relies on referrals from ACS Child Protective Specialists and foster care and preventive agencies to facilitate parent-child visits.

Although there may be instances where CHIPP services are not necessary, CHIPP had 350 children on its roster compared to the 447 children of incarcerated parents reported by 15 agencies during Snapshot Week (see Figure B). CHIPP requested identifying information from participating agencies to cross-reference how many of these 447 children identified during Snapshot week were also on CHIPP's roster. CHIPP learned from 12 of the agencies that 97 parents identified during Snapshot Week had not been referred for CHIPP services.²⁹ This discrepancy underscores the need to strengthen the process of identifying and referring families with an incarcerated parent to CHIPP.

Figure B

CHIPP Data Compared to Provider Agency Data



NYC Family Court Results

In order for an incarcerated parent to appear at a New York City Family Court proceeding, an “Order to Produce” is generated by the Family Court. During Snapshot Week, the New York City Family Court generated 70 orders to produce for adults to appear at upcoming NYC Family Court proceedings, including child protective, custody and visiting, child support and paternity, and domestic violence proceedings (see Table 3).³⁰

Table 3

NYC Family Court Orders to Produce (OTP) Generated October 19 - 23, 2015

Borough	Total Number of OTP for Adults
Bronx	9
Brooklyn	21
New York	16
Queens	12
Staten Island	12
Total	70

Columbia County Results

Columbia County Department of Social Services reviewed their foster care, child protective, and preventive services rosters and reported that 9% of the children receiving these services had an incarcerated parent (see Table 4).³¹ Approximately 1 in 5 children in foster care had an incarcerated parent during Snapshot Week. One possible explanation for the higher percentage of children of incarcerated parents in Columbia County foster care compared to New York City may be that nationally, children living in rural areas are more likely to experience parental incarceration.³² Also, the much smaller system may be conducive to more accurate identification, again reinforcing the need to improve data collection nationwide.

Table 4
Columbia County, NY Snapshot Week Results

Columbia County	Number of Children Served by Program	Number Children of Incarcerated Parents	Percent of Children of Incarcerated Parents
Foster Care	60	14	23%
Child Protective Services	130	15	12%
Preventive	136	1	1%
Total	326	30	9%

Qualitative Findings

PARTICIPATING agencies were asked to share what would help them to better support children of incarcerated parents. Increasing children's and caseworker's access to incarcerated parents and removing logistical barriers to visiting were overwhelmingly the most commonly reported challenges. It is unclear whether all caseworkers are knowledgeable about CHIPP services; however, even when CHIPP was used, many caseworkers reported that it was difficult for them or foster parents to dedicate time to accompany children on long trips to upstate prisons because of other work responsibilities. As a result, CHIPP services were used infrequently or not at all.³³

What follows is a summary of challenges that caseworkers identified, followed by their suggestions for overcoming these challenges so that children and their incarcerated parents can be better supported.

► Challenge: Children and caseworkers need better access to incarcerated parents.

The following solutions were offered:

- Increasing phone calls and video visits between children and incarcerated parents.
- Providing more flexible visiting times for CHIPP facilitated visits.
- Increasing frequency of CHIPP visits per child each month.
- Developing a process for engaging incarcerated parents and providing them with updates about their children's wellbeing and permanency planning.
- Appointing a correctional facility-based liaison to do the following:
 - Coordinate parent-child phone calls and visits.
 - Facilitate communication between caseworkers and counselors at the facility and between caseworkers and incarcerated parents.

Children Want and Need More Access to Their Incarcerated Parents

“A challenge is that the youth has limited access to her parent and is not able to share milestones with her parent as they occur.”

“If something happens at the prison or the parent is in solitary confinement, the youth is not able to visit [and] the youth's behavior tends to decline.”

“A challenge of working with families of incarcerated parents is trying to maintain a stable connection between the parents and children.”

– Feedback submitted by caseworkers from agencies participating in Snapshot Week

► Challenge: Numerous logistical barriers related to visiting.

The following solutions were offered:

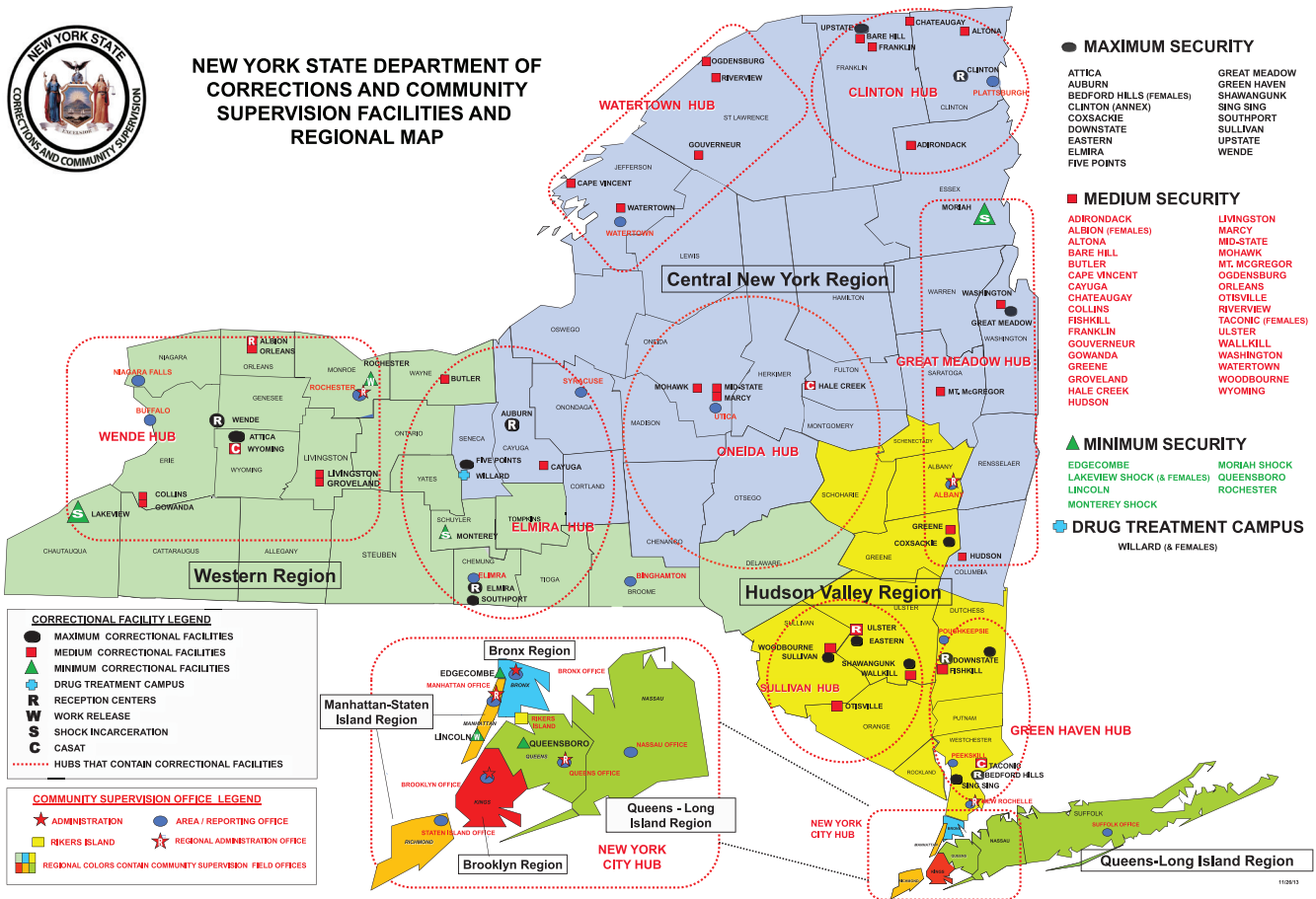
- Moving parents to facilities that are closer to their children to reduce travel time for the child and escort.
- Providing more transportation options for taking children to visits.
- Identifying more escorts (case aide, foster parent, other) who can accompany children on visits.
- Improving the ease with which CHIPP visits are scheduled and facilitated.
- Increasing collaboration between caseworkers to coordinate visits for multiple children.

- Changing CHIPP visiting hours to not conflict with children’s school schedules.
- Setting up child-friendly visiting areas at all correctional facilities.
- Allowing visits at facilities during weekdays (some facilities only allow for weekend visits when caseworkers are not traditionally scheduled to work).

Prisons Are Often Far From A Child’s Home and Inaccessible By Public Transportation



NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION FACILITIES AND REGIONAL MAP



Source: New York State Department of Corrections and Community Supervision Facilities and Regional Map

<http://www.doccs.ny.gov/mapselec.html>

“Distance to some of the prisons is always a challenge”

- Foster care caseworker

► **Challenge: Lack of information about how best to support children of incarcerated parents and how to navigate the criminal justice system.**

Caseworkers identified the following training needs:

- Learning how to help children understand the incarceration and how to assist incarcerated parents with explaining incarceration to their children.
- Learning how to help prepare children for visits.
- Learning strategies to support the parent-child relationship throughout a parent's incarceration.
- Understanding how to support incarcerated parents with preparing for reentry and upon their return home.
- Increasing knowledge of supportive resources and programs available for children of incarcerated parents and parents upon their reentry.
- Providing trainings to foster parents to help them better understand the needs of and strategies for supporting children of incarcerated parents.
- Understanding the criminal justice system from arrest through reentry.
- Learning how to engage corrections staff to learn about available programming and to schedule communication with the incarcerated parent.
- Understanding corrections visiting policies.

► **Challenge: Lack of information about and/or resources to support children and their families, and incarcerated parents.**

Desired resources include:

- Support groups for children.
- Programming to better serve incarcerated parents during their incarceration, reentry transition planning, and upon reentry.
- Tools and strategies to help children prepare for and process visits with their incarcerated parents.
- Tools to help younger children understand their parent's incarceration.
- Counseling for families to address the impact of having an incarcerated parent or family member.
- Financial support for families.



Data Collection Recommendations

BASED on the Snapshot Week findings and input received over the years from families involved in the foster care system, we recommend that specific actions be adopted by child welfare systems and their provider agencies in New York State and beyond to ensure that children of incarcerated parents are seen and supported. Agencies should develop uniform mechanisms to aggregate data and track outcomes of children with incarcerated parents *throughout* a child’s journey in child welfare, including preventive services, child abuse and neglect investigations, and foster care. Thoughtful consideration should be given to determining how best to help families feel safe to talk about parental incarceration with child welfare staff, and inquiries about incarceration should be made within the context of providing support to the family.

“Ask to Give versus Asking to Get.”

*– Ann Adalist-Estrin,
Director of the National Resource Center
for Children and Families of the Incarcerated*

*“Please let us know if incarceration is or ever becomes an issue for your family.
We have supportive resources to help children of incarcerated parents.”*

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- ▶ **Child welfare agencies should strengthen the ability of automated integrated information systems (e.g., CONNECTIONS, PROMIS, SACWIS) to capture and aggregate data about parental incarceration.³⁴**

DATA collection mechanisms should allow for aggregation, enabling agencies to track how many of the children they serve experience the incarceration of a parent or caregiver at any point during their involvement with child welfare by:

- Developing a mechanism that ensures that the parent’s address field is reviewed and updated every 6 months, including non-respondent parents.
- Adding a mandatory field to the progress note screen to document a parent’s location (e.g., prison, jail, residential treatment, hospital, community), particularly when the progress note pertains to a diligent search or a parent contact.
- Identifying and tracking the incarceration of a child’s guardian when he/she is not a biological parent.

- Including information about parental incarceration on the Family Relationship Matrix screen.
- Issuing an Administrative Directive Memo about data collection mechanisms to document the incarceration of a parent or caregiver, providing the rationale and expectations for identifying children and their incarcerated parents, and tracking their outcomes.³⁵
- The Factors Related to Removal field should be mandatory and should indicate all reasons for removal—not just the primary reason—to better document parental and caregiver incarceration.³⁶
- Identify and document the incarceration of non-respondent parents.

► **Note Parental Incarceration in the Family Assessment and Service Plan (FASP).**

New York State

Documenting the Incarceration of a Parent in a FASP in CONNECTIONS

At minimum, parental incarceration should be documented when applicable on the following FASP windows/tabs in CONNECTIONS:

- Stage Composition (include incarcerated parents and the address of the correctional facility)
- Family Update
 - Original Reason for Case Opening
 - Case update (document parental incarceration that occurred since the last FASP)
- Permanency Progress/Concurrent Planning
 - Progress Towards Permanency (document the special circumstances related to why incarceration is a barrier towards progress, when applicable)
 - Parent Location (when whereabouts are unknown, document efforts to locate parent by searching “inmate locator” websites or state and local departments of correction)
- Compelling Reason Not to File for Termination of Parental Rights

In New York State, the FASP must reflect the “special circumstances and needs” of the child and the family when a parent is incarcerated, per Chapter 113 of the Laws of 2010.

INCLUDE information about parental incarceration in service plans so that the incarceration of a parent is tracked at regular intervals throughout the life of the case, including at service plan reviews and permanency hearings. Consider how this information can be aggregated by the foster care agency and/or the state or local oversight agency (e.g., New York State Office of Children and Family Services (OCFS) and ACS), and by family court.

- ▶ **Monitor compliance with policies and practice regarding children of incarcerated parents in provider agency performance reviews and corrective action plans.**

THE child welfare oversight agency (ACS, OCFS, etc.) should require provider agencies to identify, track, and provide information about the number of cases, permanency outcomes, and wellbeing of children of incarcerated parents. This should include a review of an agency's diligent efforts in cases with an incarcerated parent. Reasonable efforts to locate parents and facilitate visits between children and their incarcerated parents are required by law or regulation, and performance monitoring at the agency level will hold agencies accountable for compliance.

Per this recommendation, ACS should include agency performance on incarcerated parent cases in Provider Agency Measurement System (PAMS) reviews and be included in the agency's annual Foster Care Scorecard.

- ▶ **Explore Inter-Agency Data Matching with Departments of Correction, Probation and Parole, and Family Court.**

EXPLORE sharing data and conducting data matches to better identify incarcerated parents while being sensitive to confidentiality and protecting against negative repercussions for individual children and families.³⁷

- ▶ **Correctional Facilities:** Data matching with Federal and State departments of corrections and local jails would allow child welfare agencies to be alerted when a parent is incarcerated, transferred, and released, enabling caseworkers to engage parents in permanency planning and facilitate parent-child visits. Child welfare agencies should explore identifying a corrections liaison—ideally based at the facility—to assist with data matching and service coordination for incarcerated parents.

- ▶ **Probation and Parole Departments:** Identification and cross-system service coordination potentially reduces redundancy in services and allows for a holistic family-focused approach. Scheduling conflicts can be averted, ensuring parents are not forced to choose between simultaneously occurring appointments.
- ▶ **Family Court:** Data matching ensures that both entities are aware of an incarcerated parent's whereabouts, ensuring the parent is engaged in permanency planning and produced for family court proceedings.³⁸

▶ **Foster care agencies should implement internal identification and tracking mechanisms.**

D EVELOP mechanisms to better identify families and monitor diligent/reasonable efforts and permanency planning for cases involving incarcerated parents. Internal assessments and evaluations should inquire whether a caregiver or family member is currently or has been incarcerated. As mentioned earlier, inquiries should be made within the context of providing support.



Practice Recommendations

► Deliver Training About Practices That Support Children of Incarcerated Parents.

C HILD Protective Specialists, preventive and foster care caseworkers, and foster parents should receive training about how to better support children of incarcerated parents. Child welfare staff should also receive training to help them better understand the criminal justice system. Information can be infused into existing curriculum or be provided in stand-alone trainings.

1) Training about children of incarcerated parents could include the following objectives:

- Understanding how children experience parental incarceration and how to support them.
- Understanding a child's need to maintain a connection to his/her parent during incarceration, how to facilitate visits at the facility, and how to help children and foster parents prepare for and debrief after visits.
- Understanding that consistent parent-child visits during a parent's incarceration support the permanency planning process.

Incarceration is not itself a reason to forego visits and other forms of contact

“Provider agency case planners shall make suitable arrangements for parent(s) to visit their child within a correctional facility, unless such visiting is disallowed by the facility or poses a risk to the child's physical or emotional safety.”

“Provider agency case planners must be proactive in facilitating other methods of regular contact through phone calls, letters, cards, and exchanging photos.”

Source: Determining the Appropriate Level of Supervision Needed During Visits for Families with Children in Foster Care, NYC ACS Policy #2012/01, July 17, 2012.

- Understanding the importance of data collection and tracking outcomes.
- Strengthening engagement and interview skills to better identify children of incarcerated parents.

- Providing language to help staff proactively ask about incarceration in a sensitive way that is not stigmatizing or judgmental.
- Understanding the importance of engaging fathers and non-custodial parents.
- Talking to children about incarceration in an age appropriate way.
- Understanding the stigma families experience and how to create a safe space for families to talk about incarceration.
- Learning about available supportive community-based programs for children of incarcerated parents and formerly incarcerated parents to assist them with reentering their community.
- Learning about internal programs (e.g., CHIPP) within the agency in place to support caseworkers with navigating the criminal justice system and strengthening practice related to working with children of incarcerated parents.
- Understanding that an agency does not have to file for termination of parental rights (TPR) when the child is in care for 15 of the last 22 months, including when the parent is incarcerated and has maintained a meaningful role in the child's life.

Parental incarceration is not, by itself, a reason to file a termination of parental rights

The Federal Adoption and Safe Families Act of 1997 (ASFA) allows for an exception to filing for the termination of parental rights (TPR) when the agency documents a compelling reason why filing of a TPR petition is not in the best interests of the child.

Some states have statutory provisions that further detail or expand an agency's discretion in filing TPR. In New York, Chapter 113 of the Laws of 2010 amended SSL § 384(b)(3) to provide when a parent is incarcerated or in a residential drug treatment program, agencies DO NOT have to file for TPR when the child is in care for 15 of the last 22 months if certain criteria are met. Chapter 113 also amended SSL § 384(b)(7)—the definition of Permanent Neglect—to require the Court to take into account the special circumstances facing incarcerated parents when determining Permanent Neglect.

· See 11-OCFS-ADM-07 for more information about the New York State Office of Children and Family Services (OCFS) Directive pertaining to the Chapter 113 of the Laws of 2010.³⁹

2) Training about the criminal justice system should include the following objectives:

- Understanding the local, state and federal criminal justice processes.
- How to determine whether a parent is incarcerated, and if so, how to determine where the parent is incarcerated.
- How to determine what programming is available at the facility.
- How to schedule phone conferences between child welfare staff and an incarcerated parent and phone calls between the incarcerated parent and his or her child(ren).
- Understanding visiting policies and procedures.
- Understanding when a parent will be released:
 - Determinate vs. indeterminate sentence
 - Presumptive release/merit time
 - Parole Board release
 - Conditional release
 - Completion of maximum sentence (max-out)
- Understanding probation and parole systems.

► Discuss How Best to Support Children of Incarcerated Parents in Staff Supervision and Staff Development Efforts.

SUPERVISORS should discuss incarceration related issues in supervision and staff meetings to ensure that child welfare staff have tools to support children of incarcerated parents and a venue to talk about working with children of incarcerated parents.

Topics should including the following:

- Helping staff to process feelings and concerns about working with parents who are incarcerated.
- Using “inmate locator” search engines when a parent’s whereabouts are unknown.
- Engaging incarcerated parents in permanency planning by including them (in person or by telephone/videoconference) in family team meetings, service plan reviews, and educational planning activities.
- Keeping incarcerated parents informed about their child’s wellbeing on a regular basis and mailing the family service plan and other information to the parent.
- Coordinating services for incarcerated parents at the facility.

- Facilitating visits at the facility and helping caseworkers to process feelings and concerns about going to a prison or jail.
- Engaging non-respondent incarcerated parents in permanency planning and exploring whether family members of the non-respondent parent are a source of support and/or a placement resource for the child.
- Notifying the incarcerated parent about his/her rights and responsibilities.
- Considering whether it is in the child's best interest to file a petition to terminate parental rights, and exploring all possible permanency options including subsidized guardianship,⁴⁰ voluntary surrender, and open adoption.

Expanded Diligent Efforts in New York State

In New York State, agencies have expanded diligent effort requirements, including notifying incarcerated parents of their rights and responsibilities, per Chapter 113 of the Laws of 2010.

See 11-OCFS-ADM-07 for more information.

► Designate an Agency Point Person Who Has Expertise About Working with Incarcerated Parents and Navigating the Criminal Justice System.

Agency staff person specializing in supporting children and families involved in the criminal justice system would provide caseworkers with information about how to navigate the criminal justice system, coordinate services for parents at the correctional facility, and assist with coordinating parent-child visits at the facility. This staff person should develop collaborative relationships with key corrections staff to facilitate communication.

Strengthening the CHIPP Referral Process

While specific to New York City's child welfare system, the following recommendations have relevance for systems considering ways to proactively identify families with an incarcerated parent in order to provide caseworkers with visiting support.

- Develop a standardized referral process for caseworkers to refer children to CHIPP.
- Explore how to automate the identification of children of incarcerated parents and flag these cases for a CHIPP referral.
- Proactively identify incarcerated parents and provide agency directors with case-specific lists of incarcerated parents and their children to facilitate CHIPP referrals and the monitoring of practice and permanency progress.
- Develop mechanisms to educate child welfare staff about CHIPP services and how to make referrals.

► Implement Processes and Supports to Ensure That Visits between Children and Incarcerated Parents Happen, When Visiting is in the Child's Best Interest.

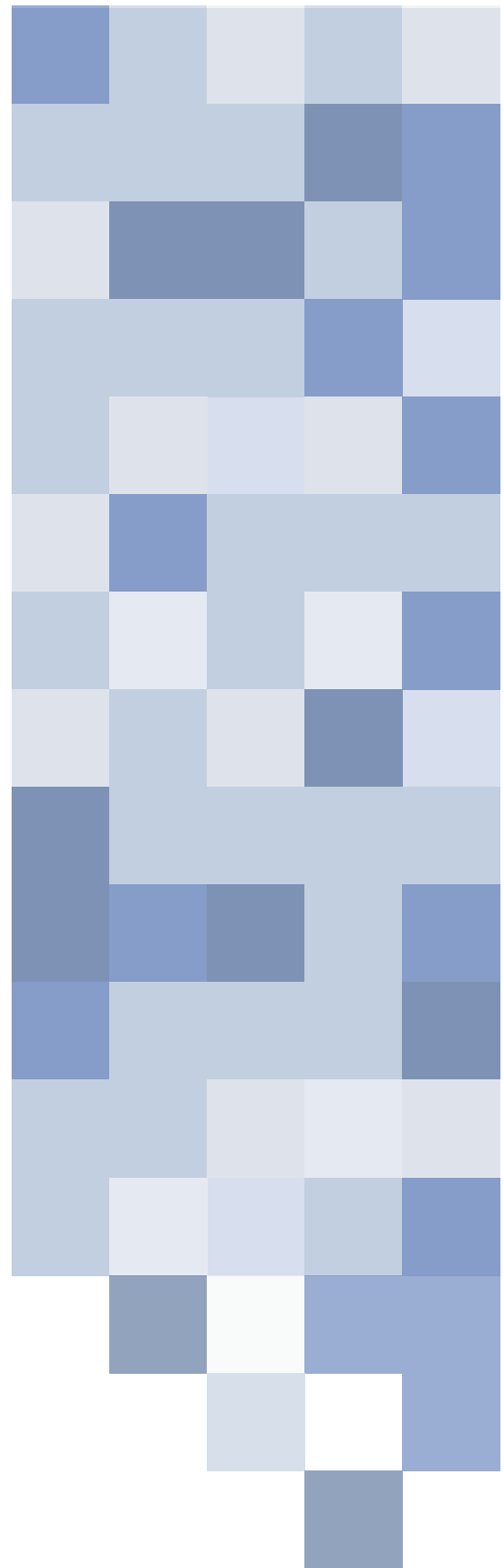
- Develop a process to identify where parents are incarcerated in order to coordinate one trip for multiple children, to maximize agency resources, and provide children with peer support.
- Adopt a CHIPP model to strengthen visiting practice and permanency planning with children and their incarcerated parents.
 - Child welfare agencies could consider creating regional offices in large jurisdictions.
 - Provider agencies could implement a CHIPP-like program to support caseworkers throughout their organization if the CHIPP model is not adopted by the child welfare oversight agency.



Conclusion

THE Snapshot Week findings described here demonstrate the need for better data collection and tailored supports to assist child welfare staff and administrators to better meet the needs of children and families in the complex context of the foster care and criminal justice systems. Too often, children suffer as a result of biases against their parents and systemic barriers that create real disincentives for caseworkers to facilitate visits and maintain parent-child contact. Without concerted efforts to identify, track and monitor practice and compliance on these cases and provide caseworkers with much needed training and support, children's critical relationships may not be maintained nor their needs met. While knowing a parent's whereabouts is essential, we must ensure that identification of incarcerated parents does not further stigmatize them and is done sensitively, using non-judgmental language and within the context of offering support and resources. Collecting data and tracking outcomes also informs important decision-making regarding resource allocation, program development, professional capacity-building, and cross-systems coordination.

We encourage agencies serving children and families to implement their own sustainable mechanisms to better identify these children and track their outcomes, potentially beginning this process by conducting a Snapshot Week of their own. By doing so, child welfare systems will build a much-needed foundation for safeguarding the wellbeing and futures of children with incarcerated parents.



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.
- 3.** *I have the right*
to be considered when decisions are made about my parent.
- 4.** *I have the right*
to be well cared for in my parent's absence.
- 5.** *I have the right*
to speak with, see, and touch my parent.
- 6.** *I have the right*
to support as I face my parent's incarceration.
- 7.** *I have the right*
not to be judged, blamed or labeled because my parent is incarcerated.
- 8.** *I have the right*
to a lifelong relationship with my parent.

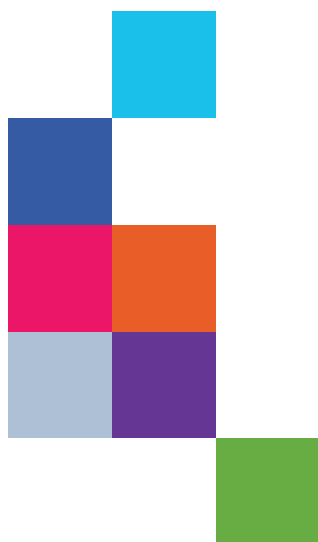
* Developed by the San Francisco Children of Incarcerated Parents Partnership in 2005: www.sfcipp.org

Endnotes

- 1 The Pew Charitable Trusts (2010). *Collateral Costs: Incarceration's Effect on Economic Mobility*. Washington, DC: The Pew Charitable Trusts. Retrieved from http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2010/collateralcosts1pdf.pdf
- 2 The Annie E. Casey Foundation (2016). *The Devastating Toll of Parental Incarceration on Kids, Families and Communities*. Baltimore, MD: Annie E. Casey Foundation. Retrieved from <http://www.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf>
- 3 Murphey, David & Cooper, P.M. (2015). *Parents Behind Bars: What Happens to Their Children*. Child Trends.org. Retrieved from <http://www.childtrends.org/wp-content/uploads/2015/10/2015-42ParentsBehindBars.pdf>
- 4 U.S. Government Accountability Office. *Child Welfare: More Information and Collaboration Could Promote Ties Between Foster Care Children and Their Incarcerated Parents*. Report #GAO-11-863. September 26, 2011. This report cites a New York State history of underreporting “child and family circumstances at removal” due to limits with its case management system that were being improved at the time of the report. Retrieved from <http://www.gao.gov/assets/590/585386.pdf>
- 5 Child Welfare Information Gateway (2015). *Child welfare practice with families affected by parental incarceration*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau. Retrieved from <https://www.childwelfare.gov/pubs/parental-incarceration>
- 6 U.S. GAO (2011); In New York City, 90 percent of maternal incarcerations that overlapped child placement occurred after child placement. See Ross, T., Khashu, A., & Wamsley, M. (2014). *Hard Data on Hard Times, An Empirical Analysis of Maternal Incarceration, Foster Care, and Visitation*. New York, NY: Vera Institute of Justice. Retrieved from http://www.prisonpolicy.org/scans/vera/245_461.pdf
- 7 Department of Health and Human Services. *Federal Register Vol. 8, No. 26, Proposed Rules February 9, 2015, p. 7162*. Retrieved from <https://www.gpo.gov/fdsys/pkg/FR-2015-02-09/pdf/2015-02354.pdf>
- 8 ACEs are a measure of childhood trauma developed by the Center for Disease Control and Prevention. For more information see <http://www.cdc.gov/violenceprevention/acestudy/>
- 9 Per the Harvard Center on the Developing Child, toxic stress occurs when a child experiences strong, frequent, and/or prolonged adversity without adequate adult support. A prolonged activation of the stress response systems can disrupt the development of brain architecture and other organ systems, and increase the risk for stress-related disease and cognitive impairment, well into the adult years. For more information see <http://developingchild.harvard.edu/science/key-concepts/toxic-stress/>
- 10 Christopher Wildeman (2014). *Parental Incarceration and Child Wellbeing: an annotated bibliography*. Cornell University. Accessed at <http://www.osborneny.org/previewPost.cfm?postID=436>; Murphey, D. & P. Mae Cooper (2015). *Parents Behind Bars. What Happens to Their Children?* Retrieved from Childtrends.org
- 11 Christopher Wildeman (2014). *Parental Incarceration, Child Homelessness, and the Invisible Consequences of Mass Imprisonment*. The ANNALS of the American Academy of Political and Social Science, 651: 74-96.
- 12 ACS contracts community-based agencies to provide preventive, foster care, and residential services. Hereafter, ACS contracted provider foster care agencies will be referred to as simply “foster care agencies.”

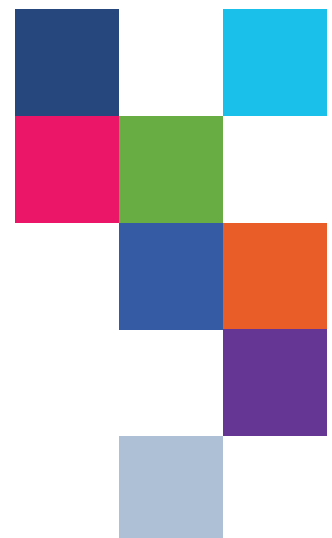
- 13 The CHIPP unit works with provider agencies that provide foster care and preventive services to facilitate parent-child visits at prisons and jails in the New York City greater metropolitan region (and beyond), and assists caseworkers with communicating with corrections staff and incarcerated parents.
- 14 August 2015 data retrieved December 4, 2015, at <http://www1.nyc.gov/site/acs/about/data-policy.page>
- 15 At the time, Judge Richardson-Mendelson was the outgoing New York City Family Court Administrative Judge, and Judge Ruiz was preparing to assume this position.
- 16 Agency Directors were notified about Snapshot Week on September 15, 2015.
- 17 Data provided by Associate Commissioner of ACS Child Welfare Programs, Division of Preventive Services, Kelly Acevedo via email correspondence on November 18, 2015.
- 18 These agencies also provided data on their foster care programs.
- 19 Foster care data obtained from *New York City ACS Flash Indicators Report*, April 2016. Retrieved from http://www1.nyc.gov/assets/acs/pdf/data-analysis/2016/Flash_Indicators.pdf; Preventive data provided by Associate Commissioner of ACS Child Welfare Programs, Kelly Acevedo, by email on November 18, 2015.
- 20 Child Welfare Information Gateway (2015).
- 21 According to the *Bureau of Justice Statistics Prisoners in 2014* report (NCJ 248955) there were 1,448,564 men and 112,961 women incarcerated in state and federal correctional facilities as of December 31, 2014. Retrieved from <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5387>
- 22 Per 2004 data, 62% of women incarcerated in state prisons and 56% of women in federal prisons reported having minor children. See Glaze, L. E. & Maruschak, L. (Revised 2010). *Parents in Prison and Their Minor Children*. Washington DC: US Department of Justice, Office of Justice Programs (NCJ 222984). Retrieved from <http://www.bjs.gov/content/pub/pdf/pptmc.pdf>
- 23 *Fact Sheet: Trends in U.S. Corrections*. The Sentencing Project (2015). Retrieved from <http://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf>
- 24 Glaze, L. E. & Maruschak, L. (Revised 2010). 10.9% of incarcerated mothers and 2.2% of incarcerated fathers reported that their children were in the care of a foster home or agency; however, it is unclear if this number includes kinship foster care (a parent may have simply reported that their child is living with a relative).
- 25 Ibid, See Appendix Table 8
- 26 Non-respondent parents are those for whom there are no allegations of abuse or neglect. Legally, they have the right to be notified of hearings and to participate as an interested party.
- 27 CHIPP reports approximately 99% of these children are in foster care.
- 28 Children in foster care comprise approximately 99% of children served by CHIPP per communication with CHIPP Deputy Director, Osman Mat on January 25, 2016.
- 29 Per conversation with CHIPP Deputy Director, Osman Mat, on April 8, 2016.

- 30 Orders to produce youth in juvenile delinquency matters or orders to produce children generally were not counted; thus, this estimate excludes parenting teens incarcerated in New York State DOCCS.
- 31 Located approximately 130 miles north of New York City.
- 32 Murphy & Cooper (2015). *Parents Behind Bars, What Happens to Their Children*. Child Trends.
- 33 CHIPP requires a caseworker, foster parent, or approved escort familiar with the child to accompany the child on CHIPP visits to ensure that the child receives support from a familiar adult.
- 34 Per the *Child Welfare Information Gateway*, states are encouraged to create statewide automated child welfare information systems (SACWIS) to establish electronic case files that include data to be reported in compliance with the requirements of AFCARS. Thirty four states currently use SACWIS. CONNECTIONS is the SACWIS platform in New York State.
- 35 07-OCFS-ADM-09
- 36 In New York State, a statewide review of the Factors Related to Removal field in *CONNECTIONS* found that it remained blank 75% of the time and that the address field was not consistently updated, per personal communication with OCFS in December 2010.
- 37 The Court/Child Welfare National Exchange Template (NET) offers a framework to build a data exchange system for family courts and child welfare agencies. For more information go to http://www.sypherlink.com/NIEM-now/images/NIEM_helping_children.pdf
- 38 The Court/Child Welfare National Exchange Template (NET) offers a framework to build a data exchange system for family courts and child welfare agencies. For more information go to http://www.sypherlink.com/NIEM-now/images/NIEM_helping_children.pdf
- 39 Also see OCFS publication, *You Don't Have to Stop Being a Parent Because You Are Incarcerated*, retrieved from <http://ocfs.ny.gov/main/publications/Pub5113.1P.pdf>
- 40 In New York State, this is known as KinGap.



Appendix A: Participating Snapshot Week Agencies

- Abbott House
- Cardinal McCloskey Community Services
- The Children's Village
- Forestdale
- Good Shepherd Services
- Graham Windham
- HeartShare St. Vincent's Services
- Jewish Child Care Association
- Leake & Watts Services, Inc.
- Little Flower Children and Family Services of New York
- MercyFirst
- SCO Family of Services
- Seamen's Society for Children and Families
- Sheltering Arms
- Saint Dominic's Home



Appendix B: Snapshot Week Survey Questions

Agency point persons gathered data from caseworkers about the following:

How many foster care children does the agency serve overall?

How many of these children have an incarcerated parent?

How many incarcerated parents are:

● Mothers

● Fathers

How many parents are incarcerated in the following types of facilities:

● Federal Prison

● State Prison

● Local/City Jail

● Immigration Customs Enforcement Detention Facility

Please share any challenges collecting data for the survey.

What would help you be better able to support children of incarcerated parents?

Share a success or challenge of working with families with an incarcerated parent.

Appendix C: Resources

- *Guide for Incarcerated Parents Who Have Children in the Child Welfare System.* Washington D.C.: U.S. Dept. of Health and Human Services, Administration for Children and Families, U.S. Department of Justice, and Federal Bureau of Prisons, August 2015
<http://youth.gov/feature-article/guide-incarcerated-parents-child-welfare-system>
- *Child Welfare Practice with Families Affected by Parental Incarceration.* Child Welfare Information Gateway. (2015). Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.
https://www.childwelfare.gov/pubPDFs/parental_incarceration.pdf
- *When a Parent Is Incarcerated: A Primer for Social Workers.* Yali Lincroft and Ken Borelli (2011). Baltimore, Maryland: Annie E. Casey Foundation.
<http://www.aecf.org/resources/when-a-parent-is-incarcerated/>
- *Child Welfare Information Gateway, Reunification and Visits with Parents Who Are Incarcerated* website includes numerous publications regarding children of incarcerated parents <https://www.childwelfare.gov/topics/permanency/reunification/incarcerated/>
- *Stronger Together Handbooks: Volume I, Experiences of Children of Incarcerated Parents; Volume II, Maintaining and Strengthening Family Ties for Children of Incarcerated Parents; and Volume III, Information for Non-Parent Caregivers of Children with Incarcerated Parents.* (2013). New York: The Osborne Association.
<http://www.osborneny.org/programSubPage.cfm?subPageID=52>
- *Partnerships between Corrections and Child Welfare, Collaboration For Change.* The Annie E. Casey Foundation (2001). Baltimore, MD: Women's Prison Association.
<http://www.aecf.org/m/resourcedoc/aecf-F2F-PartnershipsBetweenCorrectionsandChildWelfareCollaborationforChangePartTwo-2001.pdf>
- *Sesame Street's Little Children, Big Challenges: Incarceration toolkit of supportive resources for children of incarcerated parents and their caregivers.*
<http://www.sesamestreet.org/parents/topicsandactivities/toolkits/incarceration>

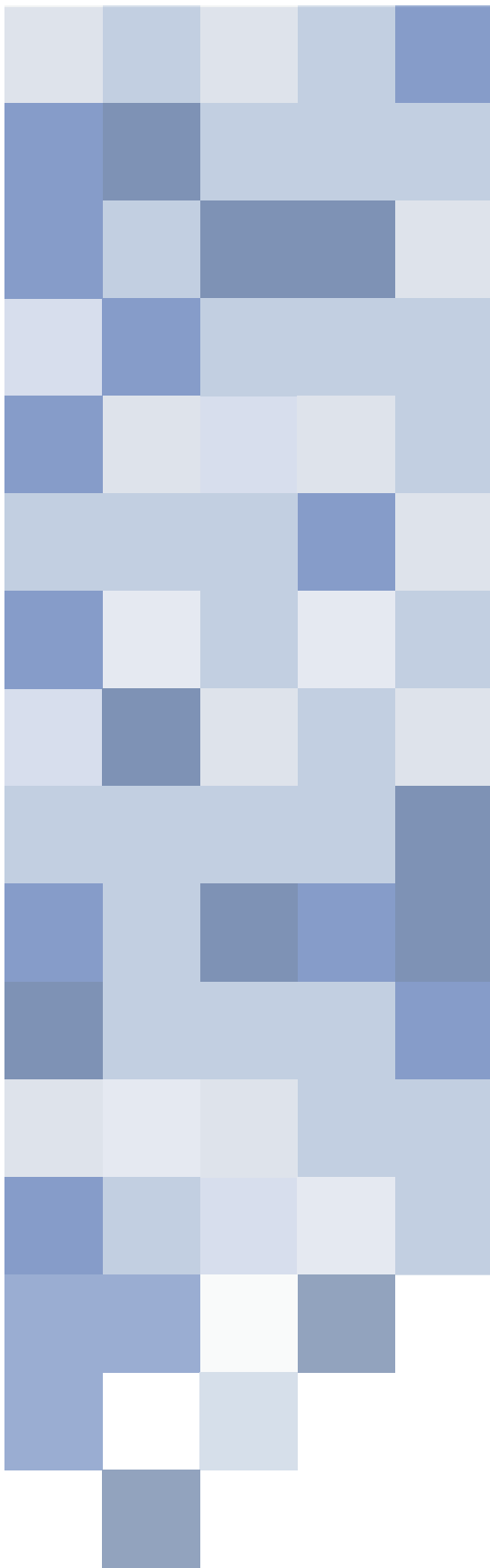
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The Osborne Association



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