

Women in Prison and Children of Imprisoned Mothers Series



English

Français

Español

The impact of parental imprisonment on children



**By Oliver Robertson
April 2007**

Quaker United Nations Office

Women in Prison and Children of Imprisoned Mothers – Project Background

The Quaker United Nations Office, Geneva, has since 2004 been undertaking research on Women in Prison and the Children of Imprisoned Mothers as part of a joint project with the Quaker Council for European Affairs (Brussels), Quaker Peace and Social Witness (United Kingdom) and the Friends World Committee for Consultation representation to the United Nations Commission on Crime Prevention and Criminal Justice and the United Nations Crime Congress.

The project aims to gain a clearer understanding of the particular problems faced by women prisoners and children of imprisoned mothers and how these problems can be better addressed by governments and policy makers.

Hard copies of this paper may be available on request.

Further copies of all QUNO publications are available to download from our website:
www.quno.org

QUNO's work on the Women in Prison Project is funded by Irish Aid.

Quaker United Nations Office
Avenue du Mervelet, 13
1209 Geneva
Switzerland

Tel: +41 22 748 48 00

Fax: +41 22 748 48 19

Email quno@quno.ch

Contents

A note on the text	5
Part I: Overview	7
Introduction	7
The extent of the problem	8
Children’s reactions	9
Stigma	11
Key Points	13
Part II: Before Imprisonment	15
Arrest	15
Pre-trial detention	16
Trial and sentencing	17
Key Points	18
Part III: During Imprisonment	19
Retaining parent-child relationships	19
Prison visits	22
Parents on Death Row	30
Children living in prison	30
Life on the outside	33
Poverty and finance	37
Key Points	38
Part IV: After imprisonment	40
Return	40
Future criminality of children and parents	43
Key Points	45
Part V: Summary of recommendations	46

A note on the text

Research on the impact of parental imprisonment on children is still in its infancy. Many of the studies that have been carried out are small-scale, either in area, time or number of participants; for this reason the conclusions they draw should be seen as neither authoritative nor universally applicable. Where this paper makes statements and assertions, it does so based upon the evidence as it is at present. They should, therefore, be treated with appropriate caution and readers should bear in mind that future research may challenge the current findings.

Many of the examples in this paper come from Western Anglophone countries, primarily the UK and USA. This is due partly to the author's inability to access material from languages other than English and partly to the large number of studies of this subject which have been carried out in those countries. While this may result in the experiences of some jurisdictions being inadequately considered, the fundamental concerns raised here are nonetheless important to all. We would welcome any comments, additions, examples or corrections to the paper; all suggestions should be sent to the Quaker United Nations Office (contact details on the inside front cover).

At various points throughout the paper boxes detailing 'good practice' can be found. The policies and programmes highlighted in this way are not the only examples of good practice in the area of parental imprisonment and its impact on children, but are chosen because they represent particularly well-considered and holistic solutions to particular problems. Many of them help to deal with problems other than the immediate one and have a positive effect on a wider group than just the imprisoned parent and their children.

Part I: Overview

Introduction

Children of imprisoned parents are often described as the forgotten victims of imprisonment. When a mother or father goes to prison, their children are affected, usually adversely. Yet these effects are rarely considered in criminal justice processes, which instead focus on determining individual guilt or innocence and punishing lawbreakers. The failure to consider or consult children of imprisoned parents at all stages of the criminal justice process – from arrest to trial to imprisonment to release to rehabilitation into the community – can result in their rights, needs and best interests being overlooked or actively damaged.

Children may have to take on new roles following parental imprisonment in order to provide domestic, emotional or financial support for other family members. Their relationships with the imprisoned parent and others around them frequently suffer. They may have to move to a new area, a new home or a new school because of imprisonment. Yet these impacts are largely unacknowledged in criminal justice systems worldwide, many of which fail to record information about prisoners' children, or even whether there are any. Efforts to compensate for these failings have primarily been individual or local endeavours rather than changes in official procedures and structures which put children's interests at the centre of issues that affect them within the prison context.

This neglect of the interests of children of imprisoned parents by officials and institutions is a foreseeable consequence of judicial systems “centred on the principals of ‘justice’ and ‘individual responsibility’”.¹ The focus on the offender means that the people around them are regularly ignored, from arrest to post-release. Police officers may not consider the impact of a late-night arrest on a suspect's children, even though children find it a frightening and traumatic experience. Too often judges do not consider an offender's caring responsibilities when passing sentence.² Prison buildings and regimes are created without considering the impact they have on young visitors, often resulting in remote and inaccessible facilities which are inappropriate for children. The return of a parent to a family following imprisonment is challenging for all concerned, yet families and prisoners are rarely given the support they need during this major change, which may be as disruptive as the imprisonment itself.

Yet both anecdotal and academic evidence suggests that when children *are* considered then many of the negative effects of parental imprisonment can be ameliorated. By helping children to understand what is happening to their parent and themselves, thereby reducing the fear and uncertainty; by enabling children to stay in contact with an imprisoned parent, through letters, telephone calls and visits; by supporting children

¹ Gloria Larman and Ann Aungles (1993) “Children of prisoners and their outside carers: the invisible population” in *Women and the Law: Proceedings of a conference held 24-26 September 1991*, p.263

² Although children are the obvious persons towards whom imprisoned adults have a caring responsibility and are the focus of this paper, there are other groups of people such as elderly or disabled adults, legal wards and those over whom the prisoner holds power of attorney for whom several of the issues raised here will be relevant.

in readjusting when a parent leaves prison, the adverse impact of parental imprisonment can be reduced.

Helping families to maintain close relationships may also help to prevent future antisocial or criminal behaviour by imprisoned parents (because having a supportive family environment to return to is a major disincentive to committing further crimes) and by the children themselves (recent studies have shown that having a parent imprisoned increases the likelihood of children committing criminal or antisocial behaviour in later life – for more on this, see the *Future criminality of children and parents* section, below). Given that a key goal of any justice system should be to prevent future crime and ensure that there are as few victims as possible from any criminal act, considering the children of imprisoned parents should be a welcome addition to crime-fighting and crime-prevention toolkits.

The extent of the problem

Parental imprisonment affects millions, probably tens of millions, of children around the world, who often come from the most disadvantaged and vulnerable sections of society. Precise figures on the scale of the issue are unavailable as authorities seldom hold details about prisoners' children, but various studies have attempted to quantify the extent of the problem in particular countries. In Australia, an estimated 145,000 under-16s (almost 5% of children in Australia) have had a parent imprisoned, rising to 20% of under-16s from the minority Aboriginal communities.³ The children of roughly 20,000 Brazilian women have their mother in prison (the total with imprisoned fathers is likely much higher).⁴ And an estimated 1,498,800 children in America had a parent in prison in 1999, a rise of over 500,000 since 1991.⁵

However, these children are not a representative cross-section of the societies they live in. Research suggests that compared to the general population, they are more likely to have come from families which have experienced unemployment, multiple mental health problems, marital difficulties, abuse, neglect and the problems associated with low social class.⁶ Experiences of abuse or mental health problems within the family are particularly likely for children with imprisoned mothers, as women prisoners have been affected by these issues at far higher rates than male prisoners or women in the general population.⁷ Exposure to such environments may increase the risk that children develop antisocial or criminal tendencies in later life (though it does not necessitate it)⁸ and should be taken into account when considering the best ways to support children affected by parental imprisonment. Additionally, the child

³ Simon Quilty, personal correspondence to QUNO on behalf of Defence for Children International, Australia.

⁴ C. Howard (2003) *Main Issues Facing Brazil's Women Prisoners* (unpublished).

⁵ Christopher J. Mumola (2000) *Incarcerated Parents and Their Children* (US Department of Justice), p.1

⁶ Joseph Murray (2005) "The effects of imprisonment on families and children of prisoners" in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p448. Murray was talking about imprisonment in the UK, though his analysis (that prisoners tend to come from disadvantaged groups) reflects the findings of studies carried out elsewhere.

⁷ Rachel Taylor (2004) *Women in Prison and Children of Imprisoned Mothers: Preliminary Research Paper* (QUNO), p.iv

⁸ Children of Prisoners Library (2003) *Risk and Protection* (Families and Corrections Network).

her/himself should always be consulted when determining her/his best interests, in accordance with her/his age and maturity.

Children's reactions

The imprisonment, or even arrest, of a parent usually provokes strong reactions in their children. These vary greatly and may include sadness, anger, worry and a sense of loss; they also vary between different children: "Some children are used to parents who were not around much before their incarceration. Some children have parents who are unpredictable because of depression or drugs or alcohol. Other children's parents were actively involved with them before they went to jail or prison."⁹ Even within a single family the response is not uniform: "Although prisoners' families often experience similar stresses ... [they] are not a homogenous group. Even within cultural and penal contexts, prison effects on family members are likely to differ according to prior relationships, offence types, social support systems and other socio-demographic factors".¹⁰

The impact of parental imprisonment on children can be profound and long-lasting. Often children of prisoners are discriminated against and stigmatised as a result of parental imprisonment¹¹ and have suffered from trauma, fear, shame, guilt and low self-esteem.¹² Relationships with other family members frequently suffer.¹³ Some children become withdrawn, are affected by "increased health problems and regressive behaviour such as bed-wetting",¹⁴ suffer worsening performance and attendance rates at school or display increased aggression, antisocial or criminal tendencies.¹⁵

Parental imprisonment sometimes has so severe an impact on children that it damages their physical or mental health. The perceived extent and severity of the health impact varies between studies, but noted problems have included: changes in sleep patterns or eating behaviour; starting or increasing their use of drugs, alcohol and tobacco; stress; depression; and symptoms of post-traumatic stress disorder such as flashbacks about the crimes or arrests.¹⁶ Children may also feel the impacts of other effects of parental imprisonment, such as parental separation (over a fifth of married prisoners in Britain

⁹ Children of Prisoners Library (2003) *What Do Children of Prisoners and their Caregivers Need?* (Families and Corrections Network).

¹⁰ Joseph Murray (2005) "The effects of imprisonment on families and children of prisoners" in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.445

¹¹ Ann Cunningham (2001) "Forgotten Families – the impacts of imprisonment" in *Family Matters* Winter 2001, p.37

¹² Charlene Wear Simmons (2000) *Children of Incarcerated Parents* (California State Library), p.4

¹³ Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) *Discussion paper on the impact on Aboriginal & Torres Strait Islander children when their fathers are incarcerated*, p.15

¹⁴ Ann Cunningham (2001) "Forgotten Families – the impacts of imprisonment" in *Family Matters* Winter 2001, p.37

¹⁵ Dervla King (undated) *Parents, Children & Prison: Effects of Parental Imprisonment on Children* (Centre for Social & Educational Research, Dublin Institute of Technology), p.11

¹⁶ Jackie Crawford (2003) "Alternative Sentencing Necessary for Female Inmates With Children" in *Corrections Today* June 2003.

divorce or separate as a result of imprisonment)¹⁷ or the loss of income due to imprisonment.¹⁸

Different children have different levels of understanding about their parent's imprisonment. Some, particularly younger, children are given incomplete or inaccurate reasons for their parent's absence (for example, they may be told that their parent is in hospital, away on work or in the armed forces).¹⁹ Some children may only partially comprehend what has happened, even after having seen the parent in jail; conversely, others may "guess at the truth [by themselves] or simply read the notices during visits".²⁰ Children who discover what has happened without being told may imagine that their parents are in far worse situations than is the case:

*My six-year-old couldn't sleep. She was a real wreck. After a while I figured out what the problem was – she thought her [imprisoned] father was having to live on bread and water.*²¹

Additionally, if some children know about the imprisonment but others do not, this can create conflicting obligations in the children who know: on the one hand, to keep the imprisonment secret; on the other, to tell the truth to their siblings.²²

There is no agreed consensus on whether and when children should be told about a parent's imprisonment. Keeping the imprisonment secret may avoid some complications and potentially minimise the trauma of separation; however, "uncertainty and lack of information undermines children's ability to cope [and] ... children who are uninformed about their parent's incarceration are more anxious and fearful".²³ Discovering that they have been lied to may lead to distrust or loss of confidence in those around them.

Parental imprisonment is not a uniformly negative experience for children. In situations involving domestic violence or child abuse, or even when the child had a bad relationship with the parent, life may be better following imprisonment.²⁴ If the parent led a disruptive or chaotic lifestyle (perhaps related to addiction), their children's lives may be more stable or manageable when that parent is around less. Additionally, if the child had little contact with the parent prior to imprisonment, the impact on the child may be minimal.

¹⁷ Action for Prisoners' Families, UK (2003) *Submission in response to the Green Paper Consultation 'Every Child Matters'*.

¹⁸ Joseph Murray and David P. Farrington (2005) "Parental imprisonment: effects on boys' antisocial behaviour and delinquency through the life-course" in *Journal of Child Psychology and Psychiatry* Vol. 46, No. 12, p.8

¹⁹ Joseph Murray (2005) "The effects of imprisonment on families and children of prisoners" in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.451

²⁰ Adrienne Katz (2002-3) "Parents In Prison" in *Criminal Justice Matters* No. 50, p.19

²¹ Joseph Murray (2005) "The effects of imprisonment on families and children of prisoners" in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, pp.449-50

²² Ria Wolleswinkel (2002) "Children of Imprisoned Parents" in Jan Willems (ed.) *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities* (Intersentia), p.201

²³ Ross Parke and K. Alison Clarke-Stewart (2001) "Effects of Parental Incarceration on Young Children" presented at the conference *From Prison to Home: The Effect of Incarceration and Reentry on Children, Families, and Communities*.

²⁴ Kelli Brown (2002-3) "Parents In Prison" in *Criminal Justice Matters* No. 50, p.20

Regardless of other emotions, one consistent reaction to the imprisonment of a parent is a feeling of loss. While it is sometimes accompanied by feelings such as “relief that a parent is no longer able to hurt themselves or others ... [or] satisfaction that the parent will be punished or hope that they will change”,²⁵ feelings of loss remain. As the daughter of one Kenyan inmate put it: “A family without one member is incomplete. We can no longer get her advice and her role has to be played by someone else, which is a big challenge”.²⁶

Children’s feelings and reactions will change at different stages of a parent’s involvement in the criminal justice/penal cycle, “between the traumatic experience of arrest, the overriding uncertainty during remand and trial, and the distinct experiences of families coping with different sentence lengths”.²⁷ As mentioned above, different children will respond differently to parental imprisonment: few will experience all these effects and some may experience none of them. Even within a single family, different siblings may react very differently to the imprisonment of a parent. This may be linked to different ages or positions within the family (older children may feel that they have to take on more responsibility or ‘be strong’ for their younger brothers or sisters, while young children may find it difficult to form secure relationships with others²⁸), different levels of understanding about what has happened, different relationships with the imprisoned parent, or just different attitudes and personalities.

Stigma

Many children experience ostracism, disapproval and scorn because of their association with an imprisoned parent. Unlike “other contexts of loss such as death or illness, loss of a family member because of incarceration seldom elicits sympathy and support from others”²⁹ and the “stigma and feelings of isolation associated with being the family of a prisoner, of being contaminated in some way by the deeds of the offender, is central to many of the difficulties that children and families face. This may also be compounded by community perceptions that prisoner parents are intrinsically bad parents ... inmate mothers are not only seen to offend against society, but also against their role as mothers”.³⁰

These attitudes can be especially hard to cope with given that for many families, losing a parent to imprisonment causes similar feelings of grief to those experienced when a

²⁵ Children of Prisoners Library (2003) *Impact of Parental Incarceration* (Families and Corrections Network).

²⁶ Peter Opiyo (2007) “Joy amid despair: Women’s Prison hosts families of inmates” in *East African Standard*
http://www.eastandard.net/archives/cl/hm_news/news.php?articleid=1143963274&date=3/1/2007
(accessed January 2007).

²⁷ Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.446

²⁸ Joseph Murray (2007) “The cycle of punishment: Social exclusion of prisoners and their children” in *Criminology and Criminal Justice* Vol. 7, No. 1, p.66

²⁹ Joyce A. Arditti et al. (2003) “Saturday Morning at the Jail: Implications of Incarceration for Families and Children” in *Family Relations* Vol. 52, No. 3, p.196

³⁰ Ann Cunningham (2001) “Forgotten Families – the impacts of imprisonment” in *Family Matters* Winter 2001, pp.36-7

loved one dies, but with the added difficulty that “the normal outlets for grieving are often denied because of the nature of the loss.”³¹

Particular events may be especially difficult for children: many visitors to prisons are “made to feel like criminals themselves just for visiting a gaol”³² and children who have to miss other activities (such as school) in order to visit parents may feel uncomfortable telling those around them (such as classmates and teachers) what they are doing. The negative reactions of others can have long-term effects for the child’s self-confidence and well-being (“It’s hard to find a sense of value if everybody tells you you’re not worth anything”³³ as one child put it), with the shame and stigma remaining long after the parent is released.

The nature of the crime, the attitude of the community and those around the prisoner’s family, and each individual child’s character will all affect the extent to which children feel stigmatised. Crimes viewed as particularly abhorrent by the community seem to attract greater stigma (such as sexual offences against children in Australia³⁴ and elsewhere). Attitudes vary depending on the community: in China, rural areas are said to be especially hostile towards prisoners and their families;³⁵ more generally it has been hypothesised that areas with high imprisonment rates may have low levels of stigma because children can be more open about their situation.³⁶ (There is a counter-hypothesis arguing that high imprisonment areas may have especially high rates of stigma because victims of crime also live in these neighbourhoods.³⁷) Even close friends and relatives may disown or otherwise stigmatise families of prisoners: some children have had to move school and make new friends because they “got verbal abuse from other children at the old school. The pressure was so great that the children didn’t want to go to school”.³⁸

The way children deal with these attitudes varies from child to child. Some turn inwards, not even talking with other family members about the imprisonment.³⁹ Some may tell only a few people, such as a close friend, leading a ‘double life’ the rest of the

³¹ Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) *Discussion paper on the impact on Aboriginal & Torres Strait Islander children when their fathers are incarcerated*, p.14

³² Ann Cunningham (2001) “Forgotten Families – the impacts of imprisonment” in *Family Matters* Winter 2001, p.37

³³ Child quoted at San Francisco Children of Incarcerated Parents Partnership website <http://www.sfcipp.org/right7.html> (accessed March 2007).

³⁴ Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) *Discussion paper on the impact on Aboriginal & Torres Strait Islander children when their fathers are incarcerated*, p.15

³⁵ Maureen Fan (2006) “Children of prisoners in China do hard time, too” in *The Seattle Times* website http://seattletimes.nwsourc.com/html/nationworld/2003330456_prisonkids30.html (accessed January 2007).

³⁶ Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, pp.452-3

³⁷ Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.453

³⁸ Child’s caregiver, quoted in Joseph Murray (2007) “The cycle of punishment: Social exclusion of prisoners and their children” in *Criminology and Criminal Justice* Vol. 7, No. 1, p.59

³⁹ Anne Dannerbeck (undated) *Differences between Delinquent Youth with and without a Parental History of Incarceration: Final Report on the Project* (School of Social Work, University of Missouri), pp.16-17

time by pretending that the parent is somewhere else.⁴⁰ Others may become angry and defiant about the imprisonment, acting aggressively towards anyone they perceive as insulting them or their imprisoned parent.⁴¹ In some situations, children may derive social cachet from their association with criminality: one imprisoned youth explained that “he was a good student in elementary school until he realized that getting arrested brought him ‘fame’ among his peers. ‘I got more love for doing bad than for doing good. It seemed like everybody applauded my dirty work.’”⁴²

Children from minority groups are at risk of being doubly stigmatised, because of their parent’s imprisonment and because of their membership of a minority. Additionally, they may be ostracised within their own (minority) community, meaning that they feel unable to turn to anyone for support.⁴³

Stigma can affect prisoners’ children in other ways. Parents whose children are living with them in prison in India can put their children up for adoption, but “according to jail officials, no one wants to adopt children whose parents are serving in criminal cases”⁴⁴ which means that children have to remain in often unsuitable prison environments with their parents. Children may not be told about certain issues relating to their imprisoned parents, such as any mental health problems affecting the parent, due to the stigma surrounding these issues. This may make it harder for them to fully understand what is happening to their parent.⁴⁵

Key Points

- Imprisonment of a mother or father affects their children, usually adversely: worsening emotional states, behaviour and health have been observed in such children.
- Each child is an individual and will react differently to and has different needs from others, even siblings. For this reason it is important to consult with individual children when considering how to support them.
- Most children (and parents) feel a sense of loss following imprisonment and want to stay in contact.
- Children are often stigmatised by those around them because they have an imprisoned parent, which can add to their feelings of isolation. Changing

⁴⁰ K.H. (2007) “Scholarship frees prisoners’ children from social captivity” in *The Sunday Times Online* http://www.sundaytimes.lk/070114/Plus/014_pls.html (accessed February 2007).

⁴¹ John Hagan (1996) “The Next Generation: Children of Prisoners” in *The Unintended Consequences of Incarceration: Papers from a conference organized by the Vera Institute of Justice*, p.28

⁴² Rachel Gottlieb (2006) “The Kids Do Time, Too” in *The Hartford Courant*, November 12, 2006 http://www.mail-archive.com/kids_counsel-l@listserv.uconn.edu/msg00733.html (accessed March 2007).

⁴³ This is not always the case: in communities which experience high rates of arrest and imprisonment (such as minority communities, which tend to experience disproportionate levels of imprisonment) the stigma associated with imprisonment can disappear altogether as it becomes something “normal for people like us” (Rachel Gottlieb (2006) “The Kids Do Time, Too” in *The Hartford Courant*, November 12, 2006). This has implications for the deterrent aspect of punishment.

⁴⁴ IANS (2007) “No takers for children of jailed parents” in *PxPG news* website http://www.rxpnews.com/india/No-takers-for-children-of-jailed-parents_11779.shtml (accessed February 2007).

⁴⁵ Joseph Murray (2007) “The cycle of punishment: Social exclusion of prisoners and their children” in *Criminology and Criminal Justice* Vol. 7, No. 1, p.59

community attitudes to prisoners' children may be an important part of combating the impact of parental imprisonment on children.

Part II: Before Imprisonment

Arrest

The occasion of a parent's arrest is often the very first time a child comes into contact with the criminal justice system and the way the event is handled can permanently affect the child's attitude towards law enforcement and criminal justice officials. The arrest of a parent can be shocking and distressing for children (interviewed children have described the first days and weeks after the arrest as the worst period during parental imprisonment),⁴⁶ but if handled sensitively can actually lead to increased respect for and toleration of officials by the children.

"Watching a parent [being] arrested and taken away ... is itself one of the most significant traumas a child can experience",⁴⁷ according to researcher Nell Bernstein. This trauma can be especially acute if the arrest is violent or forcible, something more likely in settings where there has been a "shift to a more militaristic form of policing ... Small confined households are especially frightening places when guns are being wielded".⁴⁸ One study found that in the USA almost 70% of children who were present at a parent's arrest watched their parent being handcuffed, and nearly 30% were confronted with drawn weapons.⁴⁹ The police preference for arresting suspects in the late evening or early morning (when they are most likely to be at home with their families) "ups the odds that police will get their man, but also that children will awaken to see it happen".⁵⁰

Children who are not present at the arrest have their own difficulties, often related to a lack of knowledge about what has happened or will happen to their parent. Parents may be denied permission to make arrangements for their children before they leave, or even to leave them an explanatory note. One girl who was no longer living at the family home first found out that her father had been arrested by reading it in the local newspaper.⁵¹ Children without clear information often "imagine the worst about their parent's condition ... [not knowing] how, when and if they will ever see the arrested person again".⁵²

Cases of children being left unattended because police officers narrowly focussed on arresting a suspect without considering what happens to their children (or even whether there are any) raise serious concerns regarding the children's welfare. It is important that arresting officials consider the children during the arrest, minimising the trauma caused them and making arrangements, in consultation with the children depending on their age and maturity, for alternative care if necessary. Doing so benefits everyone: children, parents and police. Children's fears can be quelled if they are told what is

⁴⁶ Ria Wolleswinkel (2002) "Children of Imprisoned Parents" in Jan Willems (ed.) *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities* (Intersentia), p.202

⁴⁷ Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.23

⁴⁸ Gloria Larman and Ann Aungles (1993) "Children of prisoners and their outside carers: the invisible population" in *Women and the Law: Proceedings of a conference held 24-26 September 1991*, p.265

⁴⁹ Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.9

⁵⁰ Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.10

⁵¹ Ria Wolleswinkel (2002) "Children of Imprisoned Parents" in Jan Willems (ed.) *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities* (Intersentia), p.202

⁵² Children of Prisoners Library (2003) *Common Stress Points* (Families and Corrections Network).

going to happen to them and their parents. Parents anxious about their children will be calmed if they know that their children will be looked after during their absence, while a positive outcome can enable police officers to carry out current and future assignments more easily: “Encouraging kids to see cops as the enemy ... does not enhance public safety – nor, for that matter, police safety ... Having a rapport with the family helps get the job done in a safe manner.”⁵³ Creating a positive relationship is especially important given that some children of imprisoned parents behave negatively towards the police: younger children becoming afraid and distrustful and older children losing respect.⁵⁴

Pre-trial detention

Pre-trial detention should only be used as a last resort and only if certain conditions are met.⁵⁵ Nonetheless, there are situations where suspects are detained between arrest and conviction, either while they are being questioned but before charges are brought, or between being charged and being tried (remand in custody). In either case, children have to learn to live without a parent.

Problems for children relating to pre-trial detention include:

- Difficulties in continuing normal life – having food cooked for them, being taken to school etc.
- Slow court procedures and a large backlog of cases meaning that parents spend months or even years awaiting trial, resulting in families suffering the effects of prolonged parental deprivation without any resolution to the case or the parent having been convicted of a crime.
- Children worrying about what will happen to their parent and whether they will be convicted.
- Parents placed in pre-trial detention losing their jobs, which places financial pressures on the family which may persist even if they are acquitted.
- Difficulties in retaining contact. Some of the problems in this area are the same as for contacting convicted prisoners, but others are specific to pre-trial detainees. Ongoing investigations may prevent detainees from contacting certain named individuals. This can directly affect children of detainees (if the ruling states that there is to be no contact between the detainee and their child) or indirectly affect them (for example, by ruling that certain family members cannot have contact with the detainee, which may mean that no appropriate family member is available to take children to visit).⁵⁶ For these reasons and others set out below in the sections *Retaining parent-child relationships* and

⁵³ Police Lieutenant Ray Hassett, quoted in Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.28

⁵⁴ Venezia Kingi (2000) *The Children of Women in Prison: A New Zealand Study*, p.6

⁵⁵ The conditions which should be met in order to permit pre-trial detention are:

- that the person concerned is reasonably suspected of having committed an offence; and
- there is legal provision for such pre-trial detention; and
- there is a risk of the suspect either:
 - (a) absconding (failing to appear for trial), or
 - (b) interfering with witnesses, evidence or other trial processes, or
 - (c) committing further offences; and
- there is no alternative way the risk can be addressed other than detention.

⁵⁶ Laurel Townhead (2007) *Pre-Trial Detention of Women and its Impact on Their Children* (QUNO).

Prison visits, many children do not see their parents during pre-trial detention: “1 in 4 men and half of all women on remand [in England and Wales] receive no visits from their family”.⁵⁷

- Linked to this, there have been cases of children being denied access to certain services because it may affect their role as a witness in the trial. One 13-year-old who was sexually abused by her father was denied counselling prior to the trial because she was scheduled to be a witness in the case.⁵⁸

Issues relating to pre-trial detention are covered in more depth in the QUNO paper *Pre-Trial Detention of Women and its Impact on Their Children*.⁵⁹

Trial and sentencing

Children may find the trial of a parent incomprehensible due to the unfamiliarity of the language and processes used. Research has suggested that all children find the legal processes hard to follow, with younger children having particular difficulty.⁶⁰ Many will not attend any of the legal proceedings, further adding to their sense of alienation from what is happening to their parent. Reasons for their absence may include official disapproval of having children in court, or a lack of childcare facilities for the children of defendants or witnesses.⁶¹

The period of the trial can be especially stressful for families due to the uncertainty of the outcome⁶² – indeed, research has indicated that this period is especially detrimental to the health of family members.⁶³ Having a parent found guilty and sentenced can be a shock for children and it makes real the fear of separation which until then they may have tried to deny. Most families “continue to hope for a miracle until the very last minute.”⁶⁴

There are a limited range of factors which influence the sentence handed down. The needs or interests of any children involved are not generally included in this range (the exception being that pregnant women or those with small babies may have this taken into account: for example, it is illegal to imprison a pregnant woman in Italy).⁶⁵ Yet the nature and conditions of the sentence will have a big impact on children of

⁵⁷ Prison Reform Trust website

<http://www.prisonreformtrust.org.uk/uploads/documents/factfile1807lo.pdf> (accessed March 2007).

⁵⁸ Kelli Brown (2002-3) “Parents In Prison” in *Criminal Justice Matters* No. 50, p.21

⁵⁹ Laurel Townhead (2007) *Pre-Trial Detention of Women and its Impact on Their Children* (QUNO), available at www.quno.org

⁶⁰ Joseph Murray (2007) “The cycle of punishment: Social exclusion of prisoners and their children” in *Criminology and Criminal Justice* Vol. 7, No. 1, p.59

⁶¹ Holly Dustin (2006) *Understanding your duty* (Fawcett Society).

⁶² Children of Prisoners Library (2003) *Common Stress Points* (Families and Corrections Network).

⁶³ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.9

⁶⁴ Children of Prisoners Library (2003) *Common Stress Points* (Families and Corrections Network).

⁶⁵ Quaker Council for European Affairs (forthcoming) *Women in Prison: A Review of Conditions in Member States of the Council of Europe*. As with other policies, there can be difficulties in implementing this measure. The UN’s Working Group on Arbitrary Detention has highlighted cases where house arrest (one non-custodial alternative to imprisonment) was in theory available but in practice could not be used because the sentenced woman could not afford to pay for the police to guard her at home (Leila Zerrougui, Chair, UN Working Group on Arbitrary Detention, speaking March 2007 at a “Human Rights of Prisoners” event).

imprisoned parents and on the parent's ability to care for them. "While incarceration forces offenders to answer to the state ... it also forces them to abrogate their familial and community responsibilities"⁶⁶ and as such consideration should be given to whether imprisonment, which should only be used as a last resort in any case, is the most appropriate sentence in these circumstances.

Alternative sentences, such as those utilising principles of restorative justice, may be a better way of meeting the needs of victims, offenders, their families and the community than traditional custodial punishments. Measures which enable all those involved to meet and agree both on how best to repair the harm and on how to re-integrate offenders into society and support their children can increase the likelihood of preventing repeat offending, which also has positive effects for reducing the children's future criminality.

Key Points

- When making an arrest, officials should consider the impact this will have on any children of the suspect, both during and after the arrest.
- Pre-trial detention creates many of the same problems for children as post-trial imprisonment. It may also have harsher restrictions, such as a ban on parent-child contact if the child is scheduled to appear in the court case or on contact with other family members, leaving children in practice unable to visit.
- Trials are often confusing for children and their needs or best interests are rarely taken into account when sentencing.

⁶⁶ Anthropologist Donald Braman, quoted in Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.49

Part III: During Imprisonment

Retaining parent-child relationships

Any relationship comes under stress when people are apart and unable to maintain regular contact. For children with parents in prison, the limited contact they have with their parent, the often inadequate quality of that contact and the stigma and shame associated with being the child of a prisoner, can make retaining a relationship with a parent very difficult.

Visits, either from the family to prison or from the prisoner to the family on temporary leave schemes (where they exist), are the most direct way of maintaining relationships, but are not always possible. Prison regulations, distances to be travelled, competing demands on family members or unwillingness on the part of one or other party to meet can prevent or limit direct contact between children and their imprisoned parents. Most of the time, indirect communication in the form of letters and telephone calls (if available) must be relied upon.⁶⁷

The extent to which children build or maintain a positive relationship with an imprisoned parent will depend on many things, including the quality of the relationship prior to imprisonment and the extent to which both imprisoned parents and their children want to continue a relationship behind bars. Family finances, which are frequently more stretched following imprisonment (see the *Poverty and Finance* section, below, for more on this), may not allow for visits, or for regular letters or phone calls (especially when a system of collect/reverse-charge calls is operating). It may be inappropriate for some children to continue contact with their imprisoned parents, for example if that parent has abused them; however, these are “relatively rare occurrences and are not typical of incarcerated parents and their children”.⁶⁸ The best interests of the child should be a primary consideration when considering how, when and how often children and their imprisoned parents are in contact. Children should be consulted in determining the extent and type of relationship they want with an imprisoned parent and it should be remembered that one child’s wants and best interests may differ from another’s, even within the same family.

Some have questioned whether children should maintain contact with imprisoned parents, either before or after release. Research on this area, as with the impact of parental imprisonment on children more generally, is limited, but the studies which do exist indicate that in general it “is more likely that imprisonment of parents is more harmful to children, even when they come from dysfunctional families. Imprisoning parents is more likely to compound, than to mitigate, pre-existing family problems”.⁶⁹ It is possible for parents in prison to be a positive influence on their children’s lives

⁶⁷ Use by prisoners of other media such as email is not widely available at present and some jurisdictions specifically ban it. However, if in future prisoners are given access to other forms of media then its impact on children of prisoners will need to be considered alongside letters and telephone calls.

⁶⁸ Children of Prisoners Library (2003) *Impact of Parental Incarceration* (Families and Corrections Network).

⁶⁹ Jackie Crawford (2003) “Alternative Sentencing Necessary for Female Inmates With Children” in *Corrections Today* June 2003.

and upbringing: “Prisoners who have failed as citizens can succeed as parents. Prison can be an opportunity to become a better parent – more caring, concerned and informed ... But families can only benefit from their relationship with an incarcerated member when and if they stay in communication.”⁷⁰

In countries where telephones are commonplace, phoning appears to be more popular than writing to family members: an Irish study found that over half of prisoners they talked to (from an admittedly small sample of 26) spoke to their children on a daily or almost daily basis whereas only 15% exchanged cards and letters every week or more.⁷¹ Similar trends emerge from research in other countries.⁷² This contact has positive impacts: parents who talk to their children seem to adjust better to the prison environment, while children appear to cope better with the separation if they have more contact with their imprisoned parent.⁷³

Despite this, maintaining contact via telephone is often limited due to restrictions on the length and number of calls prisoners can make: this can be as little as fifteen minutes a week⁷⁴ or two calls a month.⁷⁵ Calls to legal representatives are sometimes included in this limit, meaning that prisoners have very little time to speak with their children, especially if there are several of them. The cost of calls from prison is often more expensive than standard calls, sometimes massively so. Some jurisdictions ban international telephone calls;⁷⁶ some only allow reverse charge/collect calls, where the recipient rather than the caller pays for the call: these usually involve high per-minute costs or a connection charge or both. The cost of calls is “the main factor [families associate] ... with prisoner–family telephone contact”,⁷⁷ which may impinge on their use (and consequently the children’s ability to retain a relationship with their parent).

Written communication is a more widely available way of communicating than phonecalls. As well as letters, parents sometimes send their children photos or objects they have bought or made: a workshop at San Vittore prison in Italy allows imprisoned mothers to “make ‘relational objects’ for their children on the outside such as photo frames, soft toys etc. which are then sent to the children, helping to maintain the mother-child relationship. This is particularly important for foreign national women and their children who live in a different country.”⁷⁸ As with phone calls, cost and restrictions on how many letters/parcels prisoners can send limits the extent to which

⁷⁰ Children of Prisoners Library (2003) *Why Maintain Relationships* (Families and Corrections Network).

⁷¹ Dervla King (undated) *Parents, Children & Prison: Effects of Parental Imprisonment on Children* (Centre for Social & Educational Research, Dublin Institute of Technology), p.28

⁷² See, for example, Justice Strategy Division, Attorney-General’s Department (2005) *Children Of Prisoners Project: Steering Committee’s Report to the Justice Cabinet Committee*, p.27 and Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.454

⁷³ Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, pp.454-5

⁷⁴ Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.85

⁷⁵ Quaker Council for European Affairs (forthcoming) *Women in Prison: A Review of Conditions in Member States of the Council of Europe*.

⁷⁶ Leila Zerrougui, Chair, UN Working Group on Arbitrary Detention, speaking March 2007 at a “Human Rights of Prisoners” event.

⁷⁷ Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.454

⁷⁸ From an interview with the director of Bambinisenzasbarre, the NGO running this project, quoted in Quaker Council for European Affairs (forthcoming) *Women in Prison: A Review of Conditions in Member States of the Council of Europe*.

relationships can be maintained in this manner. Letters may be less appropriate if the children are too young to read and write, while in some countries there are higher levels of poor literacy skills among prisoners than among the general population, meaning that illiterate prisoners will be unable to communicate in this manner.⁷⁹ In such situations alternative means of contact need to be found to enable children to maintain a relationship with their imprisoned parent.

Good practice

Programmes allowing imprisoned parents to produce an audio recording of a book for their children to listen to have been credited with strengthening the parent-child relationship, raising the self-esteem of prisoners and improving literacy among both children and prisoners.⁸⁰ Prisoners who have participated in these schemes have regularly reported that their own literacy level has increased as they read the books (teaching and mentoring in reading skills is sometimes available). The stories provide parents and children with something to talk about during prison visits, while children's fears and concerns for their imprisoned parent can be reduced when they hear their parent reading:

*I worry about dad in prison, but he sounds happy on the CD and that makes me feel happy too*⁸¹

Retaining relationships is especially important when they were weak or strained before. A New Zealand study found that as their children got older, mothers in prison were increasingly likely to lose touch with them and that the negative effects of restrictive regulations (for example, limitations on telephone calls) accumulate over time, resulting in women serving long prison sentences tending to have the greatest damage done to their family relationships.⁸²

It can be especially difficult for foreign national prisoners and those who do not speak the local language to keep in touch with family members. Prisoners who read and write in foreign languages may have their correspondence delayed because prison officials need to translate its contents as part of their monitoring processes, while use of the telephone to contact relatives abroad may be impossible in practice (if not in theory) because of the high costs of making international phone calls. Some jurisdictions (e.g. England and Wales) provide "free letters and extra access to the telephone in lieu of visits"⁸³ for non-resident foreign nationals; however, these are of limited use if prisoners' families have no access to telephones or cannot read.

⁷⁹ Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*.

⁸⁰ Examples of positive results can be found at www.storybookdads.co.uk and <http://www.ala.org/ala/ascla/asclapubs/interface/archives/contentlistingby/volume25/prisonerschild/prisonersread.htm> (both accessed January 2007).

⁸¹ Child at Storybook Dads website <http://www.storybookdads.co.uk/Peoplethink/Peoplethink.htm> (accessed January 2007).

⁸² Venezia Kingi (2000) *The Children of Women in Prison: A New Zealand Study*, p.5. The study also found that many of the negative effects of prison are felt by those serving short sentences.

⁸³ Quaker Council for European Affairs (forthcoming) *Women in Prison: A Review of Conditions in Member States of the Council of Europe*.

Prison can invert the usual power dynamics of a parent-child relationship, with children using the knowledge that imprisoned parents cannot easily exercise effective parental authority from behind bars to control or dominate the relationship:

As Yamaira tells the story, a boy gave her a hickey [a love-bite] when she was 13, and her father tried to lecture her about boys over the phone.

“He raised his voice. He said: ‘Why did you do that?’ He’s not here to be telling me what to do. I stopped visiting him. He’s in jail. There was nothing he could do. He saw I stopped visiting him, so he stopped being mad.

“He called and said ‘I’m not mad at you. Come visit me.’ He’ll never talk to me about boys after that time he got mad ... He knows he’s in there and if we get mad, we’ll stop talking to him.”⁸⁴

Despite their shortcomings, phone calls and letters are important ways for children and parents to maintain a relationship. Young children, who may not fully understand what is happening to their parent, can be comforted by being able to speak to or receive letters from them. It can help prevent children (of any age) growing apart from their parents and maintaining contact can reduce some of the problems which occur following release (such as returning parents being unable to relate to children who have changed during their absence). Prisoners with good family links also tend to have lower rates of recidivism (repeat offending).⁸⁵

Prison visits

Visits to a parent in prison or jail are usually helpful in keeping children connected to their parents. There are often however behavioral reactions (increased aggression or anxiety) after visits as children adapt or re-adapt to their loss. These behaviors are difficult and can cause adults to recommend against visiting the incarcerated parent.

Studies do show that most children manage the crisis of parental incarceration better when they visit their parents. But it usually takes time for children and families to cope with the feelings that the visits raise. While not visiting is sometimes easier on the emotions in the short run, out of sight, is not out of mind. Distance leaves a lot of confusion, questions, imagined dangers and fears for kids to deal with. These feelings may show up in problem behaviors at home, school or both and can be harmful to the child over time.⁸⁶

Many studies suggest that allowing children to visit imprisoned parents can be positive for both parties.⁸⁷ Children have been visibly less disruptive after seeing their fathers in prison, while a Danish study found that young children found the first visit

⁸⁴ Rachel Gottlieb (2006) “The Kids Do Time, Too” in *The Hartford Courant*, November 12, 2006 http://www.mail-archive.com/kids_counsel-1@listserv.uconn.edu/msg00733.html (accessed March 2007).

⁸⁵ Jackie Crawford (2003) “Alternative Sentencing Necessary for Female Inmates With Children” in *Corrections Today* June 2003.

⁸⁶ Children of Prisoners Library (2003) *Impact of Parental Incarceration* (Families and Corrections Network).

⁸⁷ See, for example, W.H. Sack and J. Seidler (1978) “Should children visit their parents in prison?” in *Law and Human Behaviour*, Vol. 2; or A. Stanton (1980) *When Mothers go to Jail* (Lexington Books).

especially important because it allowed them to see that their parent was alive.⁸⁸ As a major part of maintaining contact between children and imprisoned parents it can strengthen family bonds and help to reduce the likelihood of recidivism on the part of the parent. Yet many children never visit their parents in prison (one study suggested that half the children with imprisoned mothers in the USA never visited⁸⁹ and another in France “found that if an offender had no contact with a child during the first six months of detention, no further contact with the child ensued”⁹⁰); this is often due to the time, effort and money required for visiting.⁹¹

Children wanting to visit imprisoned parents can face multiple obstacles to this, including:

- **Location:** Many prisons are built in remote locations away from major population centres (sometimes due to concerns in the local population about having a prison nearby). This results in many children having to travel long distances to see their imprisoned parents – in Britain, over half of prisoners are held over 50 miles [80 km] away from home,⁹² while there are cases of Hawaiian prisoners being held in mainland USA.⁹³ This effect is increased for women’s prisons, which are far fewer in number than men’s. Additionally, families travelling a long way will incur higher costs while visiting: most obviously increased transport costs, but potentially also paying for food or overnight accommodation. These costs can sometimes be high enough to prevent visits.
- **Transport:** Not all prisons are well-served by public transport (especially the more remote ones). Even when such services are available, they may be infrequent, occurring once or twice a day, which will severely restrict when families can visit. Where public transport is unavailable, children must rely on private transport, which usually requires having someone to drive/accompany them and may be unaffordable for many families.
- **Accompaniment:** Many children, carers and prison authorities are unhappy about allowing children to visit imprisoned parents by themselves and without accompaniment, many children simply do not go. However, taking children to visit means that the accompanier (generally a parent or other carer) will be prevented from doing anything else during the period. Accompaniers may need to arrange time away from work, which is not always possible. Children in state care can “face particular problems in trying to visit a parent in prison, due [in part] to the...shortage of responsible adults (such as social workers) who

⁸⁸ Ria Wolleswinkel (2002) “Children of Imprisoned Parents” in Jan Willems (ed.) *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities* (Intersentia), p.202

⁸⁹ Child Welfare League of America website

<http://www.cwla.org/programs/incarcerated/whathappens.htm> (accessed November 2006).

⁹⁰ Relais Enfants-Parents (1999) *Maintien des liens en détention*, quoted in Liz Ayre et al. (eds.) (2006) *Children of Imprisoned Parents: European Perspectives on Good Practice*, p.48

⁹¹ Joyce A. Arditti et al. (2003) “Saturday Morning at the Jail: Implications of Incarceration for Families and Children” in *Family Relations* Vol. 52, No. 3.

⁹² Action for Prisoners Families (2006) *Press release: Record numbers call helpline as families face Christmas with a loved one in jail* at <http://www.prisonersfamilies.org.uk/opus719.html> (accessed March 2007).

⁹³ Associated Press (2006) “A long way from home, Hawaiian inmates held in eastern Kentucky”, featured at www.kentucky.com (accessed February 2006). These imprisoned parents face many of the same difficulties as those held abroad, due to the distances involved.

can accompany them.”⁹⁴ Children visiting an imprisoned mother may have particular difficulties finding an accompanier, as they are more likely to have changed primary caregivers following the imprisonment than those with fathers in prison. Their new caregiver (usually not a parent) may be unwilling or unable to accompany them, perhaps due to competing demands on their time; the child may also feel under pressure from the imprisoned parent to visit more often than is manageable.⁹⁵ (See the *Life on the outside* section, below, for more on alternative caregivers.)

- **Unaccompanied visits:** Some children, notably Palestinian children living in the Occupied Palestinian Territories (OPTs), make unaccompanied visits to parents or other relatives in prison. Palestinian children making prison visits are particularly notable because under-16s are exempt from the scheme which requires Palestinians in the OPTs to have a permit to visit relatives in Israeli jails, meaning that children are often the only relative able to visit parents.⁹⁶ Children making visits alone face the same difficulties that those accompanied do in terms of arranging visits, travelling to the prison, meeting their imprisoned parent and dealing with the impact this has on the rest of their life (e.g. disrupted education), but without the support of parents or carers during the visit.
- **Children not visiting:** Not all children go on every visit. Prison restrictions on numbers or types of visitors allowed, conflicting commitments that the children have, unwillingness on their part to go or inappropriateness of visiting can all result in some or all children being left behind. Alternative care arrangements may need to be found for them, possibly requiring payment (and therefore diminishing already-stretched family budgets).
- **Booking:** Sometimes visits must be arranged in advance with prison authorities. When these booking services are inefficient or if families cannot access them this can prevent visits from occurring through no fault of the family, causing additional frustration. For example, 83.5% of calls to the telephone-based booking system in one UK prison in one month received an engaged tone,⁹⁷ while the telephone/online booking system in Amritsar Central Jail may not be accessible to some would-be visitors.⁹⁸

Even when children reach the prison they can find their time there deeply unsatisfying. Restrictions on the length and conditions of visits (Are they supervised by prison officials? Is physical contact allowed between parent and child?), as well as facilities designed without considering the effect they have on children, can make the entire experience distressing for children (and accompaniers) and may reduce the likelihood of repeat visits.⁹⁹ One US-based study found that most children who visited imprisoned parents only went once or twice because of the negative experience they

⁹⁴ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.12

⁹⁵ Ria Wolleswinkel (2002) “Children of Imprisoned Parents” in Jan Willems (ed.) *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities* (Intersentia), p.203

⁹⁶ Anat Barsella (2006) “Barred from Contact: Violation of the Right to Visit Palestinians Held in Israeli Prisons” (B’Tselem).

⁹⁷ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.12

⁹⁸ “Now, online booking to meet prisoners” at *Indian NGOs website* <http://www.indianngos.com/news/prisons.htm> (accessed March 2007).

⁹⁹ Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.445

had, with “having to talk through glass and use a phone to carry on the conversation and having a conflict erupt in the visiting room”¹⁰⁰ being the most upsetting aspects.

Negative features of visiting include:

- **Child-unfriendly architecture and design:** Many prisons are designed without considering the impact they will have on visiting children. Uncomfortable and austere waiting areas, intimidating security checks (such as sniffer-dog searches or passing through a series of locked doors to get to the prisoner) and a lack of eating or play areas can all worsen the visiting experience.¹⁰¹
- **Unsuitable meeting conditions:** Meetings held in austere or unwelcoming environments, or with restrictions on what can be done (e.g. no contact, only talking allowed) can be unsuitable and upsetting for children. Young children in particular need a variety of activities to prevent them becoming bored and restless. Certain types of environment are seen as particularly unsuitable: “closed visits (behind glass) were regarded by wives as horrific [while] children tended to experience them with bewilderment and fear”.¹⁰²
- **Negative attitudes of staff:** Child visitors differ from adult visitors, yet prison staff often fail to take this into account when supervising visits. Unsmiling or unresponsive officials and those who do not explain what they are doing and why can upset visiting children. Children may become tired or bored and behave badly,¹⁰³ particularly if they have to sit or wait in one place for a long time or have had to travel long distances to reach the prison. Staff should be aware of the ways children may behave, the reasons for this and which response best upholds the child’s needs and interests. The 12-year-old sister of one young man in prison in the UK explained how she viewed the prison officials: “It’s a bit strange the way the officers look at you. You can’t even go near him [imprisoned brother], can’t hug him ‘cos if you do they search my brother so I just try and stay away so they don’t waste his time.”¹⁰⁴

¹⁰⁰ Anne Dannerbeck (undated) *Differences between Delinquent Youth with and without a Parental History of Incarceration: Final Report on the Project* (School of Social Work, University of Missouri), p.16

¹⁰¹ The visiting facilities in one prison in the USA were described as follows: “the waiting area of the jail...consisted of a small room with approximately 50 plastic chairs (bolted to the floor), a bathroom, and a secure “control” area where a deputy was available behind a glass window. Visitors waited approximately 30-60 minutes before being called to visit their family member. Upon having their name called, family members went through a locked door and a metal detector before entering an elevator. After getting off the elevator on their respective floors, family members went through another locked door and into an area with several unenclosed booths. Jail regulations at this particular facility allowed each family member a 20-minute visit seated in a booth, using a telephone to talk to the inmate who was seated facing them in a separate booth behind a sealed Plexiglas wall. Physical contact was prohibited and impossible between the inmate and his or her family members”. Quote from Joyce A. Arditti et al. (2003) “Saturday Morning at the Jail: Implications of Incarceration for Families and Children” in *Family Relations* Vol. 52, No. 3, p.197

¹⁰² Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.455

¹⁰³ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.12

¹⁰⁴ Rosie Meek (2006) *When big brother goes inside: The experiences of younger siblings of young men in prison* (The Howard League for Penal Reform), p.15

- **Lack of privacy:** Parents and children often want to spend time together in private, away from other prisoners, officials or even other family members.¹⁰⁵ However, this is often impossible due to regulations prohibiting private (unsupervised) visits. Staggered visits, where different family members individually see the imprisoned parent in turn, may be disallowed, which affects the nature and quality of the time together. Parents may want time together without interruption from the children, but this may be impossible if there are no other facilities for the children (e.g. crèches).

Making prison visits a negative and distressing experience for children has effects far beyond a single unpleasant visit. By creating an environment into which children feel unwilling or unable to go, prison authorities are limiting (and potentially damaging)¹⁰⁶ the child and his/her relationship with the imprisoned parent, with all the negative effects that has on both parties' well-being and on recidivism rates. Children have a right to a relationship with their parents and it is important for prison authorities to take practical steps to remove barriers to this. Fortunately, visiting is an area in which many innovative ideas and examples of good practice are being applied, albeit often in a piecemeal fashion.

Voluntary/charitable groups and some prison administrations have supported families in travelling to prisons, either through financial assistance (such as the Assisted Prison Visits Scheme provided by the British government¹⁰⁷) or providing their own free or subsidised services. One organisation in New Jersey, USA, combines subsidised transport with health education by recruiting health officials "to lecture to the captive bus audiences en route regarding basic health care as well as AIDS and HIV testing".¹⁰⁸ The French non-governmental organisation Relais Enfant Parents has developed accompanying services to enable children to visit imprisoned parents even if their caregivers are unable to go with them.¹⁰⁹

Helping families of prisoners understand ahead of time what will happen during a visit can reduce concerns and assist visitors in following prison procedures. Some prison authorities produce leaflets or other publications which detail the procedures to be followed when visiting and there are charity-run telephone helplines for families with questions about visiting or other aspects of parental imprisonment.¹¹⁰ There are also instances of trained volunteers accompanying women when they first visit a partner in prison, explaining prison regulations and supporting the woman.¹¹¹ It is uncertain

¹⁰⁵ Joseph Murray (2005) "The effects of imprisonment on families and children of prisoners" in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.455

¹⁰⁶ Joseph Murray (2005) "The effects of imprisonment on families and children of prisoners" in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.450

¹⁰⁷ Liz Ayre et al. (eds.) (2006) *Children of Imprisoned Parents: European Perspectives on Good Practice*, p.50. However, the Assisted Prison Visits Scheme is not available to families above a certain income threshold, or to those living in "unconventional family types that – while increasingly common – are not recognised by the scheme" (Adrienne Katz (2002-3) "Parents in Prison" in *Criminal Justice Matters*, No. 50.) Unfortunately, the nature of these unconventional family types is not detailed further.

¹⁰⁸ Edwin C. Hostetter and Dorothea T. Jinnah (1993) *Research Summary: Families of Adult Prisoners* (Prison Fellowship Ministries).

¹⁰⁹ Kate Philbrick, President of EuroCHIPS, personal correspondence with QUNO.

¹¹⁰ Action for Prisoners Families (2006) *Press release: Record numbers call helpline as families face Christmas with a loved one in jail* at <http://www.prisonersfamilies.org.uk/opus719.html> (accessed March 2007).

¹¹¹ Edwin C. Hostetter and Dorothea T. Jinnah (1993) *Research Summary: Families of Adult Prisoners* (Prison Fellowship Ministries).

whether there are programmes of trained accompaniment for children or whether leaflets are produced in ‘child-friendly’ versions;¹¹² if not, attention should be given to closing this provision gap.

Some prisons are more child-friendly than others, having been designed or adapted with children in mind. They may provide visiting areas set apart and/or physically distinct from the rest of the prison. Provision of baby-changing facilities, toys for children to play with before or during visits and bright furnishings have all been recommended as ways to improve the conditions in which children meet their imprisoned parents.¹¹³ Even those prisons which children ordinarily find unwelcoming are sometimes improved temporarily: over Christmas 2006 Westgate prison in Bermuda put up Christmas trees in the visiting areas, dressed prison officers in civilian clothes rather than uniforms and provided families with special visiting rights.¹¹⁴

Many prisons run programmes, events and courses designed to sustain and strengthen children’s relationships with their imprisoned parents. A project in Victoria State, Australia, “offers fathers the opportunity to develop their parenting skills ... Child-friendly visit facilities with a relaxed atmosphere and age-appropriate toys and resources provide a venue for guided play. The program features the opportunity for children to visit their fathers without the primary caregiver being present, and participation in group work with other prisoner parents.”¹¹⁵ Thika Women’s Prison in Kenya began holding ‘Remote Parenting Days’ in 2007 (based on a similar scheme in China), partly because of the positive impact of family contact on rehabilitation.¹¹⁶ Some initiatives try to ‘normalise’ visits, making them correspond more closely to the outside world that the children are familiar with. Reducing the impression of being in an institution, for example by meeting in special child-friendly facilities or by having visits with non-uniformed staff on duty,¹¹⁷ can significantly improve the quality of the visit for the child. In some prisons in Denmark, children are allowed to go to their parent’s room and have their visit there.¹¹⁸ Such schemes can make children keener to visit again and as a result strengthen parent-child relationships, with all the positive effects that has for successful post-release family reunification and the likelihood of recidivism.

The length of visit can also have a big impact on how positively it is viewed. Families find day-long, weekend and overnight visits (where they exist) preferable compared to

¹¹² ‘Child-friendly’ forms of literature may include such things as easily understandable language, large print writing and illustrations.

¹¹³ Ann Cunningham (2001) “Forgotten Families – the impacts of imprisonment” in *Family Matters* Winter 2001, p.38

¹¹⁴ Nigel Regan (2006) “Making the best of a Christmas behind bars” in the *Bermuda Sun* <http://www.bermudasun.bm/main.asp?SectionID=24&SubSectionID=270&ArticleID=31919&TM=85359.85> (accessed March 2007).

¹¹⁵ Ann Cunningham (2001) “Forgotten Families – the impacts of imprisonment” in *Family Matters* Winter 2001, p.38

¹¹⁶ Peter Opiyo (2007) “Joy amid despair: Women’s Prison hosts families of inmates” in *East African Standard* http://www.eastandard.net/archives/cl/hm_news/news.php?articleid=1143963274&date=3/1/2007 (accessed January 2007).

¹¹⁷ Edwin C. Hostetter and Dorothea T. Jinnah (1993) *Research Summary: Families of Adult Prisoners* (Prison Fellowship Ministries).

¹¹⁸ Quaker Council for European Affairs (forthcoming) *Women in Prison: A Review of Conditions in Member States of the Council of Europe*.

short visits.¹¹⁹ These extended visit schemes (such as France's 'Unités de Visite Familiale en France' programme) allow several family members to spend time together in private, without prison officials present. They may be placed in a special section of the prison and organise their own meals and activities. Similar schemes exist elsewhere: "In former Soviet bloc countries, even when the rest of the prison conditions are not good it is normal to provide very welcoming family accommodation with space to cook and eat together where the family join the prisoner for visits lasting several days."¹²⁰ Assessments of these programmes have noted the positive effects they have, including: "addressing the impact of imprisonment on the offender as a 'family member'; bolstering family relationships; helping prisoners see themselves as functioning members of their families and communities ('deinstitutionalising effect'); and boosting potential for positive reintegration into society with reduced need for after-care agencies."¹²¹

Good Practice

Children with mothers imprisoned in the Maison Tanguay facility in Montreal, Canada, can live with them for two days a week in a trailer on the facility grounds, thanks to a programme run by Continuité-famille auprès des détenues et ex-détenues (CFAD). During this time the mother cares for the children. CFAD also provides parenting workshops for the mothers, activities for the families (such as Sunday visits to the gymnasium) and opportunities for the children to meet other young people in the same situation. Following release, women can access other CFAD resources, such as information, food and second-hand clothing from their offices, as well as a continuation of parenting courses.¹²²

Many of the difficulties children face are particularly acute when they are visiting an imprisoned mother rather than father. Journeys tend to take longer when visiting imprisoned mothers, due to the smaller number of women's prisons. It is more common for children to have to move home/receive a new primary caregiver when a mother rather than a father is imprisoned; this may make it harder to find someone to accompany them as new caregivers may have other demands on their time, such as the needs of their own children, or be unwilling to accompany the child. However, despite these potential problems, one study found that a slightly higher proportion of imprisoned mothers than imprisoned fathers had been visited by their children (46% to 43%).¹²³

Children of foreign national prisoners may face additional problems. Non-resident foreign nationals will be unlikely to have any visits, which can add to their isolation as well as exacerbating the difficulties of maintaining contact between parents and children. Resident foreign nationals may have visits if they have relatives in the

¹¹⁹ Joseph Murray (2005) "The effects of imprisonment on families and children of prisoners" in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.455

¹²⁰ Kate Philbrick, President of EuroCHIPS, personal correspondence with QUNO.

¹²¹ Liz Ayre et al. (eds.) (2006) *Children of Imprisoned Parents: European Perspectives on Good Practice*, p.65

¹²² Alison Cunningham and Linda Baker (2003) *Waiting for Mommy: Giving a Voice to the Hidden Victims of Imprisonment*, pp.47-9

¹²³ Christopher J. Mumola (2000) *Incarcerated Parents and Their Children* (US Department of Justice), p.5

country, but their visitors (including children) will have difficulties if they are not competent/fluent in the local language or lack understanding of local norms and customs.

Concerns have been raised about the extent to which prisons may exploit the family's desire and need to see their imprisoned relatives. Feminist perspectives on imprisonment have argued that families of prisoners (in particular wives) can be "exploited by a system that regards them as low-cost solutions to problems created by imprisonment and takes advantage of their 'willingness to use their resources of time and emotional skill in to fitting in to the demands of these precise schedules of prison controls'. As a result, the prison tends to extend 'into the lives of families outside imposing major areas of lack of freedom over ... [their] time and control over [their] ... own material resources'. Thus, the partners and parents [and children] of prisoners are brought into the penal sphere through 'their hidden labour, their hidden economic subsidies to the state and/or through their hidden punishment'."¹²⁴

It is likely that some of the difficulties faced by children when visiting imprisoned parents are the result of official attitudes which, implicitly or explicitly, see family contact as a privilege for inmates which can be withdrawn rather than a right for their children which should be maintained. A Texas Department of Criminal Justice FAQ (information sheet) states: "Contact visits are a privilege and only afforded to those offenders who have shown good institutional behavior, and are not considered a security threat to visitors or the institution." Such an attitude does not consider the impact of such restrictions on the children and how it affects their needs and rights, in particular the right to a relationship with their parents, "even if they're not the best parents."¹²⁵

Parenting in prison, in particular close, active parenting, "is extremely difficult to achieve".¹²⁶ Yet the extent to which it can be managed will have a significant impact on how well the children cope with their parent's imprisonment, both during and after the sentence. Many imprisoned parents actively want to maintain and develop their relationship with their children, particularly those parents "who have undertaken personal development programs during their imprisonment and gained some insights into their own learned behaviours. It is painful enough for these men and women to recognise their own development barriers and obstacles in retrospect. It is more painful still to watch helplessly from inside a prison as their own children begin their journey down the same path."¹²⁷ Barriers and restrictions on contact, especially the direct contact of visits, prevent parents from being a positive influence in their children's lives and deny children their right to a relationship with their parents.

¹²⁴ A. Aungles (1993) *Penal policies: The hidden contracts*, quoted in Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p10.

¹²⁵ Ellen Barry, quoted in Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.162

¹²⁶ Joseph Murray (2005) "The effects of imprisonment on families and children of prisoners" in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.455

¹²⁷ Ann Cunningham (2001) "Forgotten Families – the impacts of imprisonment" in *Family Matters* Winter 2001, p.38

Parents on Death Row

The effect of having a family member sentenced to death can be uniquely traumatising. The time between sentencing and execution can last many years, producing “prolonged and distorted grief reactions in the family. Three broadly shared features of prolonged grief are self-accusation (which destroys self-esteem), social isolation (which makes families prisoners in their own homes), and powerlessness (which reflects an inability to change the sentence)”.¹²⁸

The uncertainty as to when and whether the prisoner will be executed “continues to open up wounds making it extremely difficult to heal.”¹²⁹ Families of death row prisoners may feel traumatised, ostracised and alienated from those around them, even from other family members, because of differing feelings about the death penalty.¹³⁰

Children can be particularly badly affected by the imposition of a death sentence. Sam Shepherd, whose father was on death row, said “Well, the physical and emotional invasion is massive. That’s why it destroys people. The communities treat the families the same way too. They’re made the scapegoats of a society”.¹³¹ A boy whose father was executed after a decade on death row was “devastated by the decision. He became extremely distraught and depressed [and following] ... the execution, [he] started getting in trouble with the law [and] ... within a year he was charged with a capital crime and was facing a death sentence himself.”¹³²

Prisoners sentenced to death are often detained separately from and under different conditions to other prisoners; limits on contact with family members are commonly part of these conditions. In Japan, where prisoners on death row are “technically ‘awaiting’ execution, they do not have the same legal status as other prisoners, and therefore do not have the rights that other prisoners enjoy in areas such as visitation, correspondence, exercise, etc.”¹³³ In Texas (USA), death row prisoners are banned from ‘contact visits’ (i.e. visits involving any form of physical contact with the visitors), something which is usually upsetting for children under any circumstances but can be particularly distressing when they know that they have a limited time left before their parent is killed.

Children living in prison

Some children live with their mother (or, more rarely, their father) in prison. In theory, this does not continue indefinitely: most jurisdictions have guidelines stipulating the maximum age at which a child can remain in prison, which varies from a few months

¹²⁸ Edwin C. Hostetter and Dorothea T. Jinnah (1993) *Research Summary: Families of Adult Prisoners* (Prison Fellowship Ministries).

¹²⁹ Rachel King (2006) “The Impact of Capital Punishment on Families of Defendants and Murder Victims’ Family Members” in *Judicare* March-April 2006, p.294

¹³⁰ Rachel King (2006) “The Impact of Capital Punishment on Families of Defendants and Murder Victims’ Family Members” in *Judicare* March-April 2006, pp.292, 294

¹³¹ Sam Shepard, quoted in *The Death Penalty* 2, available at: [http://www.ur.se/sprak/engelska/pdfdocs/engelska_ht99/death2.pdf#search="Tina%20Tafero%20Death%20Penalty](http://www.ur.se/sprak/engelska/pdfdocs/engelska_ht99/death2.pdf#search=) (accessed April 2007).

¹³² Rachel King (2006) “The Impact of Capital Punishment on Families of Defendants and Murder Victims’ Family Members” in *Judicare* March-April 2006, p.296

¹³³ Amnesty International (1997) *The death penalty: summary of concerns – Japan*, available at: <http://web.amnesty.org/library/Index/engASA220011997> (accessed December 2006).

to several years old. However, these guidelines are not always adhered to, either because they allow for some flexibility in ‘exceptional circumstances’, or because the children cannot be cared for outside (as in India, where children as old as 15 have reportedly remained in prison with their parents because nobody comes to collect them¹³⁴). Some jurisdictions, including Norway, do not allow children of any age to live in prison.¹³⁵

Research has suggested that having young (pre-school-aged) children in prison with mothers can enhance bonding and avoid some of the negative impacts of separation for both mothers and children. However, the children will have to live in the same conditions as their imprisoned parents, which are often unsuitable. Prisons in some countries, including Cambodia and India,¹³⁶ do not always allocate additional food for children, meaning that parents have to share their (often inadequate and/or inappropriate) meals with their children.¹³⁷ Additionally, mothers with children in prison may find it hard to have a break from caring for them and may be unable to access education or work opportunities offered by the prison if alternative childcare options are unavailable.¹³⁸ This can affect their chances of successfully reintegrating into society at the end of a sentence, which has knock-on consequences for their children.

There is considerable debate, and no firm consensus, about whether children should stay in prison with their parents and if so the age at which they should have to leave. Clearly the conditions in prison and what alternative care arrangements are available are significant considerations. Where there *is* agreement is that while children remain in prison with their parents, their lives should be as similar as possible to how it would be on the outside and they should not be subject to the restrictions on their freedom that other residents of the prison are.

Several prisons provide special facilities for children living with their parents. Mother and child accommodation is often provided¹³⁹ and some prisons have crèches or (as in Policharki prison in Afghanistan¹⁴⁰) schools for the children of detainees. These facilities are sometimes included in the initial prison designs, but because women’s prisons “have [often] been developed from a model originally designed for men ... in the process the human needs of mothers with children have been negated”.¹⁴¹ Some jurisdictions are trying to change this: California, which imprisons women “within a

¹³⁴ IANS (2007) “No takers for children of jailed parents” at *PxPG news* website http://www.rxpnews.com/india/No-takers-for-children-of-jailed-parents_11779.shtml (accessed March 2007).

¹³⁵ Quaker Council for European Affairs (forthcoming) *Women in Prison: A Review of Conditions in Member States of the Council of Europe*.

¹³⁶ Rakesh Shukla (2006) “Looking after children of women prisoners” at *Infochange analysis* website <http://www.infochangeindia.org/analysis128.jsp> (accessed March 2007).

¹³⁷ Hillary Margolis (2002) *Innocent Prisoners: a LICADHO report on the rights of children growing up in prisons*, pp.15-16

¹³⁸ Ann Cunningham (2001) “Forgotten Families – the impacts of imprisonment” in *Family Matters* Winter 2001, p.36. On the other hand, the quality of the mother-child relationship can sometimes be better due to support in childcare (e.g. from other prisoners or parenting courses available in the prison), or because there are few alternative demands on the mother.

¹³⁹ Penal Reform International (2006) *PRI Annual Report 2005*, p.22

¹⁴⁰ Brinley Bunton (2007) “22 to a cell - life in a notorious Afghan prison” in *The Guardian*, London.

¹⁴¹ Marelize Schoeman and Marelise Basson (2006) *The Influence of Imprisonment on Infants and Young Children Incarcerated with their Mothers*, p.5

system that's designed to handle its primary client base, men",¹⁴² has set up a Gender Responsive Strategies Commission, mandated to address issues affecting women in prison.

Other programmes have been developed to support pregnant women and those with babies in prison. The 'Melodias desde a-dentro' (Songs from Inside) project in Argentinean prisons uses music to strengthen the links between pregnant women and their children both before and after birth.¹⁴³

Some unexpected benefits can arise from having children in prison with their parents:

*I volunteer in Holloway Prison [in the UK] and the breast-feeding rate is much higher than in the local population because there aren't any men to not support it ... [Women] are actually quite supportive to each other in the mother and baby unit and they do feed and they help each other. In the absence of a bloke who thinks that her breasts are his ownership it is actually quite successful a lot of the time.*¹⁴⁴

However, these particular benefits are dependent on a mother's ability to lactate (produce breast milk), which can be compromised by poor nutrition. Seven out of ten women prisoners with babies in a Cambodian study reported an inability to breastfeed and/or an inability to produce adequate amounts of milk for their babies.¹⁴⁵ Prison authorities should ensure that pregnant and breastfeeding women are given adequate nutrition for their and their children's healthy development.

Good Practice

Prisons in Karnataka state, India, have set up crèches and nursery schools attended by children imprisoned with their parents, children of prison officials and children living close to the prison.¹⁴⁶ These joint facilities prevent duplication of provision (one crèche for prisoners' children, another for everyone else) or the creation of crèches with very small numbers of users (there were just 29 children living with their mothers in Karnataka's prisons in 2006).¹⁴⁷ The scheme helps to mitigate the problem of children living in prison becoming socially isolated by allowing them to mix with children from the surrounding area. However, crèche supervisors (who include imprisoned mothers) will need to ensure that children from one group (e.g. prisoners' children) are not stigmatised by those from another.

Children in prison may have greater access to the imprisoned parent than they would otherwise, but their relationships with non-imprisoned family members, friends and the outside world can be greatly diminished. One child who lived in prison until the age of

¹⁴² Kelly Davis (2007) "Welcome to the neighborhood: Will community prisons help or hurt women?" at *San Diego Citybeat* website <http://www.sdcitybeat.com/article.php?id=5357> (accessed February 2007).

¹⁴³ Personal communication.

¹⁴⁴ Women's Resource Centre (2006) *why women? The women's voluntary and community sector: changing lives changing communities changing society*.

¹⁴⁵ Hillary Margolis (2002) *Innocent Prisoners: a LICADHO report on the rights of children growing up in prisons*, p.17

¹⁴⁶ S. Rajendran (2007) "Nursery schools set up in all jails in the State" in *The Hindu*.

¹⁴⁷ S. Rajendran (2007) "Nursery schools set up in all jails in the State" in *The Hindu*.

2½ “was [initially] afraid of men because he lived with women all the time ... He was crying at the sight of trees and grass.”¹⁴⁸ Even other imprisoned parents can be difficult to contact: strict regulations keeping male and female prisoners apart in Indian prisons mean that even when both parents are held in the same facility, they (and children living with them) cannot meet.¹⁴⁹ Such impacts, as well as the conditions in which the children will be held,¹⁵⁰ need to be considered when deciding whether it is in the child’s best interests to remain in the prison.

On the other hand, facilities in some countries allow couples who are both imprisoned to stay in the same prison unit with their children; Aranjuez prison in Spain allows parents and children under 3 to live in specially-furnished ‘family cells’, complete with “cribs, Disney characters on the walls and access to a prison playground.”¹⁵¹ The parents are taught parenting skills and allowed to bond with their children in an environment which is less inhospitable and threatening than standard prison cells.

A more detailed study of children living in prison with their imprisoned mothers has been published by the Quaker United Nations Office, entitled *Babies and Small Children Residing in Prisons*.¹⁵²

Life on the outside

The impact of parental imprisonment on children goes far wider than just the relationship between the child and imprisoned parent. It affects all aspects of a child’s life, from where they live and how they cope at school to their relationships with other family members and their standing in the local community. Many of these changes can be particularly hard to deal with when they follow the loss of a parent to prison.

Especially when a mother is imprisoned, a child’s primary carer may change. This is because mothers are more commonly the primary (or sole) carer of children (in the USA “64 per cent of imprisoned mothers lived with their children [prior to imprisonment], compared to 44 per cent of imprisoned fathers”).¹⁵³ When fathers are imprisoned, the children’s mother usually continues caring for them,¹⁵⁴ but maternal imprisonment frequently leaves children without adult care and supervision, compelling them to move in with relatives, friends, neighbours, foster carers or into statutory institutions (or for others to move in with them). Some children continue to

¹⁴⁸ Sharen Green (undated) *Nour* (unpublished).

¹⁴⁹ IANS (2007) “No takers for children of jailed parents” at *PxPG news* website http://www.rxpnews.com/india/No-takers-for-children-of-jailed-parents_11779.shtml (accessed March 2007).

¹⁵⁰ Some, for example Ria Wolleswinkel in her 2002 paper “Children of Imprisoned Parents”, published in Jan Willems (ed.) (2002) *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities*, caution against “over-estimating the possibilities of creating a child-friendly climate in prison [because] ... prison is itself incompatible with raising children.”

¹⁵¹ Mar Roman (2007) “Toddlers behind bars: Spanish prison offers family cells for couples with children”, featured at <http://www.cantonrep.com/index.php?ID=335464&Category=24> (accessed February 2007).

¹⁵² Marlene Alejos (2005) *Babies and Small Children Residing in Prisons* (QUNO), available at www.quno.org

¹⁵³ Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.452

¹⁵⁴ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.6

live alone at their previous address;¹⁵⁵ some may become homeless. These new living arrangements – which affect 8,000 children each year in the UK alone¹⁵⁶ – can be unstable, with children facing “multiple care changes during parental imprisonment, and carers themselves [being] likely to experience emotional distress and practical difficulties ... it is likely that many children will face a decrease in stable, quality parenting following their parent’s imprisonment”.¹⁵⁷

New living arrangements, be they with family or friends, in institutions or in foster homes, are often temporary. There will be further disruption for children if their new caregivers will not or cannot continue to care for them and they have to move again,¹⁵⁸ with siblings potentially being separated from one another in the process. Children whose mothers are imprisoned abroad for drug smuggling often face this uncertainty. They may be left in temporary care of friends or family, with the mother expecting to reclaim them after a few days, but arrest and imprisonment mean that long-term arrangements need to be made for the children.

When children need a new caregiver there is generally a preference for family members and other persons known to the prisoner to perform that duty. A New Zealand study found that almost half the children receiving new caregivers after maternal imprisonment went to live with family or whanau¹⁵⁹ members (maternal grandmothers were particularly common replacement caregivers), a third went to the child’s natural father or mother’s partner, and the rest either went to friends of the imprisoned mother or foster carers.¹⁶⁰ Arrangements for changing caregiver are often made informally (i.e. without notifying statutory authorities or arranging official transfer of parental rights), sometimes because parents are concerned that their children will be taken into care if authorities are aware of their existence.¹⁶¹ Many parents believe that placing children with relatives will make it easier for them to maintain contact with their children.¹⁶²

However, alternative arrangements can be unsatisfactory, with some children being placed in dangerous or abusive situations: “Children in foster care are extremely vulnerable ... [and] are significantly more likely to be abused and neglected in foster homes than are their peers in the general population.”¹⁶³ Some children have been placed in homes where the imprisoned parents had themselves experienced violence while growing up.¹⁶⁴ There may be a risk that children whose parents are involved in organised crime may be targeted: children of ‘drug mules’ (people smuggling small amounts of drugs across borders) may be at risk if the traffickers believe the mule has

¹⁵⁵ Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) pp.18-21

¹⁵⁶ Action for Prisoners’ Families, UK (2003) *Submission in response to the Green Paper Consultation ‘Every Child Matters’*.

¹⁵⁷ Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.451

¹⁵⁸ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.7

¹⁵⁹ Whanau is a Maori term meaning ‘family’ or ‘kinship group’.

¹⁶⁰ Venezia Kingi (2000) *The Children of Women in Prison: A New Zealand Study*, p.3

¹⁶¹ Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.18

¹⁶² Emma Stanley and Stuart Byrne (2000) *Mothers in prison: coping with separation from children* (University of South Australia), p.2

¹⁶³ Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.145

¹⁶⁴ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.7

absconded with the drugs.¹⁶⁵ If siblings are separated and end up living with different people (perhaps because one home cannot support them all, or because one sibling already lives elsewhere), their contact and the support they can offer one another will be limited. Older siblings sometimes take on pseudo-parental roles towards their younger brothers and sisters,¹⁶⁶ so separation may be particularly upsetting if the children's actual parent has also been taken from them recently.

Parental imprisonment can affect every aspect of their children's lives. They may have to move to a new home in a new area, perhaps because it is where their new caregiver lives, because unwelcome media or family attention has made the pre-imprisonment location unbearable¹⁶⁷ or because the family cannot afford to stay in its pre-imprisonment home. Children's schooling, friendship groups and support networks, which are particularly needed at stressful times,¹⁶⁸ can be disrupted by moving house. Wherever they live, children's day-to-day life will probably change (for example, they may need to perform some domestic tasks that were previously done by the imprisoned parent).

Children's education can be affected in many ways, some of them mentioned above. Taking time off to visit parents in prison not only disrupts schooling, it can also create problems if it is not considered a "justifiable absence from school."¹⁶⁹ Bullying by other children (linked to the stigma of having an imprisoned parent) and insensitivity from teachers who do not know what has happened can all have an impact.¹⁷⁰ One child said:

[I want to change schools.] I'm always getting picked on – people cuff me one and I end up having a fight ... then end up being put on report¹⁷¹

Emotional and behavioural changes experienced by children following parental imprisonment can find their way into the classroom. If they become disruptive or aggressive¹⁷² this will affect the education of their classmates; if their work or behaviour suffers they may need extra attention from their teachers. Some research has suggested that children of imprisoned parents can benefit from the same kinds of support which are available to pupils suffering family crises or learning difficulties.¹⁷³

¹⁶⁵ Quaker Council for European Affairs (forthcoming) *Women in Prison: A Review of Conditions in Member States of the Council of Europe*.

¹⁶⁶ Rosie Meek (2006) *When big brother goes inside: The experiences of younger siblings of young men in prison* (The Howard League for Penal Reform).

¹⁶⁷ Ann Cunningham (2001) "Forgotten Families – the impacts of imprisonment" in *Family Matters* Winter 2001, p.36

¹⁶⁸ Ann Cunningham (2001) "Forgotten Families – the impacts of imprisonment" in *Family Matters* Winter 2001, p.36

¹⁶⁹ Lucy Gampell (2002-3) "Who's Guilty?" in *Criminal Justice Matters* No. 50, p.23

¹⁷⁰ Rosie Meek (2006) *When big brother goes inside: The experiences of younger siblings of young men in prison* (The Howard League for Penal Reform), p.13

¹⁷¹ Alison Cunningham and Linda Baker (2003) *Waiting for Mommy: Giving a Voice to the Hidden Victims of Imprisonment*, p.40. 'Being put on report' is a form of punishment in which the child's behaviour at school is closely monitored and reported on.

¹⁷² Rachel Gottlieb (2006) "The Kids Do Time, Too" in *The Hartford Courant*, November 12, 2006 http://www.mail-archive.com/kids_counsel-1@listserv.uconn.edu/msg00733.html (accessed March 2007).

¹⁷³ Alison Cunningham and Linda Baker (2003) *Waiting for Mommy: Giving a Voice to the Hidden Victims of Imprisonment*, p.34

Caregivers are also affected by parental imprisonment and how they respond to it will have a big impact on the children. Many caregivers experience a change from their previous responsibilities, even if they were caring for the children prior to imprisonment. They may have to find work in order to provide enough money for the family, or alternatively may have to give up work in order to care for the children. According to one study, mothers whose partner is imprisoned have an increased likelihood of leaving paid work following the imprisonment.¹⁷⁴ Many caregivers live in difficult financial situations: almost two-thirds of children being raised by single grandmothers in the USA live in poverty.¹⁷⁵ If the caregiver has other dependents (such as children of their own), their interests and needs will have to be considered as well as those of the prisoner's children.

Increased responsibilities placed on caregivers can be stressful and cause them to place heavy demands on their own support networks (usually consisting of family and friends).¹⁷⁶ Their caregiving responsibilities can dominate, especially when they are looking after the children on their own, meaning that they have little time for themselves¹⁷⁷ and causing some to describe their life as "living in a prison without bars".¹⁷⁸ One US study reported that 32% of grandmothers caring for children of prisoners met the clinical criteria for depression, compared to 19% of non-caregiving grandmothers.¹⁷⁹ Caregivers may also worry about their ability to control the children in their care¹⁸⁰ or their suitability as parents, especially if they are grandparents whose own children are the ones in prison.¹⁸¹

If large numbers of people from a particular community are imprisoned, it can affect those who remain: "When [indigenous Australian] fathers and young single men are taken from their community and put in jail, the composition of the community changes, and the social dynamics are changed. This affects all relationships and eventually impacts on community wellbeing as a whole".¹⁸²

Various groups work to support children during their parent's imprisonment. Mentoring schemes, where children are matched with adults who act as role models, have resulted in children fighting less at home and at school, as well as allowing them

¹⁷⁴ Joyce A. Arditti et al. (2003) "Saturday Morning at the Jail: Implications of Incarceration for Families and Children" in *Family Relations* Vol. 52, No. 3, p.201

¹⁷⁵ Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.116. This population is more significant than it might seem because grandmothers are common replacement caregivers following imprisonment.

¹⁷⁶ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.9

¹⁷⁷ Joyce A. Arditti et al. (2003) "Saturday Morning at the Jail: Implications of Incarceration for Families and Children" in *Family Relations* Vol. 52, No. 3, p.200

¹⁷⁸ Ria Wolleswinkel (2002) "Children of Imprisoned Parents" in Jan Willems (ed.) *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities* (Intersentia), p.203

¹⁷⁹ E. Fuller-Thomsen and M. Minkler (2000) "The mental and physical health of grandmothers who are raising their grandchildren" in *Journal of Mental Health and Aging*, Volume 6, No. 4.

¹⁸⁰ D. Whitley et al. (2001) "Grandmothers raising grandchildren: Are they at increased risk for health problems?" in *Health and Social Work*, Vol. 26, No. 2.

¹⁸¹ M. Minkler (1999) "Intergenerational households headed by grandparents: Contexts, realities, and implications for policy" in *Journal of Aging Studies* Vol. 13.

¹⁸² Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) *Discussion paper on the impact on Aboriginal & Torres Strait Islander children when their fathers are incarcerated*, p.15

time with someone primarily concerned about them.¹⁸³ Mentoring has also been successfully used with the younger siblings of offending teenagers, to try to prevent them from following the same path.¹⁸⁴ Projects which bring together children of imprisoned parents can reduce feelings of isolation and allow them to meet people who are in the same situation.¹⁸⁵ However, these are often small-scale and locally-based; many are “under-resourced and rely heavily on volunteers.”¹⁸⁶

The risks to children of imprisoned parents continuing their education, as well as the importance of their doing so, has been recognised in several countries. For example, Sri Lanka’s Prison Welfare Association has initiated a scholarship scheme to support children of prisoners in their schooling and help them to “better their lot through education”,¹⁸⁷ while Malaysia stated at the UN Committee on the Rights of the Child in 2007 that imprisoning parents is not a good solution if it results in their children not attending school.¹⁸⁸

Poverty and finance

Parental imprisonment can cause a family considerable financial hardship. Many prisoners’ families are economically (and socially) vulnerable and marginalised even before imprisonment, with high rates of unemployment, low-wage jobs and dependency on external (often state) support.¹⁸⁹ The loss of a parent through imprisonment not only means the loss of any income they provided, but can also add extra costs to the family’s budget. Some of these costs have been detailed above, including those involved in travelling to visit prisoners and any charges for making or receiving telephone calls or sending letters. Additionally, lawyers’ fees, direct financial support to the imprisoned parent and childcare or babysitting costs all add to the financial burden faced by families of prisoners. This may be compounded by the loss of any income generated by the imprisoned parent, the enhanced likelihood of non-imprisoned mothers leaving paid work outside the home, or the loss of welfare benefits.¹⁹⁰ Families may lose accommodation because they can no longer afford rent or mortgage payments or because they become ineligible for supported accommodation: “Going into prison [in the UK] is considered a change that can immediately remove the right to the majority of state support. If the prisoner is the named benefit receiver, their prison sentence will alter the entitlement of the family.

¹⁸³ Melissa Swan (2006) “Children of prisoners” feature on *WHAS11 news*, 16 November 2006 http://www.whas11.com/news/swan/stories/WHAS11_TOP_ChildrenOfPrisonersNickNews.3580b102.html, (accessed January 2007).

¹⁸⁴ Lis Moriconi (2005) *Mentoring programs have outstanding outreach with juveniles worldwide*.

¹⁸⁵ Cambridge Newspapers Ltd (2007) “More help on way for children of prisoners” in *Cambridge Evening News* http://www.cambridge-news.co.uk/news/region_wide/2007/01/10/2b421826-9b1d-4279-b731-9c0a184f576d.lpf (accessed January 2007).

¹⁸⁶ Lucy Gampell (2002-3) “Who’s Guilty?” in *Criminal Justice Matters* No. 50, pp.22-3

¹⁸⁷ K.H. (2007) “Scholarship frees prisoners’ children from social captivity” in *The Sunday Times Online* http://www.sundaytimes.lk/070114/Plus/014_pls.html (accessed February 2007).

¹⁸⁸ Personal communication from observer at Committee on the Rights of the Child.

¹⁸⁹ Julie Rosenbluth and Tania Krupat (2007) *Children of Incarcerated Parents: Turning Risk into Promise*, featured at Guidance Channel Online website <http://www.guidancechannel.com/default.aspx?index=2169&cat=13> (accessed February 2007).

¹⁹⁰ Joyce A. Arditti et al. (2003) “Saturday Morning at the Jail: Implications of Incarceration for Families and Children” in *Family Relations* Vol. 52, No. 3, p.201

For example, the amount of Income Support can fall dramatically or can stop altogether – leaving the family to fall below the poverty line.”¹⁹¹

The costs associated with having a parent imprisoned have led some to argue that imprisonment “acts like a hidden tax, one that is visited disproportionately on poor and minority families; and while its costs are most directly felt by the adults closest to the incarcerated family member, the full effect is eventually felt by the next generation as well”.¹⁹² The child poverty caused by parental imprisonment “can seriously damage the life chances of many children, leading to a cycle of deprivation which repeats itself from generation to generation.”¹⁹³

A study in the USA showed that providing income supplements to poor American Indian families “reduced levels of children’s conduct disorder and oppositional defiant disorder over a four year period”.¹⁹⁴ Based on this and other research, experts have suggested three sets of policies “to alleviate economic strain among prisoners’ families and reduce adverse outcomes among children of prisoners:

1. *Financial assistance.* Ensure that prisoners’ families receive necessary benefits and provide emergency funds to help overcome the immediate financial difficulties caused by loss of income.
2. *Reduce costs.* Provide free transport or financial assistance for prison visits. Reduce the costs of telephone calls between prison and home.
3. *Prisoner employment.* Provide prisoners with paid jobs while in custody and increase work schemes that employ former prisoners.”¹⁹⁵

Key Points

- Most children want to maintain a relationship with their imprisoned parent.
- Imprisoned parents can be a positive influence on their children even from behind bars.
- Costs of letters and telephone calls can limit or prohibit their use, which affects the amount of contact children have with their parents. This is especially so for prisoners who were not residents of the country of imprisonment.
- Visits can have demonstrably positive effects on children, but are too often prevented from doing so because the needs and best interests of the children have not been considered. Poor location, design, policies and restrictions can make visits deeply unsatisfying for all concerned.
- The needs of children living in prison should be provided for and they should be allowed to live as closely as possible to life on the outside.
- Children often have to change homes, schools and caregivers following parental imprisonment, and siblings may be separated. These new situations

¹⁹¹ Action for Prisoners’ Families, UK (2003) *Submission in response to the Green Paper Consultation ‘Every Child Matters’*.

¹⁹² Anthropologist Donald Braman, quoted in Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.116

¹⁹³ Dervla King (undated) *Parents, Children & Prison: Effects of Parental Imprisonment on Children* (Centre for Social & Educational Research, Dublin Institute of Technology), p.5

¹⁹⁴ Joseph Murray and David Farrington (2006) “Reaction Essay: Evidence-Based Programs for Children of Prisoners” in *Criminology and Public Policy* Vol. 5, No. 4, p.728

¹⁹⁵ Joseph Murray and David Farrington (2006) “Reaction Essay: Evidence-Based Programs for Children of Prisoners” in *Criminology and Public Policy* Vol. 5, No. 4, p.728

can be unsatisfactory and create further upheaval if they have to change again for any reason.

- The needs of caregivers should also be considered, as their welfare will impact on the children of imprisoned parents.
- Imprisonment places extra costs on prisoners' families (e.g. costs of visiting, telephone calls and letters, lawyers' fees), while at the same time depriving them of the income the imprisoned parent could have given them and sometimes also of state benefits. Caregivers may have to give up paid work in order to care for the children of the imprisoned parent.

Part IV: After imprisonment

Return

It is easy to assume that if separation through imprisonment is traumatic and damaging, reunification at the end of a custodial sentence will resolve most, if not all, of the problems. Unfortunately this is not so: even a brief period of imprisonment can severely strain family systems¹⁹⁶ and the problems caused by parental imprisonment do not end with release. Indeed, “the times just before and after release are often the most traumatic for children and families. Problems, which were central to a family’s culture before incarceration, have rarely been addressed during the prison term. Children have changed during the parent’s incarceration. They are older and at different stages of development. They have different needs and expectations. Yet imprisoned parents may not have seen the growth. Released prisoners often treat their children as if they were still at the age of initial incarceration.”¹⁹⁷

Both prisoner and family will have to re-adjust to living with each other. Difficulties children may have relating to the return of a parent include:

- Children having assumed new roles within the family following parental imprisonment, such as becoming secondary or primary caregiver or income provider.¹⁹⁸ If the released parent wants to return to ‘the way things were’ this can create tension over who fulfils which roles within the household.
- Changed feelings towards the imprisoned parent and others. For example, they “may have developed stronger bonds with the person who looked after them during their absence.”¹⁹⁹ They may show signs of insecurity, such as being clingy and worrying about the parent leaving them again, or display increased anger towards the returned parent and be difficult to control, with a lack of respect for and trust in the parent. (With older children, these emotions may be linked to adolescent development rather than or as well as being a direct response to the parental imprisonment.²⁰⁰)
- Their having grown used to living without the parent, meaning that they are unsure or uncomfortable around the parent post-release (this may be especially so of children who were very young or not yet born at the time of imprisonment and who have little or no memory of the parent).

These and other problems can occur whether or not the parent lives with the children post-release.²⁰¹

¹⁹⁶ Joyce A. Arditti et al. (2003) “Saturday Morning at the Jail: Implications of Incarceration for Families and Children” in *Family Relations* Vol. 52, No. 3, p.195

¹⁹⁷ Children of Prisoners Library (2003) *Common Stress Points* (Families and Corrections Network).

¹⁹⁸ These particular roles seem to be more common among older children.

¹⁹⁹ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.14

²⁰⁰ Venezia Kingi (2000) *The Children of Women in Prison: A New Zealand Study*, p.6

²⁰¹ Children of Prisoners Library (2003) *Why Maintain Relationships* (Families and Corrections Network).

Returning parents too can have unrealistic expectations about life after imprisonment. Many become “sufficiently institutionalised to find most aspects of life, but especially family life, difficult on release”²⁰² and may not recognise or consider the changes that other family members have had to make, while at the same time feeling incompetent and lacking in parental authority.²⁰³

These difficulties frequently result in poor-quality post-release parent-child relationships: 60% of children questioned for one US-based study had either a negative or no relationship with the released parent; only a quarter reported a positive post-release relationship.²⁰⁴ Imprisoned women “with younger children or those in care [have] talked about a loss of closeness in their relationship with their children due to lack of contact and about their children bonding with their caregivers.”²⁰⁵

Particularly when children have been taken into care, parents may have trouble reuniting the family after release. Imprisoned mothers in New Zealand whose children had “mainly [been] in state care had little contact with them and voiced concerns relating to regaining custody of the children”.²⁰⁶ Even short prison sentences (or periods of pre-trial detention) can break up family units: if imprisonment causes detainees to lose their homes (because they cannot keep paying rent or mortgage payments), jobs (because they cannot work while imprisoned) or places on mental health, drug or substance abuse programmes, their children may be taken into care because of the parent’s perceived inability to take care of them. Parents without custody of their children can find it harder to access benefits or social support: in many countries those with children are given priority when allocating public housing, which can lead to a vicious circle where parents cannot regain custody of their children because they lack a home, yet cannot secure housing because they are not caring for children at the time.

Even parents who have worked or undergone training while in prison may have difficulties following release. Employers may be unwilling to hire someone with a criminal record or history of imprisonment, even if they were acquitted of any criminal activity,²⁰⁷ while a lack of independent finance (e.g. no property or savings) can prevent ex-prisoners from setting up their own businesses. One Kenyan prisoner, who had been trained in tailoring, shampoo and soap making while in prison, said: “I would like to open up a tailoring business once I get out of jail, but I do not know where the capital will come from”.²⁰⁸ This inability to earn a living will have obvious knock-on effects for their children’s welfare.

²⁰² Action for Prisoners’ Families, UK (2003) *Submission in response to the Green Paper Consultation ‘Every Child Matters’*.

²⁰³ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.14

²⁰⁴ Anne Dannerbeck (undated) *Differences between Delinquent Youth with and without a Parental History of Incarceration: Final Report on the Project* (School of Social Work, University of Missouri), p.17. This statistic does not indicate the state of the parent-child relationship pre-imprisonment nor how the relationship has been altered by imprisonment.

²⁰⁵ Venezia Kingi (2000) *The Children of Women in Prison: A New Zealand Study*, p.6

²⁰⁶ Venezia Kingi (2000) *The Children of Women in Prison: A New Zealand Study*, p.6

²⁰⁷ Joseph Murray (2007) “The cycle of punishment: Social exclusion of prisoners and their children” in *Criminology and Criminal Justice* Vol. 7, No. 1, p.57

²⁰⁸ Peter Opiyo (2007) “Joy amid despair: Women’s Prison hosts families of inmates” in *East African Standard*

http://www.eastandard.net/archives/cl/hm_news/news.php?articleid=1143963274&date=3/1/2007 (accessed January 2007).

Reunification is even harder if legal parental rights have been removed from an imprisoned parent. Alternative caregivers (often relatives) may apply for legal guardianship of the children they are caring for, perhaps in order to access child-linked benefits or to be able to better support the child (for example, having the authority to make decisions about medical treatment). Laws (such as various state and federal laws in the USA) may mandate the termination of parental rights in particular circumstances, such as when the parent has not been caring for the child for a specified length of time. In California this is as low as six months,²⁰⁹ which may easily be reached if the child's caregiver is serving a prison sentence. Governments should consider the consequences of such laws on those parents who are prevented from, rather than choose not to, care for their children.

Foreign national prisoners face extra difficulties when leaving prison. Resident foreign nationals may be deported after completing their sentences, leaving their children (who may be nationals of the country of imprisonment) with two unattractive alternatives: moving to a different country with their recently returned parent, learning to live in a new society while at the same time dealing with the upheaval caused by having a parent return to their lives full-time; or staying in the country of residence but having the separation from the formerly imprisoned parent extended indefinitely and possibly permanently. Non-resident foreign nationals may find the difficulty of reintegrating into society especially hard because they will have been less likely to have had visits or regular contact during their imprisonment than those imprisoned in their country of residence.

Due to the many difficulties associated with release from prison, it is something which should be prepared for by all involved: prisoners, children and authorities. During the sentence, families can help prisoners stay in touch with what is going on in the world, which will ease their transition back into society.²¹⁰ Following release, support from agencies and organisations can help the ex-prisoner re-adjust to life on the outside. Community rehabilitation centres with staff trained in supporting prisoners following release have been opened in Moldova.²¹¹ Micro-projects for income generation can help ex-prisoners make a living without requiring large amounts of capital, as has happened in West Bengal, India.²¹²

²⁰⁹ Kenya McCullum (2007) "Locking Up Abuse: What Female Prisoners Face Before, During, and After Incarceration" in *Bay Area Business Woman* website <http://babwnews.com/article.php?id=854&action> (accessed March 2007).

²¹⁰ Children of Prisoners Library (2003) *Why Maintain Relationships* (Families and Corrections Network).

²¹¹ Penal Reform International (2006) *PRI Annual Report 2005*, p.16

²¹² *Don Bosco Prison Ministry* website <http://www.donboscoprisonministry.org/index.htm> (accessed March 2007).

Good Practice

New York-based La Bodega de la Familia provides services for ex-prisoners with substance abuse or mental health issues. It works with them and their families, helping them to support each other, strengthen family relationships and encouraging them to “use their own and outside resources to meet their own needs”.²¹³ Most staff are multilingual, enabling la Bodega to work with New York’s Latino community,²¹⁴ while practical services offered include: case management, walk-in services, a 24-hour crisis hotline to call and information about other services families can access (such as job training, drug treatment and housing support).²¹⁵

Most prisoners are committed to their children: “Listen to the talk of a prisoner whose release date is imminent. It is comprised less of wishes – hot meals and warm baths – than of promises: to stay clean this time, get a job and settle down, make a home for his [or her] children”.²¹⁶ While “the prison environment is often destructive to family relationships, it can also provide a window of opportunity for change. National and international research indicates parents in prison are often motivated to use this period to reflect on their relationships with their children and to improve their capacity to parent”.²¹⁷ Governments and authorities should give them and their children the support needed for the parent to reintegrate successfully into the family and into society.

Future criminality of children and parents

The impact of parental imprisonment on children can stretch far beyond the time of imprisonment and immediate post-imprisonment period. Research has repeatedly highlighted the fact that many prisoners have criminal parents: a UK study following boys over 40 years found that those who were affected by parental imprisonment as children were more likely than other boys to display antisocial behaviours in later life. This same study, through its long-term focus, found that “parental imprisonment is not just an indicator of parental criminality, but confers specific risk on children”²¹⁸ (i.e. having a parent imprisoned makes children more likely to engage in antisocial behaviour in later life). Children separated from parents for other reasons did not exhibit antisocial tendencies to the same extent. The imprisonment of a parent was found to be a strong predictor of future criminal behaviour in the children, regardless of the length of sentence imposed.²¹⁹ Other studies have found a “dose-response

²¹³ La Bodega de la Familia website <http://www.labodegadelafamilia.org/faq> (accessed March 2007).

²¹⁴ Volunteers of America (2004) *Families and Reentry*.

²¹⁵ Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) pp.200-201

²¹⁶ Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.205

²¹⁷ Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) *Discussion paper on the impact on Aboriginal & Torres Strait Islander children when their fathers are incarcerated*, p.16

²¹⁸ Joseph Murray and David P. Farrington (2005) “Parental imprisonment: effects on boys’ antisocial behaviour and delinquency through the life-course” in *Journal of Child Psychology and Psychiatry* Vol. 46, No. 12, pp.6-7

²¹⁹ Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.449

relationship between the number of times parents were incarcerated and the number of times offspring offended in adulthood”,²²⁰ which heightens further the importance of preventing repeat offending on the part of the parents.

Children are affected in other ways by parental imprisonment: for example, they tend to have higher rates of school failure and delinquency than the general population.²²¹ Children in institutional care (many there as a result of their parents being imprisoned) are more likely to enter the criminal justice system themselves: a quarter of the adult prison population in England & Wales was in care at some point during childhood.²²²

However, early and targeted intervention with children of imprisoned parents (including in many of the ways described above) can reduce or mitigate some of these later problems. Early intervention has been called “an effective use of resources”,²²³ but such interventions should take into account all aspects of the child’s life that are affected by parental imprisonment. The emotional impact on the child; relationships with the imprisoned parent, family members and others; the effect of parental imprisonment on schooling, living conditions and social activities; the way caregivers are affected (and the impact of that on the child): all of these should be taken into account in order to provide a holistic solution to the negative effects of parental imprisonment on children.

Having a family to come out to is an important aspect in preventing recidivism among ex-prisoners: “Families are an important influence on many aspects of prisoners’ lives ... Family contact is associated with lower rates of self-harm while inside prison ... Families are one of the most important factors affecting prisoners’ rehabilitation after release”.²²⁴ One study of released prisoners found that only half of those who had no contact with family members during imprisonment had completed a year of parole without being re-arrested, compared to 70% of those who had at least three visitors while in prison.²²⁵ Some have gone so far as to say that the family “is probably [our] ... most valuable weapon in fighting crime. Prisoners who receive visitors, maintain family ties, and are released to a stable home environment are more likely to succeed in leading productive, crime-free lives”.²²⁶ The benefits of such successes will extend beyond just the ex-prisoner and his/her family, spreading into the wider community.²²⁷

Inversely, the negative effects of parental imprisonment may also extend into the community. Though not the focus of this paper, some research “indicates that very high incarceration rates may actually make the neighbourhoods most impacted by them *more* crime-ridden, by breaking up families, destabilizing communities, and damaging

²²⁰ Joseph Murray et al. (2007) “Crime in adult offspring of prisoners: A Cross-National Comparison of Two Longitudinal Samples” in *Criminal Justice and Behaviour* Vol. 34, No. 1, p.144

²²¹ Charlene Wear Simmons (2000) *Children of Incarcerated Parents* (California State Library), p.10

²²² *Home Office Strategic Plan, 2005* quoted in Centrepoint (2006) *A place to call home: care leavers’ experience of finding suitable accommodation*, p.3

²²³ Alison Cunningham and Linda Baker (2003) *Waiting for Mommy: Giving a Voice to the Hidden Victims of Imprisonment*.

²²⁴ Joseph Murray (2005) “The effects of imprisonment on families and children of prisoners” in A. Liebling & S. Maruna (eds.) *The effects of imprisonment*, p.442

²²⁵ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.15

²²⁶ Children of Prisoners Library (2003) *Why Maintain Relationships* (Families and Corrections Network).

²²⁷ Karen Laing and Peter McCarthy (2004) *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison: A literature review*, p.11

the credibility of the law and its enforcers.” This also impacts on the children of imprisoned parents, as they “carry the double burden of both crime and punishment: they are left parentless – unprotected – in neighbourhoods where they feel and are unsafe”.²²⁸

Of all the areas described above as important for preventing or reducing the damaging effects of parental imprisonment, sentencing is perhaps the most important. Avoiding custodial sentences (and pre-trial detention) where possible will prevent many of the negative outcomes noted, for both parents and children. It is important when sentencing to consider the best way to minimise the harm done by criminal behaviour and to ensure as few people as possible are negatively impacted because of the crime. If imprisonment seems likely to cause further criminal behaviour, either by the offender or their children, alternatives should be considered. Imprisonment “can actually elevate the likelihood of recidivism for women, as it destabilizes an already vulnerable family situation and can cause job and housing losses, and relationship breakdown.”²²⁹ In the long term, imprisonment can lead to increased anti-social and criminal behaviour, among both parents and children; preventing rather than curing this tendency should be a priority for governments.

Key Points

- The return of a parent from prison is difficult for all concerned, even after a short period of imprisonment.
- Returning parents may have difficulties finding work and accommodation following release, which can prevent them from reuniting with their children.
- The effect on children of deporting foreign national prisoners following release is rarely considered, even though it may result in their moving abroad or being permanently separated from their recently-released parent.
- The likelihood of recidivism is reduced if the ex-prisoner has a family to return to.
- Children whose parents have been imprisoned have an increased tendency to commit criminal or antisocial acts themselves in later life. Therefore, reducing parental imprisonment is an important way to reduce future crime.

²²⁸ Nell Bernstein (2005) *All Alone in the World: Children of the Incarcerated* (The New Press) p.56. The research referred to is being carried out by criminologists Dina Rose and Todd Clear.

²²⁹ Alison Cunningham and Linda Baker (2004) *Invisible Victims: the Children of Women in Prison*, available at <http://www.voicesforchildren.ca/report-Dec2004-1.htm> (accessed March 2007).

Part V: Summary of recommendations

Children are affected by parental imprisonment before, during and after the period of imprisonment. It can affect their behaviour, health, relationships, emotions, education, housing and finances, often for the worse. Studies have also shown that children whose parents are imprisoned have an increased likelihood of committing criminal acts themselves in later life with repeated instances of parental imprisonment leading to higher numbers of offences committed by their children. Therefore, mitigating the ill-effects of parental imprisonment at all stages of the process is important both in terms of the child's welfare and best interests, and as a means of reducing future criminal activity.

Officials in all parts of the criminal justice and penal systems need to consider the impact their activities may have on children. Even if they do not come into direct contact with the children of imprisoned parents, officials should be aware that their work and decisions can potentially have powerful effects on them, both positive and negative. At all stages children should be considered and consulted, in accordance with their age and maturity. Not only may they know better than anyone else how they are affected by a parent's imprisonment and how to mitigate some of these effects, but also consultation can lead to children having increased respect for the institutions which consult them, as well as feeling that they have more control over their own lives.²³⁰ Officials should also be aware that different children have different backgrounds, experiences and responses to parental imprisonment. Even children from the same family may deal with the issue very differently, while children in particular circumstances (e.g. those whose parent is struggling with addiction, or whose mother rather than father is imprisoned) may need different or additional support.

Particular issues that should be considered at each stage of the imprisonment cycle are detailed below.

Arrest

Arresting officers should consider the impact different styles of arrest (e.g. forced entry) may have on children. They should always check whether the arrested person has any children, ensure that understandable explanations are provided to the children about what is happening (whether or not the children are at home during the arrest) and ensure that arrangements are made for the children's care.

Pre-Trial Detention

Placing someone in pre-trial detention should always be a measure of last resort. Authorities should consider whether pre-trial detention is in the best interests of the children and take into account the likelihood of caring responsibilities reducing the parent's likelihood of absconding (failing to appear for trial). The access of children to parents in pre-trial detention is often limited due to the effects of ongoing investigations: efforts should be made to minimise the disruption detention causes to the relationship.

²³⁰ San Francisco Children of Incarcerated Parents Partnership website <http://www.sfcipp.org/right2.html> (accessed March 2007).

Trial and Sentencing

Children often find legal processes alien and confusing: efforts should be made to help them understand what is happening, whether or not they are present at the trial. A full range of measures should be considered when dealing with offenders, including the use of restorative or transformative justice programmes both as a form of sentencing and as an alternative to orthodox judicial process. Sentencing decisions should take into account the effect imprisonment may have on all aspects of the children's lives, especially their welfare and the likelihood of future criminality.

Retaining contact

Supporting prisoners to keep in touch with their children, through letters, phone calls and other means can reduce the pain of separation and help to maintain relationships. Consideration should be given to innovative ways of maintaining contact, such as having parents making gifts or audio recordings for their children. Limitations on the number of phone calls or letters a prisoner can make or send should be re-evaluated from a child rights standpoint, as should the cost of phone calls. Prisoners whose families are unable to visit (e.g. because they live abroad) should be given particular help to stay in contact in other ways.

Visits

Prison authorities should take into account how child-friendly their buildings, facilities and procedures are. Staff should be trained in appropriate ways to respond to child visitors and information about rules and procedures provided in a format that can be understood by children. If families have problems visiting (due to transport, accompaniment, cost or other difficulties) the authorities and prison officials should consider how they can help overcome these. Providing toys or activities for children and allowing contact and extended/private visits can make the visit easier and more relaxed for both parents and children. Where parenting classes for prisoners are available, organisers should look into integrating these with visits.

Children living in prison

If children are living in prison with their parent, their life should be as similar as possible to how they would be on the outside. Their nutrition, education, relationships and other aspects of their lives should be hindered as little as possible. Ways of ensuring that parents are not prevented from taking up other opportunities (e.g. training or education courses, work, drug programmes) because of their caring responsibilities should also be developed.

Alternative living arrangements

Children with imprisoned mothers are especially likely to change caregiver. When considering alternative care arrangements, the impacts these will have on the children's education, friendship groups etc. should be taken into account, as should the stability of the new home (i.e. the likelihood of the children having to move again). Efforts should be made to prevent siblings being separated. Some imprisoned parents do not inform the authorities that they have children because of fears that the children will be taken away from them: authorities should ensure that their policies and practices do not justify such fears.

Education

School officials should be aware that parental imprisonment is a possible cause of declining behaviour and achievement. Attendance and performance may be affected by taking time off to visit parents, while children of prisoners may be bullied or stigmatised because of their situation. Schools should consider offering these children access to those services available to pupils suffering from family crises or learning difficulties, which research has suggested may benefit them; scholarship schemes for children of imprisoned parents may prevent them from dropping out of education.

Caregivers

Caregivers often have additional responsibilities following imprisonment, while at the same time needing additional emotional and material support. Authorities should consider ways to support caregivers, as their welfare will impact on the children. For example, ensuring that child benefit or allowances paid to foster carers can be made to grandparents or other family members who take on such responsibilities.

Finances

Families of prisoners, often economically marginalised before imprisonment, can find that it causes a reduction in their income (because the imprisoned member cannot work) as well as increased costs (visiting, legal fees etc.). Prisoners may be ineligible for certain forms of state support (e.g. government housing); the impact of this on children should be considered when drawing up eligibility criteria. Some studies have shown the positive effects of giving direct financial support to families: consideration should be given to this measure.

Release from prison

Release can be highly disruptive, even after short sentences and whether or not the children and parents live together. It should be prepared for in advance by prison officials, prisoners and their families (prisoners can have difficulty 'deinstitutionalising' after release). Family reunification should generally be encouraged, with authorities working to prevent barriers to this (e.g. parents being deemed unsuitable carers because they have no work or accommodation) from occurring. The impact on children should be taken into account when deciding whether to deport foreign national prisoners.

Likelihood of future criminality

Having a stable family environment to return to is a major disincentive to reoffending; maintaining and strengthening family ties should be encouraged at all stages of the criminal justice process. Stigma against ex-prisoners may prevent them from finding work; initiatives employing ex-prisoners should be encouraged. Imprisoning women may increase their chances of reoffending because of the destabilising effect it has on their home and family situation. Repeated imprisonment of a parent has been linked to an increase in their children offending in later life and should be taken into account when deciding whether to send a parent back to prison for whatever reason.

Obviously, some children will need higher levels of support than others at any given stage of the criminal justice process. But these needs can only be reliably met if authorities are aware of the children and their situation. As a first step it is vital that systems are set up to identify whether adults in the criminal justice system have children for whom they have caring responsibilities and to assess the needs of these children. As a second, authorities should ensure that the children, who have committed

no crime and should be punished for none, have their rights and needs fully supported and that the negative effects of parental imprisonment are minimised as far as possible.

The impact of parental imprisonment on children

Children are affected by parental imprisonment before, during and after the event, but their needs and best interests are frequently ignored at every stage of the criminal justice process. This paper draws together much of the literature on the subject and presents it in an easy-to-follow format, analysing the problems that arise at each stage and highlighting examples of good practice in the field.

If you are interested in learning more about the Women in Prison Project or would like to work with us on this issue please contact us. Our full contact details are printed on the inside cover.

The Quaker United Nations Office

The Quaker United Nations Offices located in Geneva and New York represent Friends World Committee for Consultation (Quakers), an international non-governmental organisation with General Consultative Status at the United Nations.

The Quaker United Nations Offices work to promote the peace and justice concerns of Friends (Quakers) from around the world at the United Nations and other global institutions. They are supported by the American Friends Service Committee, Britain Yearly Meeting, the worldwide community of Friends, and other groups and individuals.



Quaker United Nations Office

Avenue du Mervelet 13

1209 Geneva

Switzerland

www.quno.org

CHF. 20.–