

Children and Families of Incarcerated Parents Advisory Committee Annual Report

Recommendations to improve services and a report on progress

January 2009

Report to the Legislature and Governor

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ACKNOWLEDGEMENTS

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Special thanks to Louisa Erickson for compiling and editing this report.

EXECUTIVE SUMMARY

In 2005, the Washington State Legislature passed Substitute House Bill 1426 requiring comprehensive interagency planning to provide services and supports for children of incarcerated parents. The 2007 Legislature required more planning to help children and families maintain connections when parents are incarcerated (Engrossed Second Substitute House Bill 1422, Chapter 384, Laws of 2007). This report provides an update on activities and progress of the Children and Families of Incarcerated Parents Advisory Committee and presents recommendations for state agencies.

The Children and Families of Incarcerated Parents Advisory Committee recommends that the Governor and Legislature consider these improvements to policies, services, and data collection for children and families of incarcerated parents in Washington. The recommendations contained in this report that are not in the Governor's proposed 2009-11 Budget are important to identify even if they are unaffordable at this time. The following summary of recommendations is based on data collected from four state agencies. The detailed agency recommendations are outlined within this report.

- Set guidelines regarding parental proximity during incarceration to preserve familial contact, where appropriate.
- Increase an incarcerated parent's wage earning potential through access to vocational training and education.
- Address state implementation of the child welfare timeline within the federal Adoption and Safe Families Act (ASFA) in order to name parental incarceration as a compelling reason to delay ASFA-timed termination court proceedings.
- Enact legislation that re-examines child support guidelines and sets an inmate's monthly child support amount to zero during incarceration if the inmate has no or low assets.
- Allow broader eligibility and access to mental health and chemical dependency treatment for incarcerated individuals and those reentering the community.
- Enact legislation that supports increased data sharing between agencies that work with children and families of incarcerated parents.
- Appropriate funding for personnel and resources to continue the work of the Children and Families of Incarcerated Parents Advisory Committee.
- Appropriate funding for the grant program portion of RCW 43.63A.068 to expand and enhance needed services to children and families of incarcerated parents.

INTRODUCTION

Children and families of incarcerated parents are an invisible part of our population. According to the Department of Corrections, 15,000 of the 18,000 offenders in confinement in Washington State are parents. Those confined offenders have approximately 29,000 dependent children. If the children with parents being held in federal and local jail systems across Washington were included, this number would be higher.

In order to respond to the needs of children and families of incarcerated parents, the 2007 Legislature enacted E2SHB 1422 (Chapter 384, Laws of 2007). The bill created an advisory committee to monitor and report on recommendations relating to policies and programs for children and families with incarcerated parents. The committee includes representatives from private non-profit organizations, business sectors, child advocates, representatives of Washington State Indian tribes, court administrators, the Administrative Office of the Courts, the Washington Association of Sheriffs and Police Chiefs, jail administrators, the Governor's Office, the Department of Social and Health Services (DSHS), the Department of Corrections (DOC), the Department of Early Learning (DEL), and the Office of the Superintendent of Public Instruction (OSPI). This report presents the annual update on activities and committee recommendations that E2SHB 1422 required. Those requirements were codified in RCW 43.63A.068.

The Advisory Committee's Responsibilities under RCW 43.63A.068:

- Receive and review program, policies, and services analyses data collected by DSHS, DOC, OSPI, and DEL.
- Use the data collected by the four state agencies to identify areas of need and develop recommendations to better meet the needs of children and families of persons incarcerated in DOC facilities.
- Advise CTED regarding community programs the Department should fund with a newly created grant program using appropriations from the Legislature.
- Monitor and provide consultation on the implementation of recommendations made in the 2006 Children of Incarcerated Parents Final Report.
- Report to the Legislature annually in January.

The Governor and Legislature have provided leadership that has begun to improve outcomes for children and families of incarcerated parents in Washington by creating this advisory committee and bringing state agencies together. That leadership has helped state agencies to identify risks, challenges, and barriers faced by children and families with an incarcerated parent. Ongoing legislative leadership will continue to improve outcomes for children, reduce recidivism, and promote resiliency among families.

The recommendations within this report outline improvements for policies and services designed to help children and families of incarcerated parents including enhanced or new programs and services. The advisory committee and agencies realize these recommendations are being presented to the Governor and Legislature at a time of unprecedented budget challenges. Some changes don't require funding, but many do. The members of the advisory committee believe that even if these recommendations can't be funded, it is important to be aware of the needs of the children and families with incarcerated parents.

Note: Appendices and subcommittee reports referenced in this document can be found on the internet at: <http://www.cted.wa.gov/site/1074/default.aspx>

PROGRESS REPORT ON 2006 RECOMENDATIONS

The Legislature required monitoring and consultation on recommendations made in the 2006 Children of Incarcerated Parents Final Report in RCW 43.63A.068. In order satisfy that requirement, the Children and Families of Incarcerated Parents Advisory Committee created six subcommittees related to each of the 2006 Final Report recommendations. The subcommittees include stakeholders outside the appointed membership of the advisory committee. The following is a status update on the work of these groups.

Data Subcommittee

This subcommittee has been working to match data across agency systems to determine where children of the incarcerated are and locate the services they receive. This was done so services could be improved. The work of the subcommittee falls into two broad categories, data for research, and data on service provision and coordination. The subcommittee has instituted a data-share agreement between DSHS and DOC. Work on an additional agreement is under way to include OSPI. DSHS is currently housing DOC data for this project and providing analysis to other agencies.

The data subcommittee developed recommendations that appear as additional subcommittee recommendations. For example, the data subcommittee found that identifying children with an incarcerated parent must remain voluntary because some children of incarcerated parents are victims of the incarcerated parent. Those children are entitled to certain rights as a victim, including confidentiality. Currently, DOC and DSHS are the only agencies capturing or planning to capture data that identifies whether or not children have an incarcerated parent. Care is being taken to ensure that we improve system and services to child victims of incarcerated parents without infringing on their rights.

Outreach and Education Subcommittee

The outreach and education subcommittee's charge is to raise awareness of barriers, issues, and resources of the children and families of incarcerated parents population among educators and service providers. The subcommittee has created a toolkit that includes information and resources in working with children and families of incarcerated parents that has been distributed to the district offices of all 295 school districts.

Arrest Protocols when Children are Present Subcommittee

This group is working to create guidelines for law enforcement and social service agencies when dealing with children present at time of parental or caregiver arrest. The subcommittee began their work by identifying current arrest protocol developments underway at the state and local levels, as well as models from other states.

The Arrest Protocols when Children are Present Subcommittee reviewed Washington State guidelines, California's arrest protocol model, and other resources related to children present at arrest of a parent or caregiver. The subcommittee's work was also informed by Nell Bernstein, author of "All Alone in the World" and the 2006 Children of Incarcerated Parents Report.

The subcommittee also identified existing policies, practices, and gaps in service that increase the trauma experienced by children when a parent, guardian or caregiver is arrested. Examples of trauma-causing situations include:

- Inability to track children who are placed in the care of a family member, friend or neighbor instead of protective custody.
- Significant lag time between the arrest of a parent and the placement of child in safe housing, particularly during evenings, week-ends and holidays.
- A complex child placement process, particularly when working across multiple or overlapping jurisdictions.
- Lack of appropriate social services in some jurisdictions.
- Communication post-arrest limited by privacy laws and technical data-sharing issues.

The Arrest Protocols when Children are Present Subcommittee developed guidelines that were presented to the full committee in 2008. The subcommittee report can be found on the internet at: <http://www.cted.wa.gov/site/1074/default.aspx>.

Court-Based Child Care Subcommittee

The Court-Based Child Care Subcommittee is researching the court-based child care model to make child care available to parents while they are attending mandatory court services and hearings. The subcommittee is reviewing the temporary child care opportunities for children after hours when a parent has been arrested and DSHS has not provided a placement for that child. Currently, children who fall under the jurisdiction of the DSHS Children's Administration are held at the police station while awaiting placement.

Economic Supports Subcommittee

The intent of the Economic Supports Subcommittee is to improve programs and services that help offenders financially support their families as they return to the community. The subcommittee is pursuing interagency sharing of offender reentry inventories for all 39 counties that were conducted as a requirement of RCW 43.63A.068 for Offender Re-entry.

Grant Program Subcommittee

The Children and Families of Incarcerated Parents Advisory Committee was also required to advise CTED on a grant program created in RCW 43.63A.068. The grant program has not been funded by the Legislature yet. A group of committee members have volunteered to serve on a subcommittee to advise CTED when the funds for the grant program become available.

Additional Activities and Accomplishments

In addition to developing agency and committee recommendations, the Children and Families of Incarcerated Parents Advisory Committee provided support to other projects that improved services for children of incarcerated parents by:

- Developing and launching interactive agency websites to provide information directly to children and families.
- Designing and distributing a comprehensive resource guide to social services for families dealing with incarceration.
- Deploying tool-kits at 295 school districts and nine Educational Service Districts to help educators build awareness and improve professional development.
- Directing an awareness campaign to enhance services for children and families of incarcerated parents.

COMMITTEE RECOMMENDATIONS

The Children and Families of Incarcerated Parents Advisory Committee reviewed programs, policies, and data by creating a matrix for state agencies to use when examining the availability of programs and services for children and families of incarcerated parents. This tool was used by each agency to identify current services and policies, assess if they were being implemented consistently, and find where barriers to implementation existed. Each matrix of programs and services was then used to determine recommendations for improvements.

The Children and Families of Incarcerated Parents Advisory Committee adopted the following recommendations designed to improve services to children and families of incarcerated parents. The committee recognizes the challenges of the 2009-11 biennial budget, and offers these recommendations as insight into ways of supporting children and families with incarcerated parents.

Recommendations for Department of Corrections

The Department of Corrections (DOC) submitted an analysis of their policies, programs and services coupled with barriers to implementation and gaps in service on August 20, 2008. Work is already in process to improve services and help maintain familial contact, when appropriate.

- **Recommendation for DOC 1:** Consider establishing policy regarding parental proximity to family; allocate specific funding to increase services, policies and gender specific programs that allow incarcerated parents to maintain contact and engagement between themselves and their children; specifically to address visit environments, transportation to visitation and parental proximity to family.
- **Recommendation for DOC 2:** As resources allow, consider increasing the wage earning potential for incarcerated persons through development of earning opportunities and the expansion of vocational and educational programming.
- **Recommendation for DOC 3:** Consider allocating funding for modification of Child Support video and related information to accommodate English as a Second Language; to increase distribution; dedicate staff to assist in the dissemination of information and to allow for communication with Employment Security Department and Office of Support Enforcement staff.
- **Recommendation for DOC 4:** Consider allocating specific funding to increase the availability of chemical dependency and mental health staff to directly engage families during the treatment process; develop systems of support that allow for continuity of care through release and community placement.

Recommendations for Department of Social and Health Services

The Department of Social and Health Services (DSHS) conducted a thorough inventory of programs, policies, and services with participation from every division of the agency. DSHS presented a summary of that inventory in the appendix of this report.

- **Recommendation for DSHS 1:** Consider enacting legislation that would automatically set child support orders to zero while a parent is incarcerated, particularly if they are in a facility that does not provide work, and the inmate has no or low assets (Ensuring revenue streams to families are not interrupted).¹
- **Recommendation for DSHS 2:** Consider allocating additional specific funding to facilitate visitation for children with incarcerated parents, including potentially contracting with community-based providers who already provide such visitation.
- **Recommendation for DSHS 3:** Consider creating a new state law to address state implementation of the child welfare timeline of the federal Adoption and Safe Families Act (ASFA) to name parental incarceration as a compelling reason to delay ASFA-timed termination court proceedings if the parent has successfully engaged in available services while incarcerated and no enduring safety concerns exist. Care would need to be taken to ensure that the child's needs were primary—one of the intentions of ASFA.
- **Recommendation for DSHS 4:** Consider allocating additional specific funding to provide Family Preservation Services at the opening of a Child Protective Services case when there is a history of parental incarceration, if the families do not otherwise qualify for Family Preservation Services, in order to work to prevent parental recidivism.
- **Recommendation for DSHS 5:** Consider the establishment and funding of a program in Juvenile Rehabilitation Administration similar to the residential parenting program at the Washington Correctional Center for Women for juvenile parents in order to encourage early bonding and parenting skills, and establish supports upon release for young parents. The new program should include children born before incarceration to broaden the eligibility criteria.
- **Recommendation for DSHS 6:** Consider allocating and providing additional funds to develop a pilot program for children and families of incarcerated parents in the mental health system by offering time-limited service during a parent's transition home to provide evaluation, assessment, psycho/social education, and family therapy.

¹ Currently established monthly child support debt accrues during incarceration unless the offender modifies their child support order. That often leads to the parent accruing child support debt that they may not be able to pay while incarcerated or upon reentry.

Recommendation for Office of the Superintendent of Public Instruction

OSPI worked to assess its programs, policies, and services statewide, collaborating with schools, communities, and the other required state agencies to lay a foundation for work related to the children and families of incarcerated parents population. This effort involved the 295 school districts and the diversity of services provided within each.

- **Recommendation for OSPI 1:** Consider allocating specific funding for teacher and staff training, creating curriculum in coordination with other agencies that serve children and families of incarcerated parents for education and school staff in Educational Service Districts, school districts and Early Childhood programs on the special needs of children of incarcerated parents; creating curriculum for staff in juvenile justice facilities and prevention/intervention programs on the special needs of children of incarcerated parents; and include information in certificate and professional development college programs for educators on children and families of incarcerated parents.
- **Recommendation for OSPI 2:** Consider allocating specific funding to provide additional counselors, social workers, and other staff positions in all schools to address issues related to children and families of incarcerated parents at the local level; include funding for coordination of support for children's social-emotional needs pre-and- post-visitations and participation with local non-profits for support services.
- **Recommendation for OSPI 3:** Consider allocating specific funding for tools to provide and disseminate age-appropriate tool-kits including books and videos for each school building in the state (school districts each have tool kits); add tools that address grief, loss and trauma; provide support groups for students whose parents are incarcerated in conjunction with schools; work with DOC to create and support a parent-child book club.

Recommendations for Department of Early Learning

The Department of Early Learning (DEL) worked to complete an assessment and collaborate with other agencies that serve children and families of incarcerated parents to improve communication and plan future work. DEL provided their own funding to assess their programs, policies, and services in order to improve outcomes for children and families of incarcerated parents.

- **Recommendation for DEL 1:** Consider providing specific funding to dedicate staff time to work closely with state agencies and local service providers to ensure that the safety of the child and their non-incarcerated parent or caregiver remains paramount.
- **Recommendation for DEL 2:** Consider allocating specific funding for dedicated staff time to support task force efforts to be fully inclusive of current and formerly incarcerated parents, as well as non-incarcerated parents and caregivers of their children in the work of the task force.
- **Recommendation for DEL 3:** Consider allocating specific funding to provide technical assistance to agencies on issues relating to children's early learning success and in supporting families during a parent's incarceration.
- **Recommendation for DEL 4:** Consider allocating specific funding to partner with and fund community service providers to deliver specialized parenting education and support services that:
 - Promote a child's healthy development and life and early learning success.
 - Respects and supports the interests and needs of the family and caregivers during a parent's incarceration.

Additional Committee Recommendations

The Children and Families of Incarcerated Parents Advisory Committee has two additional recommendations related to data systems that span state agencies. RCW 43.63A.068 requires the committee to collect agency data on children of the incarcerated and the services that these children receive. Collecting this data over time has the potential to inform when and how services are provided to families affected by incarceration.

Children and families affected by parental incarceration receive services from many state and non-state service providers. Increased coordination of services will reduce the cost of services and reduce duplicative efforts. The committee has identified many opportunities for improving service across agencies for children and families of incarcerated parents. Multiple federal and state laws currently make care providers reluctant to share information.

- **Additional Recommendation 1:** Strengthen and continue data-sharing efforts between state agencies that track offenders and the children and families of incarcerated parents for the purposes of research.
- **Additional Recommendation 2:** Strengthen and continue data-sharing work for children and families of incarcerated parents for the purpose of service-level data sharing to coordinate and provide services to families.