

**Submission  
No 8**

## **SUPPORT FOR CHILDREN OF IMPRISONED PARENTS IN NEW SOUTH WALES**

**Organisation:** Royal Australian and New Zealand College of Psychiatrists

**Date Received:** 27 February 2020

28 February 2020



The Royal  
Australian &  
New Zealand  
College of  
Psychiatrists

New South Wales Branch

Mr Matthew Mason-Cox  
Member of the Legislative Council  
Chair, Committee on Children and Young People  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Mason-Cox,

**Re: Submission to inquiry into support for children of imprisoned parents**

The NSW Branch ('the Branch') of the Royal Australian and New Zealand College of Psychiatrists welcomes the opportunity to make a submission to the above inquiry.

The issues raised and recommendations made in our submission reflect the views and concerns of our clinicians and the communities they serve, all of whom want to see more effective and better resourced services and programs to support children of imprisoned parents and mentally ill parents in custody.

Children who have a mother and/or father in prison are an invisible group and need a lot more attention than they are currently receiving from government if we are prevent problems such as mental ill-health and adverse contact with the criminal justice system arising in the future. Our submission draws attention to the needs of parents with a mental illness in custody too. As far as we are concerned, the needs of both groups need to be addressed.

We recognise there is no easy solution to this particular problem; it's just that a lot more can be done to help this vulnerable group. Our submission calls for better policies to be developed and implemented, extra funding for front-line services, greater use of diversion by police and the courts, and better data collection so that we can better identify who these children and link them up with the right service. The unique circumstances Aboriginal and Torres Strait Islander people need to be a focus area of the Committee.

The Branch commends the Committee on Children and Young People for initiating this inquiry. We would welcome the opportunity to make further submissions to the Committee if required.

If you would like to discuss our submission, please contact please contact [REDACTED]

Yours sincerely,

Dr Angelo Virgona  
Chair, RANZCP NSW Branch Committee



The Royal  
Australian &  
New Zealand  
College of  
Psychiatrists

Inquiry into support for children of imprisoned parents

28 February 2020

# Improve the mental health of communities

### Introduction

The NSW Branch ('Branch') of the Royal Australian and New Zealand College of Psychiatrists ('RANZCP') welcomes the opportunity to make this submission to the NSW Parliament's *Inquiry into support for children of imprisoned parents*.

RANZCP is a membership organisation that trains doctors to be medical specialists in the field of psychiatry, supports and enhances clinical practice, advocates for people affected by mental illness and advises governments on mental health care.

The NSW Branch of RANZCP has almost 1600 members including more than 1200 Fellows and 400 trainees. As mental health specialists, psychiatrists are well positioned to provide constructive input into improving outcomes for children affected by parental incarceration.

### About our submission

In preparing our submission, the Branch consulted with a number of its expert committees, which included the RANZCP's Subcommittees of Addiction Psychiatry, Forensic Psychiatry, Child and Adolescent Psychiatry, and Child and Adolescent Forensic Psychiatry. These Subcommittees/Sections have extensive expertise, knowledge and experience in treating and conducting research in the area of mental health and links with the justice system including imprisonment of parents.

Where appropriate, our submission uses case studies to highlight relevant issues, such as gaps in service provision, and to demonstrate both specific and broader impacts of parental incarceration on children, their families and their community.

In keeping with who we are and what we do, we would like our submission to shine a light on imprisonment and its strong links to mental illness and the adverse impacts this has on both the incarcerated individual, their child(ren), and their family members. In many respects, this particular issue – supports for children of imprisoned parents – speaks to the failings of government policy in addressing the causes of imprisonment (and mental ill-health in many people) which include poverty, poor education, outcomes, unstable housing, domestic violence and/or sexual abuse and trauma.

We wish to acknowledge that solutions to reduce the effects of parental incarceration on children are not easy; it will require a concerted effort from multiple organisations, both and non-government, as well as a major cultural shift in how our justice system, in particular correctional facilities, respond to the needs of children and their imprisoned parent(s).

Governments also need to address the long term economic and social costs of imprisonment to prevent further development of intergenerational offending, and occurrences of recidivism.

Accordingly, our submission examines:

- The extent of the problem
- Impacts of imprisonment on children
- Effectiveness and adequacy of existing policies

- Recommendations

### Summary of recommendations

Our submission recommends:

1. The Committee review and note the recommendations contained in the recently released Productivity Commission report into mental health which relate to childhood development and supports for mentally ill people in the justice.
2. The development of a clear and coherent policy framework for services to support families of people in custody.
3. Government invest more in specialist services and support for families. Existing community-based not-for-profit organisations like Shine for Kids and Children of Parents with a Mental Illness are well placed to respond to children impacted by parental incarceration.
4. Government continue addressing the underlying causes of crime (e.g. poverty, lack of affordable housing, unemployment, lack of access to affordable healthcare etc.).
5. Government increase funding for services and programs that divert offenders' away from the criminal justice system.
6. Government do more to find appropriate housing, healthcare and employment for people exiting prison. Optimal mental health care is critical for these prisoners, with flow-on benefits for their children and domestic partners. Finding safe, stable and affordable housing is one of the major challenges faced by prisoners on release.
7. Government establish a database that better identifies children of imprisoned parents so that appropriate supports can be provided in a timely manner. Data is needed to evaluate programs, inform research, track outcomes etc. This database needs to be a shared resource with relevant service providers and researchers.
8. Further investment in developing a workforce that engages with impacted families.
9. Government consider findings from (UK) Farmer review which recommends reforming the prison system and environment to make it more conducive to family relationships and their rehabilitation.

### Extent of the problem

It has been estimated that approximately 145,000 children under 16 years of age have experienced parental incarceration in Australia at some point in their lives [1]. In NSW in 2001 the number of children 16 years and under who has ever

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<sup>1</sup> NSW Parliament Hansard Legislative Assembly Fifty-Seventh Parliament First Session Thursday, 30 May 2019 [cited 12 February 2020]. Available from <https://api.parliament.nsw.gov.au/api/hansard/search/daily/pdf/HANSARD-1323879322-105656>

experienced parental incarceration was estimated to be about 60,000 children [2]. Back then the prison population was 7,750 almost half what it is today (13,600) [3]. Based on these figures, it is estimated that up to 100,000 children under the age of 16 years of age could be impacted by parental incarceration. This figure represents 7.7% of all children in NSW and 25% of all Aboriginal children [4].

According to the most recent Justice Health Network Patient Health Survey, nearly 50% of those surveyed indicated receiving some form of psychiatric care prior to their current period of incarceration. A higher proportion of women (54.9%) reported this compared to men (48.8%) [5].

Aboriginal and Torres Strait Islander people with mental health conditions are over-represented in the prison population. Approximately 66% of Aboriginal and Torres Strait Islander men and 81% of Aboriginal and Torres Strait Islander women in prison have a diagnosed mental health condition [6].

It has also been estimated that up to 80% of Aboriginal and Torres Strait Islander women in prison are mothers [7]. Aboriginal and Torres Strait Islander children are more likely than non-Aboriginal and Torres Strait Islander children to experience not only the imprisonment of a parent, but also to experience repeat parental imprisonment.

Although data are not routinely collected on the parental status of prisoners, the Australian Institute of Health and Welfare's (AIHW) study of the 2015 National Prisoner Health Data Collection found that 46% of prison entrants had children who depended on them for their basic needs: Aboriginal and Torres Strait Islander entrants (54%) were more likely than non-Aboriginal and Torres Strait Islander entrants (43%) to have dependent children [8].

It is important to note that there is no official figure on how many children have a parent(s) in prison or whose parents are involved in other parts of the criminal justice system (e.g. arrest, bail, trial, probation etc.) for that matter. This is probably because no one is counting. Clinicians working with the children and families

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<sup>2</sup> Legislative Assembly for the ACT. Standing committee on community Services and social equity. The forgotten victims of crime: families of offenders and their silent sentence. June 2004. [Cited 12 February 2020] 142 p. Report no.6. Available from [https://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0004/375439/cs06supportservices1.pdf](https://www.parliament.act.gov.au/_data/assets/pdf_file/0004/375439/cs06supportservices1.pdf)

<sup>3</sup> Bureau of Crime Statistics and Research (BOCSAR). NSW Custody Statistics March 2013 to December 2019. NSW. 2019. [Cited 12 February 2020]. Available from [https://www.bocsar.nsw.gov.au/Pages/bocsar\\_media\\_releases/2019/mr-NSW-Custody-Statistics-Quarterly-update-Mar-2019.aspx](https://www.bocsar.nsw.gov.au/Pages/bocsar_media_releases/2019/mr-NSW-Custody-Statistics-Quarterly-update-Mar-2019.aspx)

<sup>4</sup> The figures are based on proportion of Aboriginal people currently in custody (25%) and proportion of Aboriginal children aged 0-15 relative to non-Aboriginal children.

<sup>5</sup> Justice Health & Forensic Mental Health Network. Network Patient Health Survey. 2015. [Cited 12 February 2020]. 92 p. Available from [https://www.justicehealth.nsw.gov.au/publications/2015\\_NHPS\\_FINALREPORT.pdf](https://www.justicehealth.nsw.gov.au/publications/2015_NHPS_FINALREPORT.pdf)

<sup>6</sup> Justice Health & Forensic Mental Health Network. Network Patient Health Survey Network Patient Health Survey – Aboriginal People's Health Report. 2015. [Cited 12 February 2020]. 45 p. Available from <https://www.justicehealth.nsw.gov.au/publications/2015NPHSReportAboriginalPeoplesHealthReport.pdf>

<sup>7</sup> Human Rights Law Centre and Change the Record. Over-represented and Overlooked: The Crisis of Aboriginal and Torres Strait Islander Women's Growing Over-imprisonment. May 2017. [Cited 13 February 2020]. 51 p. Available from [https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/59378aa91e5b6cbaaa281d22/1496812234196/OverRepr esented\\_online.pdf](https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/59378aa91e5b6cbaaa281d22/1496812234196/OverRepr esented_online.pdf)

<sup>8</sup> Australian Institute of Health and Welfare. The Health of Australia's Prisoners. (2015). Report 31. [Cited 14 February 2020]. 224 p. Available from <https://www.aihw.gov.au/getmedia/9c42d6f3-2631-4452-b0df-9067fd71e33a/aihw-phe-207.pdf.aspx?inline=true>

affected confirm that the lack of data about how many children are affected and who they are is a barrier to adequate and timely support for children.

### Impact on children and parents

A significant body of research by governments, non-government and research organisations has noted the adverse impacts of parental incarceration. A 2013 Senate inquiry into the value of a justice reinvestment approach to criminal justice in Australia reported that:

Children with an incarcerated parent commonly experience a similar pattern of traumatic events, often witnessing their parent's crime and arrest, losing a parent, the disruption of their family environment, and the difficulties associated with visiting their parent within the prison system. Children with parents in prison are also more at risk of abusing drugs and alcohol, dropping out of school and exhibiting aggressive and/or antisocial behaviours [9].

A literature review undertaken by the University of Cambridge found that parental incarceration is a strong risk factor and possible cause for adverse outcomes including antisocial behaviour, offending, mental health problems (depression, anxiety, post-traumatic stress), alcohol and drug addiction, and unemployment [10]. The research highlights possible causes of these adverse outcomes:

The trauma of parent-child separation, children being made aware of their parent's criminality, family poverty caused by the imprisonment, strained parenting by remaining caregivers, stigma, and stresses involved in maintaining contact with the imprisoned parent.

Children of incarcerated parents have been found to have a higher risk of poor social, emotional, physical, cognitive and communicative development than other children, leading the researchers to suggest that parental incarceration constitutes an independent causal risk factor for children's development [11].

In consultations with Fellows, many highlighted the links between parental incarceration and increased risk of entry of children into the institutional care system (i.e. out-of-home-care) and other vulnerabilities such as homelessness, alcohol and drug abuse, and adverse contact with the criminal justice system. Recent research by Human Rights Law Centre and the Change the Record Coalition found:

Children whose mothers spend time in prison are more likely to have a disrupted education, poor health and unstable housing – factors that heighten the risk of a young person entering child protection or justice systems.<sup>12</sup>

Our Fellows also told us parental incarceration can have far-reaching effects on the social and economic position of the family and the development of children. This view is consistent with academic research that shows children of imprisoned parents

<sup>9</sup> Senate Legal and Constitutional Affairs References Committee. Parliament of Australia, Inquiry into the Value of a Justice Reinvestment Approach to Criminal Justice in Australia. June 2013. [Cited 14 February 2020]. 154 p. Available from [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Completed\\_inquiries/2010-13/justicereinvestment/report/index](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/justicereinvestment/report/index)

<sup>10</sup> Murray J, Farrington D. The Effects of Parental Imprisonment on Children. 2008. Crime and Justice. 37(1): 133-135.

<sup>11</sup> Bell MF, Bayliss DM, Glauert R, Ohan JL. Using Linked Data to Investigate Developmental Vulnerabilities in Children of Convicted Parents. 2018. Developmental Psychology. 54(7) 1219.

<sup>12</sup> Human Rights Law Centre and Change the Record. Over-represented and Overlooked: The Crisis of Aboriginal and Torres Strait Islander Women's Growing Over-imprisonment. 2017 Report 13. [Cited 13 February 2020] Available from [https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/59378aa91e5b6cbaaa281d22/1496812234196/OverRepr esented\\_online.pdf](https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/59378aa91e5b6cbaaa281d22/1496812234196/OverRepr esented_online.pdf)

are likely to experience higher rates of poverty, homelessness, food insecurity and lower rates of school completion [13].

Academic research has shown that children who experience a parent going to prison as a child are more likely than their peers to engage in criminal behaviour themselves. One statistic indicates that children of incarcerated parents are, on average, six times more likely to become incarcerated themselves [14]. A similar relationship is found to exist between mental illness of a parent and elevated risk in criminality of children [15].

The NSW Justice Health Network Patient Health Survey Report 2015 made a number of statistical findings relating to the prevalence of parental incarceration among inmate populations. It found that nearly one in five (18.7%) inmates reported that either or both of their parents had been incarcerated during their childhood [16]. The AIHW report into prisoners' health found this was much higher (26%) among Aboriginal and Torres Strait Islander peoples [17].

### ***Impacts on the parent***

The needs of the parent in custody cannot be overlooked when developing policy responses to supports for children of imprisoned parents. As noted earlier, nearly 50% of people in prison had prior contact with a mental health service within 12 months of their incarceration. A significant proportion of these individuals are likely to be a parent of a young child or children.

Recent research on the health and well-being of parents in custody provides reasons for concern about the potential flow on effect to their families. This research shows that parents in prison have significantly worse health and well-being than parents in the community. This is particularly so in terms of mental health and alcohol and drug issues. Indeed, the higher incidence of mental illnesses in parents in prison poses considerable risks to families and needs to be factored in to the development of interventions for families [18].

When we consulted our Fellows about this issue, they told us prisoners with mental ill-health do not have access to effective treatment programs, and often wait long periods of time before receiving support. Without adequate care in custody, individuals with mental health conditions are released back into the community without proper rehabilitation, with the possibility that their condition has worsened during their term of imprisonment.

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<sup>13</sup> Murphy D, Cooper MP. Parents Behind Bars: What Happens to their Children? October 2015 Report [Cited 14 February 2020]. Available from <https://www.childtrends.org/wp-content/uploads/2015/10/2015-42ParentsBehindBars.pdf>

<sup>14</sup> Cox M. The Relationships between Episodes of Parental Incarceration and Students' Psycho-Social and Educational Outcomes: An Analysis of Risk Factors. 2009. Temple University Philadelphia. Cited in Martin E. Hidden Consequences: The Impact of Incarceration on Dependent Children. 2017, March. [Cited 17 February 2020]

<sup>15</sup> Dean K, Mortensen PB, Stevens H, Murray E, Walsh E, Agerbo E. Criminal conviction among offspring with parental history of mental disorder. 2012. Psychological Medicine. 42:571–581.

<sup>16</sup> Ibid

<sup>17</sup> Australian Institute of Health and Welfare. The Health of Australia's Prisoners. (2015). Report 31. [Cited 14 February 2020]. 224 p. Available from <https://www.aihw.gov.au/getmedia/9c42d6f3-2631-4452-b0df-9067fd71e33a/aihw-phe-207.pdf.aspx?inline=true>

<sup>18</sup> Dean K, Mortensen PB, Stevens H, Murray E, Walsh E, Agerbo E. Criminal conviction among offspring with parental history of mental disorder. 2012. Psychological Medicine. 42:571–581.



If we are serious as a community about supporting these families then we cannot pretend that their well-being is not closely linked to that of their family member in custody and their mental health. In this regard the policies and practices in corrections towards inmates affects their families. When we consider the evidence that regular contact with the prisoner's family reduces reoffending rates by 39% and lead to improved behaviour in prison, [19] it behoves policymakers and the like to do everything it can to ensure these relationships are encouraged, strengthened and supported.

### **Adequacy and effectiveness of policies**

The Fellows with whom we consulted on the development of this submission were all in agreement that existing policies are grossly inadequate and ineffective in supporting children of imprisoned parents regardless of whether the parent has mental illness or not. There is simply no systematic approach to identifying children of imprisoned parents and developing a coordinated response to their particular needs. In our view and given the bi-directional nature of the problems and challenges, policies need to be focused on the needs of the imprisoned parent and affected child(ren).

Everything we have noted in our submission is symptomatic of a justice system that is unresponsive to the needs of children and their mentally ill parent in custody; too often, the impact of the justice system is to punish and entrench disadvantage, rather than providing support and promoting rehabilitation.

The over-representation of people with mental illness and Aboriginal and Torres Strait Islander people in our prisons tells us that the current justice system is failing to address the underlying causes of offending and re-offending. It is patently clear that strategies other than imprisonment are needed and that these need to be identified and implemented quickly particularly if we are serious about 'closing the gap' between Aboriginal and non-Aboriginal people and preventing intergenerational offending.

While there are obvious and distinct differences between the adult criminal justice and mental health systems, children of parents with a mental illness (COPMI) share many characteristics of children of imprisoned parents. Children of imprisoned parents exhibit high rates of mental health issues, stigma, shame and anti-social behaviour, yet service provision and advocacy for these equally vulnerable groups is vastly different.

The families of prisoners do not appear to be the core business of any government department and are often overlooked in developing and implementing new social policy or in changes to existing social policy and programs. In consultations, several Fellows argued for integrated family, social and economic policies and for these to be underpinned by robust policies and more investment in diversion, rehabilitation, and post-release programs.

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<sup>19</sup> May C, Sharma N, Stewart D. Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004 (2008). London: Ministry of Justice. Research Summary 5. 8 p. Cited in The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime. 2017. Ministry of Justice.

Numerous reports, studies and reviews have shared the conclusion that unnecessary demand and custodial sentences for primary care-givers simply does not work. It destroys families and can sometimes set whole families on pathways to vulnerability and criminality. It can also throw already vulnerable people, particularly Aboriginal and Torres Strait Islander women and people with severe mental illness into cycles of deeper abuse, homelessness and poverty, even when sentences are short. This is not an issue that is the responsibility of one government department; the solution does not sit in one ministerial portfolio.

The Branch believes that relevant government and community agencies (corrections, justice, health, education, community services including housing) need to work collaboratively to develop a coherent policy framework for enhancing support services for families.

### Recommendations

There is no shortage of things government can do to better support children of imprisoned parents and the parent him or herself especially if they have a mental health condition. Many of these are proposed in the Productivity Commission's recently released inquiry into mental health which examined many parts of the mental health system and recommended changes and extra investment for children services and supports for people in the justice system [20]. Specifically, these include:

1. Increased importance at each stage of the justice system on identifying people at higher risk of mental illness, enabling early care intervention and ensuring effective links back into the community for continuity of care on release
2. Better use of childhood services to identify and enable early intervention for social and emotional development risks

Would like to recommend that Committee review and take note of the recommendations contained this report. In addition, we would like to make the following recommendations:

**Develop a clear and coherent policy framework.** There needs to be a coherent policy framework for services for families of people in custody. The framework needs to describe what will happen to a child(ren) when a parent comes into contact with the justice system (at its earliest point), how various agencies will work together to implement policies that support children and their imprisoned parent, and what resources will be made available to achieve this end. The framework needs to inform the actions of police, prisons, government departments and agencies and schools when dealing with these children.

**Invest in specialist services and support for families.** Any action plan developed as a result of this inquiry must recognise the need for specialist services for children of imprisoned parents. Community-based and not-for-profit organisations like Shine for Kids and Children of Parents with a Mental Illness (COPMI) have a lot of

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<sup>20</sup> Pages 77 (justice system) 82 (early childhood) and of the Productivity Commission Draft Report Overview & Recommendations.

experience working this group [21]. If we are serious about redirecting the trajectory of a child's life away from intergenerational cycles of crime and social exclusion, then more funding is needed for organisations like these.

**Address social determinants.** Imprisoned parents and their children need to be provided with the necessary supports to address underlying issues such as homelessness, mental health and alcohol and drug dependencies. For this to be realised, all parts of the community services sector which includes education, community services, and justice, need to work together in a coordinated and flexible manner to intervene at all 'touch points' to prevent adverse contact with the justice system. These services also need to be sustainably funded.

**Divert individuals from the justice system.** It is the NSW Branch's position that the incarceration should only occur as a last resort, for the shortest possible period of time and with the decision informed by the best interests of the child. Police and courts need to continue making use of the range of diversionary powers available to them in order to reduce adverse contact with the criminal justice system. Wherever possible, parents who have committed (minor) offences and have young children should be managed in community settings with primary caregivers to ensure their attachment relationships are not threatened. This commitment is particularly relevant for Aboriginal and Torres Strait Islander people and people with mental health conditions who are grossly overrepresented in the criminal justice system and whose rates of diversion are extremely low (1.5%) [22].

**Provide post-release support.** To decrease the likelihood of reoffending agencies like Corrective Services need to develop and expand post-release transitional services that aim to reintegrate individuals leaving detention back into the community in core areas of accommodation, housing and income support. Social measures such as those underpinning justice reinvestment need to be developed and implemented to assist Aboriginal families to raise their children before they become enmeshed in the justice system. Moreover, the underlying causes of poverty and transgenerational trauma need to be the focus of such efforts.

**Better collect data to identify effective responses.** We need to be able to identify who a child in need of support is when a parent comes into contact with the justice system so that effective prevention and diversion measures can be developed. The collection of data needs to happen early on, not when the parent is imprisoned, but when the police are involved, or at the very least, when the parent appears in court.

**Build the capability of the workforce.** Given their increased vulnerabilities, children of imprisoned parents are likely to need additional support from government and non-government services. Equipping professionals and front-line practitioners with the skills to support children affected by imprisonment serves as an early intervention and may help minimise some of the negative outcomes for children. Training also helps to challenge ingrained attitudes within individuals or teams which may in some cases perpetuate stigma or unconscious discrimination.

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<sup>21</sup> COPMI are merging with Emerging Minds, a National Workforce Centre for Child Mental Health ([www.emergingminds.com.au](http://www.emergingminds.com.au))

<sup>22</sup> NSW Mental Health Commission. Submission to the Adequacy of Youth Diversionary Programs in NSW. (2018). [Cited 20 February 2020]. 11 p. Available from [parliament.nsw.gov.au/ladocs/submissions/59739/Submission%208.pdf](http://parliament.nsw.gov.au/ladocs/submissions/59739/Submission%208.pdf)

**Consider implementation of recommendations in (UK) Farmer review.** The UK completed a comprehensive review on the importance of strengthening prisoners' family ties to prevent reoffending and reduce intergenerational crime. We believe it provides a valuable reference for the government to look at ways at reforming the prison system and environment to make it more conducive to family relationships and offenders' rehabilitation.