

**Submission  
No 10**

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

**Organisation:** SHINE for Kids

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# THIS IS *Shine*

## **Supporting Children of Prisoners and Reducing Barriers to Family Connection**

**SHINE for Kids Submission to New South Wales Parliamentary Inquiry:  
Children of Prisoners Programs and Policy**

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## Executive Summary

SHINE for Kids welcomes the review and is pleased to provide a submission. Our submission draws on over 30 years of practice, research and advocacy experience on the specific needs of children of prisoners in New South Wales and nationally.

SHINE for Kids was originally known as the Children of Prisoners' Support Group, and was created following the release of *The Children of Imprisoned Parents Report*, commissioned by the Family and Children's Services Agency in 1982. In 2004, our name was changed to SHINE for Kids.

SHINE for Kids acknowledge that despite some positive developments, many of the 97 Recommendations from the 1997 *Standing Committee on Social Issues A Report into Children of Imprisoned Parent*<sup>1</sup> chaired by SHINE's late Patron The Hon Ann Symonds AC largely remain unimplemented. 23 years later many of those recommendations are again outlined as significant changes in policies and services for children of prisoners remain unfulfilled despite the good work of many committed individuals within the not for profit sector and government.

Children whose parents are imprisoned remain largely invisible and are a highly vulnerable group whose rights and welfare are affected at every stage of criminal proceedings against their parent.

In New South Wales the rights of children of incarcerated parents remain largely unacknowledged within the criminal justice system. Children of prisoners fall through the cracks created by inadequate program funding, ad hoc service provision and a lack of clarity in law and policy as to how best to respond to them and ensure their rights and needs are met.

At a state and national level there is lack of robust, long-term evaluations of policies and programs addressing the intergenerational impacts of incarceration and effectiveness of programs and policies supporting children of prisoners and their carers.<sup>2</sup>

Children are confronted with a host of challenges when a parent or caregiver is in conflict with the law.

- They have to contend with the break-up of their family and may need to be placed in alternative care where in many cases they are more vulnerable to violence, abuse, neglect and exploitation.
- Losing their primary caregiver may result in financial hardship and make it difficult to access health services and education.
- They experience discrimination and stigma as a result of their parent's status as a suspect, defendant or convicted prisoner.

When a parent spends time in prison, away from their family and community, it creates an adverse childhood experience for children that has lifelong impact. To fully understand the harmful effects of incarceration on the parent-child relationship, we must first recognise the importance of that relationship to a child's healthy development, which is underscored by attachment theory. Attachment theory is rooted in the knowledge that children should experience warm, intimate, and continuous connections with their parents or parental figures in a way that produces satisfaction and enjoyment.<sup>3</sup> These relationships are crucial to a child's lifelong physical and psychological well-being. Research

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<sup>1</sup> Standing Committee on Social Issues A Report into Children of Imprisoned Parent Report July 1997 Number 12

<sup>2</sup> Indigenous people in Australia and New Zealand and the intergenerational effects of Incarceration Research Brief 26, December 2019.

<sup>3</sup> Bowlby, J (1951) "Maternal Care and Mental Health." Bulletin of the World Health Organization 3 p355-534.

suggests that children of incarcerated parents are more likely to have insecure attachments to their incarcerated parents and primary caregivers.<sup>4</sup>

The Adverse Childhood Experience (ACE) Study confirms that growing up experiencing an incarcerated household member - especially a parent - prior to age 18 leads to many negative health and behavioural outcomes. Parental incarceration is more than a temporary separation of child and parent, and incarceration affects children differently than other forms of parental loss (e.g., divorce or death) because of the associated social stigma and the uncertainty surrounding the length of the separation.<sup>5</sup> A recent study which examined the relationship between parental imprisonment and other ACEs showed that children who experienced parental imprisonment were more likely to have experienced other ACEs than children who had not experienced parental imprisonment – specifically, parental imprisonment was associated with a fivefold increase in exposure to ACEs. These differences remained when demographic and socioeconomic factors were controlled for.<sup>6</sup>

Successive governments have acknowledged that adverse childhood experiences have a lifelong impact on children. This has been recognised with a number of national apologies including the 2008 Apology to the Stolen Generation, the 2009 Apology to the Forgotten Australians and the 2018 National Apology to Victims and Survivors of Institutional Child Abuse.<sup>7</sup>

Families affected by parental incarceration experience more trauma than most families, which can manifest as depression, anxiety, irritability, aggression, social isolation, difficulty sleeping, behavioural regression and an inability to regulate emotions and behaviours.<sup>8</sup> As a result, partners, parents and children of prisoners need the support of society, not just because of the key role they can play in offender rehabilitation, but also because of the hidden sentence they are serving, without having committed any crime themselves. Family members need to be acknowledged as potential assets who are essential to making prisons places of purpose, but they must also be treated with respect and decency by all staff in prisons.

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<sup>4</sup> Poehlmann, J, (2005) "Representation of Attachment Relationships in Children of Incarcerated Mothers." *Child Development* 76 (3 p.679-96.

<sup>5</sup> Arditti, Joyce, and Savla (2015) "Parental Incarceration and Child Trauma Symptoms in Single Caregiver Homes." *Journal of Child and Family Studies* 24 (3) p 551-61.

<sup>6</sup> Turney, K. (2018). Adverse childhood experiences among children of incarcerated parents. *Children and Youth Services Review*, 89, 218-225.

<sup>7</sup> McFarlane, Kath (2019) Submission: Queensland Productivity Commission Inquiry: Imprisonment and Recidivism p.2

<sup>8</sup> Sack, William, and Seidler (1978) "Should Children Visit Their Parents in Prison?" *Law and Human Behavior* 2 (3): 261-66.



Image 1: Impact of Parental Incarceration on Children of Prisoners

Aboriginal and Torres Strait children experience parental incarceration at a greater rate than non-Indigenous Australians. Aboriginal and Torres Strait Islander children are placed in out of home care at a greater rate than non-Indigenous Australians. The over-representation of Aboriginal and Torres Strait Islander women within the female prison population is of serious concern. As stated by the Aboriginal and Torres Strait Islander Social Justice Commissioner June Oscar, “when there is a systems failure as there currently is with our incarceration system, First Australians always suffer a disproportionate impact. And the most vulnerable to this failure, the latest victims, are our women. The trajectory of incarceration in this nation shines a glaring light on the systemic inequality experienced by Aboriginal and Torres Strait Islander peoples”.<sup>9</sup> Disrupting the intergenerational effects of incarceration of Indigenous peoples in New South Wales is a critical justice and societal issue.

Continued silence on this issue is costly – we cannot afford to ignore the link that multiple systems have and are continuing to fail the most vulnerable people in our community. Nationally and internationally decades of research and advocacy have described the school suspension to prison pipeline<sup>10</sup>, abuse to prison pipeline<sup>11</sup> and foster-care to prison pipeline.<sup>12</sup> The incarceration of primary care givers and the placement of children of prisoners into out of home care continues this cycle and ultimately results in today’s most vulnerable children being placed on a trajectory of being incarcerated themselves.

As stated by Dr Kath McFarlane, “many of the children taken into care following parental imprisonment will follow the same path, with young women in care likely to become pregnant and then have their child removed while they themselves are still in the care system. The risk is exacerbated if the young woman is involved in the justice system while in care. Research also indicates that for many women, the removal of their child precipitates their incarceration, rather than the incarceration leading to child removal, as is

<sup>9</sup> Imprisonment rates of Indigenous women a national shame (2018)

<https://www.humanrights.gov.au/news/stories/imprisonment-rates-indigenous-women-national-shame>

<sup>10</sup> Crawley and Hirschfield (2018) “Examining the School-to-Prison Pipeline Metaphor” in Oxford Research Encyclopedia of Criminology

<http://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-346?print=pdf>.

<sup>11</sup> Saada Saar, Epstein, Rosenthal and Vafa (2015) “The sexual abuse to prison pipeline: the girls story”. Human Rights Project for Girls Georgetown Law Center on Poverty and Inequality Ms. Foundation for Women [http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015\\_COP\\_sexual-abuse\\_layout\\_web-1.pdf](http://rights4girls.org/wp-content/uploads/r4g/2015/02/2015_COP_sexual-abuse_layout_web-1.pdf).

<sup>12</sup> Lowenstein, K., (2018) “Shutting Down the Trauma to Prison Pipeline Early”, Appropriate Care for Child-Welfare Involved Youth, Citizens for Juvenile Justice.

*often assumed. It is the intersection of these systems that has the most significant and negative impact on children of prisoners”.*<sup>13</sup>

Despite their vulnerability there has been little examination of the needs of children of prisoners by a range of government departments and agencies including police, courts, corrective services, juvenile justice, community services and education. Children of prisoners confront a complex range of issues that cross the boundaries of multiple agencies. Consequently, agencies can overlook the consequences of incarceration for children, which span health, social, education, housing and justice related impacts.

In this submission we celebrate programs and initiatives in New South Wales and internationally that support children of prisoners. Recommendations on law reform for incarcerated parents are also made as law reform is an important part of supporting children of prisoners. Reduced incarceration, and greater support for people in contact with the criminal justice system, will improve health, social and economic outcomes of children of prisoners and lead to a safer society for all.

Whilst some progress has been made in recognising the value of maintaining family ties for the offender, there is much more that needs to be done to both recognise and realise the mutual benefits of maintaining and strengthening ties for an offender’s family and children. Maintaining family ties is not only predictive of more successful desistance from offending, but also improves social outcomes for children with a parent in prison.

Largely government departments and associated services work in silos, seeing only their service and the ‘bit’ of the person with which their service deals. Nowhere is this more apparent than in the case of children of prisoners, with no particular national body or group currently taking responsibility for them, and a distinct lack of whole family support. This is despite the fact that a whole family approach is mutually beneficial for all agencies involved in the criminal justice system, and agencies outside the criminal justice system that deal with children of prisoners. As a result, support is often fragmented, short-term, narrow in scope, made in isolation, and lacks continuity due to insufficient government funding.

A whole family, holistic approach is a win-win situation both within and outside the criminal justice system. However, the current system does not provide any shared objectives to facilitate the joint working that is required to provide a coordinated, whole family approach.

In New South Wales provision for prisoners and their families in New South Wales is largely provided by the voluntary and community sector. SHINE for Kids acknowledges the many excellent family services working in custody and in community to support families and ensure prisoners and families are able to stay in touch. While they are providing excellent services individually, and have built significant expertise over time, their presence does not conceal what is effectively a systemic failure of public services to find a way to join up their systems.

We call on the Premier of New South Wales to take leadership of this issue and urge the Prime Minister develop a *‘Prevention of Intergenerational Interaction with Criminal Justice System Fund’* to support the rollout of a national strategy for children of prisoners. It is devastating to think that many of the children of prisoners discussed in the 1997 report may now be incarcerated themselves with many of the same recommendations being made again for their children.

SHINE For Kids also acknowledges that children of prisoners are not just children of risk but children of promise and we are privileged to walk alongside them as they face their parent’s incarceration with

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<sup>13</sup> McFarlane, Kath (2019) Submission: Queensland Productivity Commission Inquiry: Imprisonment and Recidivism p.8

resilience. We acknowledge the hard work of families on the outside including grandparents and carers who struggle to navigate a system that largely ignores them.

Recognising the impact of sentencing, imprisonment and resettlement on the whole family is likely to reduce reoffending, mitigate the harm of parental imprisonment on children and families, and address intergenerational offending. The recommendations enclosed add up to a major but realistic package of measures, which would transform outcomes for children of prisoners and ultimately reduce the future likelihood of crime and reoffending.

SHINE for Kids would be pleased to discuss any aspect of this submission including the programs we currently deliver that aim to reduce the unnecessary hardship, trauma and discrimination faced by children of prisoners because of their parent's imprisonment.

**April Long**

**National Programs Manager**

**SHINE For Kids**



## Summary of Recommendations

### Aboriginal and Torres Strait Islander Parents Recommendations

**Recommendation 1:** The right of Indigenous communities to self-determination should underpin the development, implementation and ownership of strategies, policies and initiatives to address the high rates of parental incarceration experienced by Aboriginal and Torres Strait Islander children in New South Wales.<sup>14</sup>

**Recommendation 2:** That the Attorney General, the Minister for Corrections and the Minister for Families, Communities and Disability Services establish a program to ensure that all options for court diversion and non-custodial penalties are thoroughly exhausted before incarceration of Aboriginal and Torres Strait Islander parents is considered. SHINE for Kids urges that this recommendation be treated as urgent and that particular attention be paid to people in custody who are primary carers of children.<sup>15</sup>

**Recommendation 3:** That the Attorney General ensures that Aboriginal and Torres Strait Islander parents who repeat an offence are not automatically excluded from any diversionary or non-custodial sentencing option. SHINE for Kids urges that this recommendation be treated as urgent and that particular attention be paid to primary carers of children.<sup>16</sup>

**Recommendation 4:** That the Attorney General, Minister for Corrections and the Minister for Families, Communities and Disability Services ensure that Aboriginal and Torres Strait Islander parents are eligible for diversionary and non-custodial programs close to their communities by providing funds where necessary for community service programs or for youth conference outcomes. SHINE for Kids urges that this recommendation be treated as urgent and that particular attention be paid to primary carers of children.<sup>17</sup>

**Recommendation 5:** That following the implementation of diversionary programs the Attorney General monitor the outcomes to determine whether the courts are utilising diversionary and non-custodial options for Aboriginal and Torres Strait Islander people and in particular primary carers. These outcomes should be made publicly available.<sup>18</sup>

**Recommendation 6:** Invest in justice reinvestment through redirection of resources from incarceration to prevention, rehabilitation and support, in order to reduce reoffending and the long-term economic cost of incarceration of Aboriginal and Torres Strait Islander peoples.

**Recommendation 7:** The justice reinvestment body should be overseen by a board with Aboriginal and Torres Strait Islander leadership.<sup>19</sup>

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<sup>14</sup> <https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>

<sup>15</sup> Recommendation 4 Standing Committee on Social Issues , A Report Into Children of Imprisoned Parents July 1997

<sup>16</sup> Recommendation 5 Standing Committee on Social Issues , A Report Into Children of Imprisoned Parents July 1997

<sup>17</sup> Recommendation 6 Standing Committee on Social Issues , A Report Into Children of Imprisoned Parents July 1997

<sup>18</sup> Recommendation 7 Standing Committee on Social Issues , A Report Into Children of Imprisoned Parents July 1997

<sup>19</sup> Australian Law Reform Commission, Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Final Report No 133 (2017). Recommendation 4.1

## Sentencing Primary Care Givers Recommendations

**Recommendation 8:** The best interests of the child must be the primary consideration in relation to all actions that may affect children whose parents are in conflict with the law, whether directly or indirectly. The Attorney General should implement laws and policies to ensure this at all stages of judicial and administrative decision making during the criminal justice process, including arrest, pre-trial measures, trial and sentencing, imprisonment, release and reintegration into the family and community.

**Recommendation 9:** Individualised support for children of prisoners should commence at the time of parental arrest and continue through sentencing, incarceration and the re-entry of the parent into the community. This support should be funded by government as a priority.<sup>20</sup>

**Recommendation 10:** A sentence of imprisonment on a primary carer of children should only be imposed when all possible alternatives have been exhausted. The courts should always seek community-based alternatives, particularly in the case of parents who have committed non-violent offences. Data should be made publicly available on the number of primary carers who receive a custodial sentence.

**Recommendation 11:** Bangkok Rule 64<sup>21</sup> should be implemented. This states: “*non-custodial sentences for women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taken into account the best interests of the child or children, while ensuring the appropriate provision has been made for the care of such children*”. The application of the Bangkok Rules was limited to women because the mandate for these Rules only covered women, but the preamble recognised that the Rules should be applied equally to men in an equivalent position.<sup>22</sup> The scope should cover all parents and all sole or primary caregivers with whom children have the right to maintain contact.

**Recommendation 12:** Pregnant women and parents who are primary caregivers of young children or of people with disabilities should not be remanded unless they are charged with a serious offence such as murder, manslaughter or rape. Data should be made available on the number of primary caregivers who are remanded in custody.

**Recommendation 13:** A duty be introduced to require that the welfare of the child must be at the forefront of the judge’s mind and the impact of sentencing on children must be a distinct consideration to which full weight must be given by the courts.<sup>23</sup>

**Recommendation 14:** That the Attorney General ensure that, through judicial education, magistrates and judges always use the option of prison as a last resort when sentencing an offender who is the parent of dependent children, irrespective of the existence of mothers and children’s units in New South Wales prisons.<sup>24</sup>

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<sup>20</sup> Indigenous people in Australia and New Zealand and the intergenerational effects of Incarceration Research Brief 26, December 2019.

<sup>21</sup> United Nations, Standard Minimum Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

<sup>22</sup> Brett, R. (2018) “Best Interest of the Child when Sentencing a Parent: Some reflections on international and regional standards and practice” p.3.

<sup>23</sup> The Right to Family Life: children whose mothers are in prison – Report Summary Joint House of Commons and a House of Lords Committee Report.

<sup>24</sup> Recommendation 47 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997.

**Recommendation 15:** That the Attorney General monitor the sentencing patterns of magistrates and judges to ensure that prison is being used only as a last resort for parents of dependent children and make information publicly available.

**Recommendation 16:** That the Attorney General encourage magistrates and judges to use the option of sentencing a person who is pregnant to a term of imprisonment as a last resort and only in extreme circumstances. Data should be made available specifying the number of pregnant women who receive a custodial sentence.

**Recommendation 17:** That the Attorney General ensure that prior to sentencing an offender the courts are provided with reports from the Department of Communities and Justice on the impact of a custodial sentence of a parent on any dependent children of that parent.<sup>25</sup>

**Recommendation 18:** That the Attorney General extend the application of a good behaviour bond and community service orders to include the deferral of sentences during pregnancy and further, until after breastfeeding, when admission to the Mothers' and Children's Program is not possible.<sup>26</sup>

### Children in Care Recommendations

**Recommendation 19:** That the Minister for Families, Communities and Disability Services ensures that children in their care to make regular visits to meet their parents in prison. The visit should not be arranged however, when it is judged to be contrary to the child's best interests or when the child expresses the wish to avoid such visits.

**Recommendation 20:** Pursuant to Section 13 of the *Children and Young Persons (Care and Protection) Act 1998* Minister for Families, Communities and Disability Services recruit appropriate Aboriginal foster carers to care for Aboriginal children to visit their parents in custody.<sup>27</sup>

**Recommendation 21:** Acknowledging the high rate of removal of Aboriginal and Torres Strait Islander children into out-of-home care and the recognised links between out-of-home care, juvenile justice and adult incarceration, the Commonwealth Government should establish a national inquiry into child protection laws and processes affecting Aboriginal and Torres Strait Islander children.<sup>28</sup>

**Recommendation 22:** Following amendments to the *Children and Young Persons (Care and Protection) Act* and the *Adoption Act*, the Minister Families, Communities and Disability Services collect and make publicly available the number of children who have been adopted because of parental incarceration.

### Parents in Custody in Adult Complexes Recommendations

**Recommendation 23:** That the Minister for Corrective Services review the visiting arrangements in all New South Wales Correctional Centres as a matter of urgency.<sup>29</sup> Action should be taken to:

- I. Standardise visiting hours;
- II. Develop a scheme to notify families when visiting arrangements are altered including when a family member transferred to another complex;

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<sup>25</sup> Recommendation 33 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997.

<sup>26</sup> Recommendation 57 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

<sup>27</sup> Recommendation 8 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

<sup>28</sup> Australian Law Reform Commission, Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Final Report No 133 (2017). Recommendation 15.

<sup>29</sup> Recommendation 18 Standing Committee on Social Issues , A Report Into Children of Imprisoned Parents July 1997

- III. Ensure that when school days or public holidays interfere with all-day visits, alternative arrangements are introduced;
- IV. Provide child-friendly and appropriate visiting areas; and
- V. Ensure healthy food is available at visits.
- VI. Dedicated Child and Family Centre at all New South Wales prisons

**Recommendation 24:** That the Minister for Corrections extend SHINE for Kids invisit program to all New South Wales Correctional Centres. This includes a dedicated inside and outside children’s area with age appropriate furniture and activities facilitated by a qualified early childhood and children services practitioner.

**Recommendation 25:** Prison visits should be seen as an important opportunity to promote family bonds (meaning the prisoner and their children) rather than an incentive or punishment for parents in custody.

**Recommendation 26:** That the Minister for Corrections prohibit invasive security checks of children under the age of 16 years.

**Recommendation 27:** Corrections New South Wales should strive to provide access to contact that promotes the positive development of the relationship between children and incarcerated parents. This includes funding evidenced based programs that improve visits, communication and bonds between parents and children.<sup>30</sup>

**Recommendation 28:** That the Minister for Corrections ensure that children are not prevented from visiting their parent in custody because of any disciplinary action taken against the parent. In the event that drugs are brought into a prison via a child the prisoner responsible for the action is to be disciplined and the child should not be disadvantaged by a suspension of visits to a parent. This should specifically apply to SHINE Child Parent Days and Ride By Your Side transport program.

**Recommendation 29:** That the Minister for Corrections ensure that children are at all times permitted to have contact with their parents when on visits to prisons and that the practice of ‘boxed visits’ be discontinued when children are involved.<sup>31</sup> SHINE for Kids are able to supervise this contact so that it is child focused and just includes the imprisoned parent and child.

**Recommendation 30:** As part of any decision concerning prisoner transfers, governors should be required to produce a Family Impact Assessment that considers the proximity of prisoners to their children.

**Recommendation 31:** That the Minister for Corrections increase the number of telephones in each correctional centre to maximise the opportunities for children to speak with their inmate parent.

**Recommendation 32:** That the Minister for Corrections increase the time limits for STD calls between inmates who are parents and their children to 15 minutes.

**Recommendation 33:** That the Minister for Corrections ensure that all telephone conversations between inmates and their children take place in private.

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<sup>30</sup> Indigenous people in Australia and New Zealand and the intergenerational effects of Incarceration Research Brief 26, December 2019.

<sup>31</sup> Recommendation 22 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

**Recommendation 34:** That the Minister for Corrections ensure that any inmate involved in a custody dispute in relation to their children has access to legal assistance, is granted leave and is provided with transport to attend any court proceedings regarding the case.

**Recommendation 35:** That the Minister for Corrections extend the Mothers' and Children's Program, including the Fulltime Residence Program and the Occasional Residence Program, to Silverwater Women's Correctional Centre and Dillwynia Correctional Centre. The establishment of special facilities needed to properly accommodate children at all women's prisons and should be expedited.<sup>32</sup>

**Recommendation 36:** That the Minister for Corrections allow women on remand to access the Mothers' and Children's Program. Historical classifications should not prohibit participation in the program.<sup>33</sup>

**Recommendation 37:** That the Minister for Corrections ensure all pregnant women in custody receive appropriate and adequate ante-natal care and that such care be commensurate to that which a pregnant woman receives in the community.

**Recommendation 38:** That the Minister for Corrections ensure that when a pregnant woman is escorted to an outside medical practitioner or hospital she is afforded appropriate privacy. Under no circumstances should a departmental escort be present during a woman's labour.<sup>34</sup>

**Recommendation 39:** That the Minister for Corrections ensure that pregnant inmates serving a custodial sentence may apply for release at the time of and following the birth of their child and that the appropriate post release supports are available to those women who are successful in their application to assist them with the care of the baby. In carrying out this recommendation the best interests of the baby must be paramount.

**Recommendation 40:** That the Minister for Corrections ensure all pregnant inmates, whether on remand or serving a sentence, who are not released are given access to the Fulltime Residence Program. In carrying out this recommendation the best interests of the baby must be paramount.

**Recommendation 41:** That the Minister for Corrections ensure that adult parents in custody are incarcerated in facilities that are near to those where their child resides in order to facilitate visits between them, wherever such arrangements are possible.

**Recommendation 42:** That the Minister for Corrections examine the option of allowing imprisoned fathers as primary carers, to be detained with their children at Jacaranda Cottages on the site of Emu Plains Correctional Centre.

**Recommendation 43:** Corrective Services NSW invest in SHINE For Kids evidenced based parenting Program Keeping Us Together. This programs should be made available to all prisoners including:

- I. Male and female parents;
- II. Prisoners held on remand; and
- III. Prisoners serving short sentences.

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<sup>32</sup> Recommendation 60 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

<sup>33</sup> Recommendation 62 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

<sup>34</sup> Recommendation 66 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

## Through Care and Post Release Recommendations

**Recommendation 44:** That, as soon as possible, the Minister for Corrections introduce arrangements to encourage effective through care and post-prison support for inmates with children and their families. This is an appropriate starting point for through care in the adult corrections system.

**Recommendation 45:** That the Minister for Corrections require a post-release plan for all inmates to be developed and in particular, for inmates with children, to assist in the reintegration of the inmate into the community and the reunification with his or her family. The plan for each individual should commence when the inmate is inducted into the designated correctional facility and continue for a minimum of 12 months post release. Community organisations with post release experience and expertise should be funded to deliver these services throughout New South Wales.<sup>35</sup>

**Recommendation 46:** That as part of a prisoner's post-release plan the Minister for Corrections ensure that all inmates, and particularly those with children, have suitable accommodation upon their release, and handing that over to FACS.

**Recommendation 47:** That the Minister for Families, Communities and Disability Services ensure that inmates who are the primary carers of children receive priority housing from the Department of Communities and Justice once they are released from prison.

**Recommendation 48:** That the Minister for Families, Communities and Disability Services and the Minister for Corrections establish a Housing client service team for all prisons in New South Wales and publicly report on outcomes achieved.

**Recommendation 49:** That the Premier urge the Federal Minister for Social Security to ensure that clear guidelines are provided to prisoners on the social security benefits to which prisoners are entitled upon their release or when subject to community-based sanctions.

**Recommendation 50:** That the Premier urge the Federal Minister for Social Security to provide all information on social security entitlements for prisoners in their own languages throughout New South Wales.

## Young Parents in Youth Justice Recommendations

**Recommendation 51:** That the Premier raise the criminal age of responsibility to 14 and the minimum age at which a child can be placed in detention to be raised to 16.

**Recommendation 52:** That the Minister for Families, Communities and Disability Services ensure that statistics are maintained on the number of young parents in custody in order that appropriate policies and programs are developed for these young people and, in particular, their children. This data should be made publicly available.<sup>36</sup>

**Recommendation 53:** That the Attorney General ensure that, through judicial education, community-based sentencing options are always be the first response of magistrates when sentencing a young parent and that custodial sentences be used only as a last resort. This should particularly be the case for young people who are pregnant or the primary carers of children.

**Recommendation 54:** That the Attorney General ensure, through judicial education, that children's magistrates in rural areas make every effort to find relevant solutions to issues of sentencing young

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<sup>35</sup> Recommendation 36 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997.

<sup>36</sup> Recommendation 80 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997.

people and particularly, those with children, so as to avoid the option of incarceration and the removal of young parents from their communities.

**Recommendation 55:** That the Minister for Families, Communities and Disability Services ensure that young parents in custody with children and particularly those who are pregnant are made thoroughly aware of their opportunity to elect to have their matter determined by a youth conference.

**Recommendation 56:** That the Minister for Families, Communities and Disability Services revise the classification system for juvenile detainees to reflect their needs and provide access to programs without compromising security requirements. The new classification system should ensure that young people on remand or classified persons, especially those who have children or who are pregnant, are eligible for appropriate leave.

**Recommendation 57:** That the Minister for Families, Communities and Disability Services introduce a Mother-Child Residency Program as a matter of urgency.<sup>37</sup>

**Recommendation 58:** That the Attorney General provide judicial education to inform magistrates and judges that the existence of the Mother-Child Residency Program should not influence them in their sentencing decisions in regard to young women with children and young pregnant women. Detention should always be a sentencing option of last resort.<sup>38</sup>

**Recommendation 59:** That the Minister for Families, Communities and Disability Services ensure that, in cases where young parents in custody are the primary carers of children, the Department of Communities and Justice prepare a report for the presiding magistrate about the effect that any sentence may have on the children. Such a report should be prepared in addition to any report prepared on the young person by officers of the Department of Communities and Justice.<sup>39</sup>

**Recommendation 60:** That the Minister for Families, Communities and Disability Services institute regulations to ensure that uniform policies governing telephone contact are adopted across New South Wales Youth Justice Centres.

**Recommendation 61:** That the Minister for Families, Communities and Disability Services increase the number of telephones in each Youth Justice Centre to maximise the opportunities for children to speak with their detained parent.

**Recommendation 62:** That the Minister for Families, Communities and Disability Services ensure that all telephone conversations between detainees and their children take place in private.

**Recommendation 63:** That the Minister Families, Communities and Disability Services ensure that visits by children of detainees be of unrestricted length and number, as long as sufficient notice is given, and staff are available for supervision. Visiting areas should be child-friendly and have appropriate facilities for children.

**Recommendation 64:** That the Minister for Families, Communities and Disability Services expand the number of residential accommodation units for visitors and, in particular for the children of parents in

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<sup>37</sup> Recommendation 80 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997.

<sup>38</sup> Recommendation 80 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997.

<sup>39</sup> Recommendation 80 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997.

custody, at all Youth Justice Centres. Such units are to be used for those visitors who are required to travel long distances to visit a detainee.

**Recommendation 65:** That the Minister for Families, Communities and Disability Services include a specialist post-release service in the Mother-Child Residency Program to provide appropriate and continuing assistance to young parents in custody or those who are pregnant at the time of their release from a juvenile justice centre.<sup>40</sup>

### Transport and Capital Expenditure Recommendations

**Recommendation 66:** That the Minister for Transport and Roads and the Minister for Regional Transport and Roads ensure that adequate and accessible public transport is available to and from New South Wales Correctional Centres. Such public transport should be established to facilitate:

- I. visits between inmates and their children; and
- II. the reunification process between inmate and his/her children following release.

**Recommendation 67:** Corrections NSW should invest in supported transport services for children with a parent in prison due to parents being imprisoned long distances from their children. This service has previously been funded by government and currently remains unfunded for children of prisoners across New South Wales. SHINE must rely on donations and community grants to currently provide this service.

**Recommendation 68:** Capital expenditure on building new correctional centres or modifying existing facilities prioritise infrastructure that supports family integration and child-friendly visiting areas including a dedicated Child and Family Centre at all New South Wales prisons.

### Training Recommendations

**Recommendation 69:** That the Minister for Families, Communities and Disability Services work with SHINE for Kids to introduce a training course to overcome the negative stereotypes of parents who are prisoners for all out of home care case managers who work with children of those parents. The proposed training program should be implemented as a matter of urgency and without delay.<sup>41</sup>

**Recommendation 70:** That the Minister for Education and Early Childhood work with SHINE for Kids to implement guidelines for teachers and school counsellors to assist them to recognise children whose parents are in prison and respond in an appropriate and sensitive manner.<sup>42</sup> In partnership with University of Western Sydney, SHINE for Kids has developed National Education Standards Australia (NESA) accredited Teacher Training.

**Recommendation 71:** That the Attorney General work with SHINE for Kids to develop and implement training for members of the magistracy and judiciary to enable them to take into account the impact which a custodial sentence for an accused person may have on his or her dependent children. This training should include the impact of colonisation, intergenerational dispossession, and intergenerational trauma, the connection between a history of removal, being placed in care and subsequently incarcerated as an adult.

**Recommendation 72:** That the Minister for Corrections work with SHINE for Kids to institute a training program for all correctional staff to develop positive methods of interaction with the families,

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<sup>40</sup> Recommendation 92 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

<sup>41</sup> Recommendation 12 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

<sup>42</sup> Recommendation 16 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

particularly the children, of inmates.<sup>43</sup> SHINE for Kids currently provides officer training at Parklea Correctional Centre as part of a Correctional Officer's Induction.

**Recommendation 73:** That the Attorney General develop and implement an education program for judges and magistrates to encourage the use of non-custodial sentencing options for drug and other non-violent parents in custody. The research to develop this program should be undertaken by the NSW Judicial Commission and data made available on the use of non-custodial sentences for non-violent offences.

### Governance Recommendations

**Recommendation 74:** That the Premier urge the Prime Minister develop a 'Prevention of Intergenerational Involvement with Criminal Justice System Fund' to support the development of a NSW strategy and the rollout of a national strategy for children of prisoners.

**Recommendation 75:** That the Premier develop a State Committee and urge the Prime Minister to commission a national study on children of prisoners to be undertaken by the National Children's Commissioner.

**Recommendation 76:** That the Premier direct the Department of Communities and Justice to meet with SHINE for Kids to develop policies and programs to meet the needs of children of imprisoned parents.

**Recommendation 77:** That the Minister for Families, Communities and Disability Services establish a comprehensive network of Children of Prisoners' Officers throughout New South Wales, with at least one designated Officer in each administrative region.

**Recommendation 78:** That the Minister for Corrections appoint a Children's Officer in Corrective Services NSW to ensure the needs of children residing with their mothers in Correctional facilities are being met.

**Recommendation 79:** That the Minister for Police and the Minister for Families, Communities and Disability Services collaborate to ensure that a strong liaison is developed between the Police Service and the network of Children of Prisoners' Officers within the Department of Communities and Justice so that police officers make appropriate reference to the Children of Prisoners' Officers for the benefit of children when a parent is arrested. The Minister for Families, Communities and Disability Services should ensure that access to the network of Children of Prisoners' Officers is available at all times.

### Data and Evaluation Recommendations

**Recommendation 80** That the Minister for Families, Communities and Disability Services establish and maintain a data system on all children whose parents are in prison and who are in the substitute care system or are under the Minister's care. The data system should be used to assist the Department of Communities and Justice to formulate practical and sensitive policies for this group of children. Data should be made publicly available to inform the appropriate development of programs and policies by the community sector.<sup>44</sup>

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<sup>43</sup> Recommendation 19 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

<sup>44</sup> Recommendation 2 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997

**Recommendation 81:** That the Minister for Corrections collect data on the number of inmates in prison who are parents. Such data should be made publicly available and used to establish appropriate policies and practices that facilitate contact between these inmates and their children.<sup>45</sup>

**Recommendation 82:** Corrective Services NSW should work with Australian state and territory governments to develop an annual national survey on parenthood to ensure early prevention services and support can be appropriately allocated.

**Recommendation 83:** All programs and policies implemented need to incorporate rigorous monitoring and evaluation processes. Evaluations need to have Indigenous perspectives, methods and methodologies embedded to ensure outcomes.<sup>46</sup>

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<sup>45</sup> Recommendation 3 Standing Committee on Social Issues, A Report Into Children of Imprisoned Parents July 1997.

<sup>46</sup> Indigenous Evaluation Strategy. Productivity Commission Issues Paper June 2019.

## Aboriginal and Torres Strait Islander Parents Recommendations

*Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.*<sup>47</sup>

Law and justice system reform is a critical component of the response required to reduce Indigenous incarceration rates and ensure less Aboriginal children are adversely impacted by parental incarceration. It is estimated that 20 percent of Indigenous children have at least one parent in prison at any time.<sup>48</sup> Presently, 30% of all SHINE for Kids clients are Aboriginal and Torres Strait Islander children.

At the national level, the Australian Bureau of Statistics reports that there are almost 42,800 adults in full-time custody, with Aboriginal people representing 28% of the national imprisonment rate (11,800 Aboriginal people).<sup>49</sup> This is in spite the fact that Indigenous people make up only 2.8% of our national population. Indigenous Australians are imprisoned at the highest rate of any people in the world.<sup>50</sup>

New South Wales has the highest incarceration rate across Australia (31%), and the highest Aboriginal and Torres Strait prisoner population (28% of NSW prisoners are Indigenous)<sup>51</sup> despite only being only 2.9% of the total NSW population. This is a state crisis that disproportionately impacts children of prisoner.

Looking more specifically at Aboriginal mothers in the most recently available data from 2018, the Bureau of Crime Statistics and Research (BOCSAR) found that the number of women being imprisoned in NSW over the past six years has increased by 50% (from 682 to 1,021 women).<sup>52</sup> This is mostly affecting Aboriginal women, whose imprisonment rate has increased by 74% (from 195 to 340 women), compared with a 40% increase by non-Aboriginal women. The two biggest factors impacting this pattern is the number of women appearing before the court and over-policing of women. The number of women held on remand has doubled. BOCSAR finds that these women are not committing more serious offences.<sup>53</sup>

Aboriginal women in prison are twice as likely to have both their parents also in prison when they were children. They have suffered psychotic disorders. They are less likely to have any visitors whilst in prison. Aboriginal women are also half as likely to have been employed prior to prison. Corrective Services NSW data shows that Aboriginal women statistically receive less visits from their children. Only 12% of all visits that Aboriginal women receive include their children.

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<sup>47</sup> Uluru Statement from the Heart [https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru\\_Statement\\_From\\_The\\_Heart\\_0.PDF](https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF)

<sup>48</sup> Quilty, S (2005). The magnitude of experience of parental incarceration in Australia. *Psychiatry, Psychology and Law*, 12(1): 256-257.

<sup>49</sup> ABS 2019.

<sup>50</sup> Thalia Anthony 2017 FactCheck Q&A: Are Indigenous Australians the most incarcerated people on Earth? *The Conversation* <https://theconversation.com/factcheck-qanda-are-indigenous-australians-the-most-incarcerated-people-on-earth-78528>

<sup>51</sup> ABS 2019.

<sup>52</sup> BOCSAR 2018.

<sup>53</sup> Racial and Gender Justice for Aboriginal Women in Prison 18 July 2019 <http://www.powertopersuade.org.au/blog/racial-and-gender-justice-for-aboriginal-women-in-prison/18/7/2019>

As reported by Kelly-Anne Stewart Principal Advisor on Women Offenders at Corrective Services NSW the reoffending rate for Aboriginal women is 52.6% versus 42.2% for non-Aboriginal women.<sup>54</sup> The most damning is that Aboriginal women are five times more likely to have been imprisoned over 11 times.

Issue	Aboriginal %	Non-Aboriginal %
Parents imprisoned	32	15
Employed before custody	12	34
No visits whilst in prison	59	36
11+ incarcerations	9.5	2
Head injuries	37	19
Hazardous AOD	80	63
Psychotic disorders	9	4
ADD or ADHD	12	6
Are parents	65	57
Children living with them prior to custody	16	17

*Source: reproduced from Kelly-Anne Stewart (2019). Data from [AIHW 2015](#)*

The rate at which Aboriginal and Torres Strait Islander women are imprisoned has been identified as a reflection of the multiple and layered nature of the disadvantaged faced.<sup>55</sup> The links between entrenched disadvantage, including social, cultural and economic forms, and increased rates of criminal justice contact, are well-established.<sup>56</sup> A cycle of ongoing disruption—caused partly by repeated low-level offending and short terms of incarceration — can exacerbate existing disadvantage and make it extremely difficult for Aboriginal women to reintegrate back into family and community post release. A lack of contact with children during incarceration can make it very difficult for reintegration or reunification with children post release,

<sup>54</sup> Racial and Gender Justice for Aboriginal Women in Prison 18 July 2019 <http://www.powertopersuade.org.au/blog/racial-and-gender-justice-for-aboriginal-women-in-prison/18/7/2019>

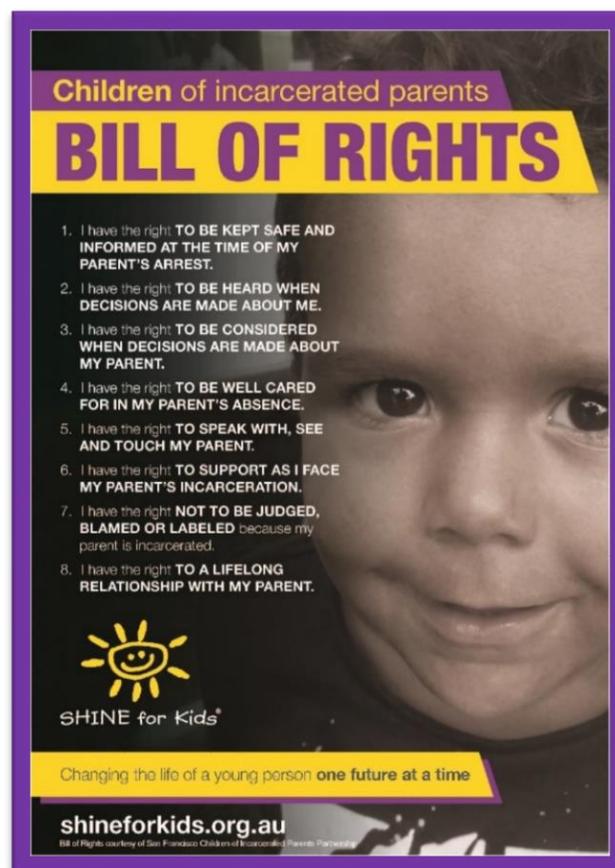
<sup>55</sup> Human Rights Law Centre and Change the Record Coalition; Victorian Equal Opportunity and Human Rights Commission, *Unfinished Business: Koori Women and the Justice System* (2013) 84; Sisters Inside, Submission No 69 to Senate Standing Committees on Legal and Constitutional Affairs, *Value of a Justice Reinvestment Approach to Criminal Justice in Australia* (March 2013) 4-7.

<sup>56</sup> See Commonwealth, *Royal Commission into Aboriginal Deaths in Custody, National Report* (1991) vol 4; Senate Standing Committees on Finance and Public Administration, *Parliament of Australia, Aboriginal and Torres Strait Islander Experience of Law Enforcement and Justice Services* (2016) 126; Senate Standing Committees on Legal and Constitutional Affairs, *Parliament of Australia, Value of a Justice Reinvestment Approach to Criminal Justice in Australia* (2013) 27–42; Human Rights Law Centre and Change the Record Coalition, above n 1, 16; Drugs and Crime Prevention Committee, *Parliament of Victoria, Inquiry into the Impact of Drug-Related Offending on Female Prisoner Numbers: Interim Report* (2010) v–vi.

A New South Wales study in 2014 revealed that 70% of the Aboriginal and Torres Strait Islander female prisoners disclosed they were survivors of child sexual abuse, with 44% subject to ongoing sexual abuse as adults and 78% experiencing violence as adults<sup>57</sup>.

In 2017, the United Nations Special Rapporteur on Violence Against Women emphasised the crucial importance of diverting Aboriginal and Torres Strait Islander women from the criminal justice system — particularly those who are mothers — and recommended that state and territory governments amend laws that contribute to their unnecessary imprisonment.<sup>58</sup> In NSW we are yet to see this recommendation actioned.

The key drivers of over-representation of Indigenous people in prisons will not be addressed by a single initiative or program. Instead, whole of system solutions are required across a range of traditional government policy and portfolio areas, including education, health, human services, welfare and justice.<sup>59</sup> Aboriginal children of prisoners are largely invisible in this picture with little focus on their needs and their right to stay connected to their parent in custody. As outlined by *Children of Incarcerated Parents Bill of Rights* project in San Francisco children of prisoners have the right to remain connected with their incarcerated parent.



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<sup>57</sup> Mary Stathopoulos and Antonia Quadara, 'Women as Offenders, Women as Victims: The Role of Corrections in Supporting Women with Histories of Sexual Abuse' (Women's Advisory Council of Corrective Services NSW, 2014) 18.

<sup>58</sup> United Nations Special Rapporteur on the Rights of Indigenous Peoples, End of Mission Statement by the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, on Her Visit to Australia (2017).

<sup>59</sup> Indigenous incarceration: Unlock the facts <https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>

## Belonging to Family Program

In New South Wales there is a limited number of Aboriginal led solutions to supporting Aboriginal children with a parent in prison. SHINE for Kids is federally funded through the Indigenous Advancement Strategy to support Dunghutti Elders to deliver the Belonging to Family program at the Mid-North Coast Correctional Centre and in the Kempsey community. Belonging to Family aims to reduce the re-offending of Indigenous parents upon release, improve co-parenting, support family and community relationships, and increase the wellbeing of children of prisoners by reducing their developmental risks including their risk of offending, and improving their life opportunities.

For the past 8 years Belonging to Family has successfully assisted incarcerated Indigenous parents and their families to address the complex issues that influence criminal behavior (poverty, drug and alcohol use, lack of cultural identity/belonging) and ensuring that support mechanisms are in place to reduce the likelihood of re-offending. The program works with the inmate, the family and community agencies to strengthen supportive family relationships and safer communities. The program adopts a whole of life approach to address influencing criminogenic factors to reduce recidivism rates and break the cycle of intergenerational offending behaviour.<sup>60</sup>

This is achieved through the participation of the inmate and their partner, with support for their children and family members in the pre-release period, as well as ongoing case-management of parents in custody post-release, linking with SHINE for Kids and local community services. The gap that this unique program fills is in the delivery of a program which is grounded in Indigenous cultural values and realities that provides the skills, strategies and support needed to successfully reintegrate the inmate back into family and community; impacting the children, family and wider community.

Over a 10 week period inmates (with 6-12 months left to serve on their sentence) and their partners participate in group work through Belonging to Family. Group work aims to reduce recidivism by providing inmates with a closer bond with their children and partners; support change in families and relational behaviours to create environments in which violence (against women, children, men and within the community) is no longer considered an acceptable means of expression; to support healthy family relationships.

Participants are invited to consider their importance to, and responsibility for, their children's wellbeing, education and their future, as well as that of their partner – and increase their self-knowledge in the process.

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<sup>60</sup> <https://www.sbs.com.au/news/how-do-kids-cope-with-parents-in-prison>

### **Case Study: Kerry's Story**

A recovering ice addict, Kerry had lost all contact with her three daughters. She thought she would never see them again. Serving a nine month sentence, Kerry completed SHINE's 'Belonging to Family' program at Mid-North Coast Correctional Centre for Koori mothers in custody. Before, Kerry had been able to push her hurt away, ignoring her problems and numbing her pain with ice. Participating in the program was a huge stepping stone for Kerry, helping her recover her mothering instincts. She understood for the first time the impact of addiction on her children and family and began to make amends. SHINE for Kids gave Kerry hope, the belief that she really was, and could be a good mother. Learning how to make better choices, she is in control of her life now and is on the path to being a better role model and mother to her kids. Now her mother in law is opening her eyes again to Kerry and is relieved she had been seeking support to be a better parent. Working together they have changed the conditions of the AVO order so Kerry can have contact with her three daughters and Kerry is looking forward to shared care on her release.

## Sentencing Primary Caregivers

Prison should be an absolute last resort and certain offences should never lead to prison. The number of women and men in custody in New South Wales on remand has increased steeply over the past five years.

Time on remand is a punishment with harmful effects that go beyond the loss of liberty. Imprisonment of a parent even for a short period of time involves the forcible separation of parent and child and interferes with the rights of the child by depriving the child of parental care and contact.

Unnecessary remands are a waste of public funds. Current practices impose a punishment, before conviction, which is often disproportionate to the alleged offence. Moreover, remanding primary caregivers in custody creates wider, long-term costs, such as the cost of children being placed into out of home care and the detrimental impact on children's wellbeing and education.

Concerns raised by courts include the risk that the defendant will fail to attend trial, interfere with witnesses, or commit an offence while on bail. However, courts have the power to impose bail conditions to address these concerns, rather than remanding a primary-caregiver to custody whose charges would not lead to a custodial sentence. A primary care giver should only be refused bail and remanded for violent offences.

The point of sentencing represents an opportunity for services to ensure the well-being of the family left behind. It is a point when one arm of public services (the courts and criminal justice services) makes a decision that is of interest to another part of public services (children's services). Courts should inform the relevant local authority when they have sentenced a parent to custody. Building a 'prompt' in the form of a notification system into our public service infrastructure is of course only part of the picture. From there we need to ensure that the needs and circumstances of the family left behind are identified and build the evidence base for the programs that work best to build resilience in children and families. Building effective partnerships between prisons, local authorities and probation services and community sector which can overcome the prison walls in order to develop whole family approaches that nurture family ties is vital and current lacking in New South Wales. Whilst individual programs that achieve results will be highlighted below they are not all delivered at one location for all children of prisoners.

The holistic implementation of these programs is an opportunity not only to reduce reoffending for adults but to halt the cycle of intergenerational offending and improve outcomes for children of prisoners today. This is a child welfare and a crime prevention opportunity which is currently unrealised in New South Wales.

## Profiling Programs that work in New South Wales Prisons

In New South Wales there is a current gap in policy and practice for children with a parent in prison. Being subsumed within a 'vulnerable' group overlooks the unique needs of children of prisoners. Of the policies that do exist, most relate to criminal justice rather than welfare needs and have a deficit approach since these children receive attention because of the role of family life in re-offending and their own possible antisocial behavior. Despite the advocacy efforts of SHINE for Kids there is no state or national guidance around recognising children of prisoners as a distinct group of children in need, and the absence of any mechanism to notify schools or the local authority when a parent enters custody will in most cases mean that the event goes unnoticed. Instead, the system unduly relies on children and parents self-identifying to SHINE for Kids or other community services that are unable to meet family's needs. As a result, in most cases help arrives only in response to the manifestation of distress or difficulty such as the behaviour of a child or absences from school.<sup>61</sup>

Whilst a family member is in custody, children have to cope on the outside with all the attendant practical and emotional problems, such as the impact of losing a parent (sometimes without notice), the family's loss of income, and sometimes the loss of their home. This may happen without explanation – frequently, children are not told what has happened, or are instructed to keep it a secret due to shame or stigma. Visiting a parent may mean long journeys to a strange place, to spend an hour or two with a parent who is unable to get out of their seat, resulting in unauthorised absences from school and a subsequent impact on educational attainment.

### Prison Invisits and Child Parent Days

Keeping in touch with family members who are in prison can be very difficult, and prison visits can prove to be a daunting experience for children. Contact between prisoners and their children, especially the opportunity to visit in a family-friendly environment, has the potential to improve the wellbeing of these children and improve their outcomes.<sup>62</sup>

Professor Dennison says prison visits can be unpleasant experiences. "Children don't like seeing a parent wearing a prison uniform. They don't look like their parent anymore. It's an unfriendly, artificial environment; there are metal tables and chairs; there are lots of people around".

"In some prisons, if a child goes to the toilet it turns into a non-contact visit and they can't hug at the end. The whole visit runs around security and fears drugs or other contraband will be exchanged. "We know if children can't have regular and positive contact it creates risks for their long-term wellbeing. Quality interactions with parents are important for emotional, cognitive and social development. "This can have big effects on children's sense of identity and belonging and can trigger later problems with academic achievement and early school drop-out."<sup>63</sup>

In the Lord Farmer Review it was highlighted that prisoners who receive visits from families or partners have a reoffending rate 39% lower than those who don't. The report highlights Lord Woolf's inquiry into

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<sup>61</sup> Children Of Prisoners Fixing a broken system Authors: Sarah Kincaid, Manon Roberts and Professor Eddie Kane February 2019.

<sup>62</sup> Nesmith, A., & Ruhland, E. (2008). Children of Incarcerated Parents: Challenges and Resiliency in Their Own Words. *Children and Youth Services Review*, 30(1), 1119-1130.

<sup>63</sup> I am the forgotten part of Australia's criminal justice system TUESDAY 28 NOVEMBER 2017 3:15PM Alexia Attwood <https://www.abc.net.au/triplej/programs/hack/parents-behind-bars/9201624>

the riots at Strangeways and other prisons in 1990 and notes that one of his 12 major recommendations was that there should be:

*Better prospects for prisoners to maintain their links with families and the community through more visits and home leaves and through being located in community prisons as near to their homes as possible.*

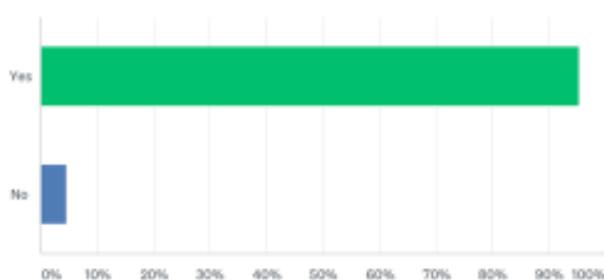
Though the Lord Farmer Review discussed provisions for the families of parents in custody, the focus of the review was overwhelmingly on the parent in custody, based on findings that maintaining family ties has a positive effect on reoffending rates. Though this is undoubtedly a positive finding, and a logical area to focus efforts to reduce recidivism rates, the result has been that children of prisoners are often discussed and treated as a resource if their parents management. Therefore, despite the positive outcomes that have occurred as a result of the Lord Farmer Review, its focus on the parent in custody means that an opportunity to reduce offending in the next generation by also looking at children of prisoners best interests is notably missed.

In New South Wales SHINE for Kids is only funded to work in 11 prisons in NSW - nine state run and two privately run. In 11 prisons we have a dedicated Child and Family Coordinator who is early childhood trained to run age and culturally appropriate activities in the visiting area. This means families and children can be supported for a number of years but once mum or dad are transferred to a prison where there are no SHINE services that support ceases. SHINE for Kids regularly receives requests from correctional officers, inmates, and families on the outside to provide services in all NSW prisons<sup>64</sup>. Support for children of prisoners should not be dependent on the luck of the draw in having a parent placed in a complex where government has acted on its responsibility to fund programs that meet their needs.

In a survey conducted with 87 families that SHINE supports with invisits, 95% of respondents told us that SHINE services help nurture, repair and maintain your child bond with their parent.

## Q2: Does SHINE services help nurture, repair and maintain your child bond with their parent?

Answered: 87 Skipped: 0



When asked whether children appear less stressed when visiting with SHINE Programs and Support 77% of parents and carers told us always.

<sup>64</sup> Most frequent request are for The Macquarie, Mary Wade, Shortland and Lithgow Correctional Centres.

### Q3: Do your child appear less stressed whilst visiting with SHINE's programs and support?

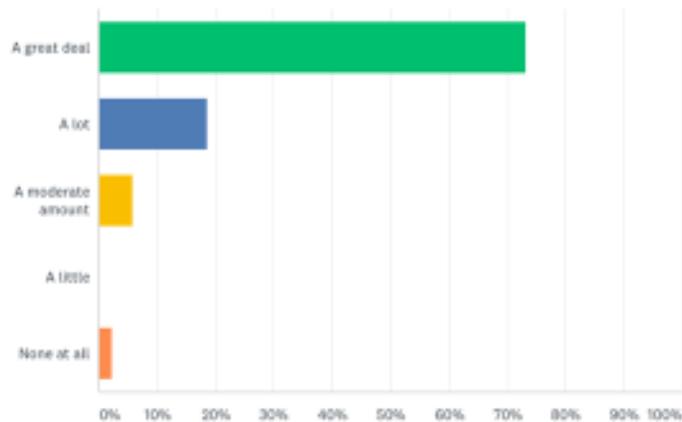
Answered: 87 Skipped: 0

ANSWER CHOICES	RESPONSES	
Always	77.01%	67
Usually	16.09%	14
Sometimes	3.45%	3
Rarely	1.15%	1
Never	2.30%	2
TOTAL		87

When we asked parents and carers of children of prisoners if SHINE makes it easier for children to visit their parent in prison 91% stated a great deal or a lot.

### Q4: Does SHINE make it easier for your child to visit their parent in prison?

Answered: 86 Skipped: 1



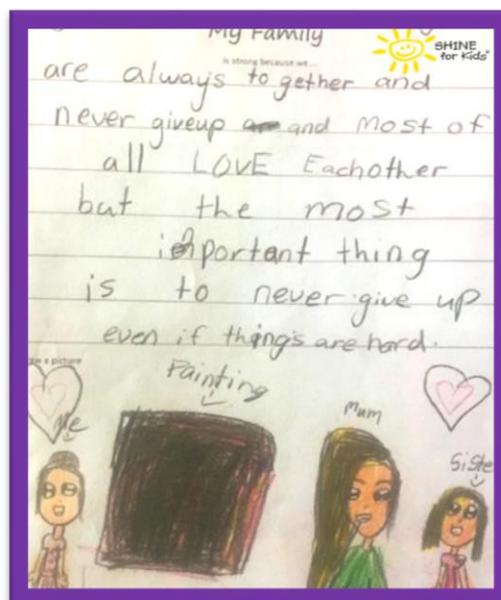
Child and Family Days in New South Wales are delivered at 10 prisons twice a year. They provide an opportunity for parents to have more natural interactions with their children, as incarcerated parents can move around the visiting area with their children and take part in joint activities. Prior to a reduction in funding to SHINE for Kids Child and Family Days where provided four times a year ensuring that every school holidays meaningful child focused visits occurred. However, now they only occur twice a year, can only accommodate a very small proportion of families, and are infrequent. Furthermore, though policy varies across prisons, they generally tend to favor well behaved prisoners, which again means family visits are used as an incentive rather than an opportunity for family connection, and lead once more to children being directly affected by their parents' behaviour in prison. This risks children being used as pawns in their parents' rehabilitation, and their needs and negative outcomes being ignored as a

result. Contact should (other than in exceptional circumstances) be based on a child's right to respect for family life rather than premised on an incarcerated parents behaviour in prison.<sup>65</sup>

Last year through our invists program we worked with over 7,148 children across 11 prisons. At the moment SHINE supports these young people when they enter the prison gates for visits. Through this, SHINE has developed long-term positive trusting relationships with children and families that enable us to deliver more intensive supports.

### Case Study: Lucy's Story

Lucy was angry. Having a parent in prison is so difficult for an eight year old child like Lucy to understand. While serving his two year prison sentence, through SHINE for Kids, Lucy was able to keep visiting her father. There, she told him he was "leaving them behind". With support from staff and volunteers, Lucy and her dad were able to work through her feelings. Talking and maintaining their connection as father and daughter. The visits became fun. Lucy's younger brother was just four, so her mum said they were off to visit dad at work. Once inside the prison visits area the children could talk, play and have fun alongside other children in the same situation. On a Child and Parent Day during the school holidays, Lucy and her brother spent four hours with their dad, playing games, doing craft and enjoying lunch together. How far this family has come together. On the day of Dad's release, Lucy came with her mum and brother to say goodbye at the centre. Together and with other family members, they sang 'Faafetai', a traditional Samoan song. As Lucy's mum explained, they were singing a heartfelt thank you, acknowledging the support SHINE for Kids had given to their family to help them move through this stressful time together. Holding her hand as he spoke, Lucy's dad said he could not wait to go home, watch his son play football and attend church as a family as they once had.



<sup>65</sup> The Right to Family Life: children whose mothers are in prison – Report Summary Joint House of Commons and a House of Lords Committee Report with recommendations to the Government.

## RISE Education Support and Teacher Training

Outside of the family home, schools are the next most significant place for children. Children of imprisoned individuals are less likely to attend school regularly, less likely to achieve higher grades, less likely to pursue higher education, and less likely to find work after school – this gap widens as they move through school and later life. School settings therefore present a key access point for providing early and individualised intervention.

Indicator	General Population	Parental Incarceration
Learning disability	7.41%	15.29%
ADD or ADHD	7.09%	18.01%
Depression	1.83%	6.20%
Anxiety	3.06%	6.99%
Behavioural or conduct problems	2.62%	10.39%
Developmental delays	3.33%	6.35%

*Kristin Turney Research United States 2014*

The evidence shows us that parental incarceration is independently associated with learning disabilities, behavioural or conduct problems, developmental delays, and speech or language problems. This above tables is research from Kristin Turney in the United States. In this paper she states:

*“I find that parental incarceration is independently associated with learning disabilities, attention deficit disorder and attention deficit hyperactivity disorder, behavioural or conduct problems, developmental delays, and speech or language problems. Additionally, numerous studies indicate a reduction in educational outcomes for children and adolescents with a family member in the justice system by the high school years studies indicate that ‘Imprisonment of a household member was associated with significantly greater odds of extended absence from high school and failure to graduate’<sup>66</sup>.*

Unfortunately research of this nature is limited in Australia. However, through a partnership with the University of Western Sydney and our RISE Education program SHINE For Kids is trying to build that evidence in New South Wales. Unfortunately, external evaluation of programs and policies for children of prisoners is poorly funded in New South Wales.

SHINE for Kids’ RISE Education program ensures that primary aged children receive one on one tutoring in the classroom weekly. A dedicated person who believes in them and can support them. SHINE currently delivers a place-based RISE program in Kempsey, Goulburn, Bathurst, and Cessnock. Nationally, we also provide programs in Townsville, Palm Island, Frankston and Brimbank. SHINE for Kids is currently funded by a mixture of philanthropic funding and corporate funding. However due to small amounts of funding we can only reach 230 students in New South Wales.

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<sup>66</sup> Turney, K., (2014) “Stress Proliferation across Generations? Examining the Relationship between Parental Incarceration and Childhood Health” *Journal of Health and Social Behavior* 55: 302.

Teachers in New South Wales do not receive any training as part of their teacher degree, most schools have no policies for children of prisoners. Teachers are unaware of how best to support children with a parent in prison. In partnership with the University of Western Sydney SHINE has developed a Teacher Training program accredited by National Education Standards Australia (NESA).

### **Case Study: External Evaluation University of Western Sydney Teacher Training Feedback**

#### **Most beneficial content/activities from the training**

It should be a compulsory component embedded in all child related courses from early years through to high school and it should be in every school.

The training was fantastic as this is an issue that has not been raised or discussed during pre-service teacher training

Make it compulsory

Its change my attitude on how I should deal with children

Not all students will end up in the system with the right support the cycle will be broken

Students still have a strong connection to their parent and there are many triggers through the school year with special occasions

Really highlighted that not 'being tarred with the same brush' – all have a chance to shine

Discussing incarceration of a parent from the child's perspective. This will help me understand what's going on for such a child and respond more appropriately and effectively.

#### **New learning as a result of the training**

Students require specific social, emotional and academic support whilst a parent is incarcerated. Specific things I can do as a teacher to support my students.

Children need to visit their parents to have that bond and connection Parents should be informed about their children's wellbeing and progress at school

School policy and how I can include these children in main stream. How I can change the use of my language and how I can incorporate things they like.

Incarceration of a parent is different from any other loss. As a teacher I can be part of the solution to a student coping with that loss.

A support system should not be just about behavior in the classroom but should encompass the whole family and school community to help build resilience in the child to be able to break the cycle of crime and incarceration.

Discussing incarceration of a parent from the child's perspective. This will help me understand what's going on for such a child and respond more appropriately and effectively

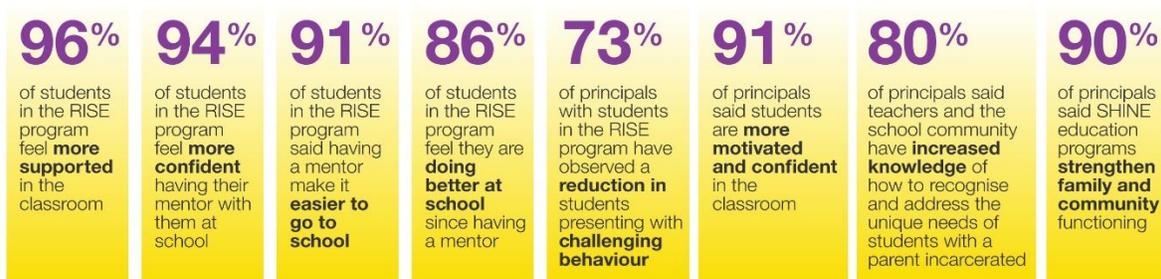
This innovative project is supporting teachers to enter a complex and have a parent teacher night with a parent in custody. How can we expect parents to engage in their children’s education post release if we don’t promote this during their incarceration?

Although schools and their staff have a significant role to play in supporting children with a family member in prison, it may not always be clear to teaching and non-teaching staff how they can specifically support children who experience this issue. Furthermore, it may be that school staff have not worked with children with a family member in prison before, and they may be unsure how to approach the subject.<sup>67</sup>

Quite often when our RISE Coordinators contact school principals they have no idea that the student identified had a parent in prison. This is due to the lack of a reliable mechanism for informing schools when a parent with a dependent child is sent to prison and the fact that it is not something families always share voluntarily, because of perceived shame and stigma. This means that teachers are simply unable to provide effective support to children who may experience bullying, struggle academically and develop behavioral problems. A call to schools to notify teachers of the family’s circumstances could make the difference in helping the child feel supported, intervening early before the associated issues take hold, and understanding and being aware of changes in behaviour. At the moment this only occurs in New South Wales for children that SHINE supports in our RISE Program.

As an established organisation SHINE for Kids have learnt what works and what doesn’t work. 96% of students in the RISE Program feel more supported in the classroom. 74% principals tell us that there is a reduction in students presenting with challenging behavior and 90% of principals said SHINE strengthens family and community functioning.

## RISE OUTCOMES



### *Principals Survey RISE Outcomes 2019*

RISE ensures that for the young person their school attendance is increased, educational outcomes are increased and young people have the self-esteem and confidence to break the cycle of intergenerational offending. We have outcomes-based accountability frameworks that ensures our short and medium term goals are monitored and achieved.

Once a year we hold RISE Together where we bring all our mentees and mentors together to reduce the stigma and lift the weight of loneliness. We focus on increasing self-esteem and increasing peer support. For one day they are not the only one with a parent in prison because they are with children just like them.

<sup>67</sup> Children affected by the imprisonment of a family member A handbook for schools developing good practice Barnardos UK 2014.

## Intensive Family Case Management

Different children find different parts of the criminal justice process traumatic – for some, arrest had the most traumatic impact, for others, when their parent didn't return home after court, or visiting a parent in prison, or their parent's release. As a result, a family's presenting issues at one point in the criminal justice journey may look very different to their presenting issues at another point. Therefore, integrated family supports needs to be child focused and adaptive to the individual child and family's needs.

Since 2014, SHINE for Kids has been contracted by NSW Family and Community Services under its Early Intervention and Placement Program (EIPP) to deliver Child and Family Support services in Western Sydney, targeting parents, carers and children affected by the criminal justice system. SHINE for Kids Intensive Family Case Management Services is flexible and adapting to the family's evolving circumstances. Trust is built at the outset and the program responds to the family's priorities which may include arranging visits or dealing with food relief and housing in the first instance. However, over time, and as trust builds, other needs emerge which widen the supports needed included resettlement.

### *Intensive Case Management and Resettlement*

The process of resettlement after release presents its own challenges to families and children, however this has been relatively under-researched compared to the impact of incarceration on families. SHINE for Kids' Intensive Family Case Management program provides support to families trying to manage the complexity of resettlement.

Expecting families to take a significant amount of responsibility for their relative's resettlement and rehabilitation may therefore put further pressure on individuals who are already experiencing considerable difficulties. Not all families will be willing or prepared to welcome their relative back into the family home upon release. Relationships may have changed significantly during incarceration, as well as family roles: family members may have become more independent and learned to cope on their own during their relative's sentence, which can be difficult for ex-prisoners to adjust to<sup>68</sup>.

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<sup>68</sup> Children Of Prisoners Fixing a broken system Authors: Sarah Kincaid, Manon Roberts and Professor Eddie Kane February 2019

The incarceration of a family member could even have provided relief or a respite for families who have had to deal with challenging issues which can be associated with offending behaviour such as domestic abuse, substance misuse, or crimes being committed against family members. This program is the only existing program in New South Wales that provides tailored reintegration support for families.

### Case Study - Elisa's Story

Elisa is struggling to cope while her partner is in prison. Her children, all with special needs, cry for their dad at night when they go to sleep. Recovering from an operation, she has limited family support to help her both physically and emotionally. They all miss him, but suffering with anxiety, visiting a correctional complex is a daunting process for Elisa. She did try to visit once. It was too much. Her anxiety escalating into a full panic attack. Elisa was so embarrassed. "I started crying in front of everyone else that was also going into the visits room and we didn't end up lasting 5 minutes on the visit as I had to leave. It was just too overwhelming in there with everyone staring at me crying. So now even just thinking about going back again gives me anxiety," she said. Now part of SHINE's Early Intervention Placement Program, Elisa describes her relief at being able to talk and feel supported. Together with the SHINE team, she is planning a visit with her four children to see their dad on his birthday. SHINE for Kids staff and volunteers will accompany the children in, while providing reassurance, understanding and guidance to Elisa. Together they will ensure the children have positive contact with their father. Elisa and her children receive regular home visits from the SHINE team to help them engage with other services in their community. With this support, the family works through and relieves the anger, frustration, isolation and stress they feel, often on a daily basis. Helping to maintain this meaningful contact, keeps this family connected and prepared to reunite when dad is released.

## Ride By Your Side

Transport remains a barrier to children maintaining contact with their incarcerated parent. In many cases, prisoners are moved between facilities several times throughout their sentence, often rendering children unable to visit. SHINE for Kids has been transporting children since 2011, however, transport for children or prisoners currently remains unfunded by government.

Corrective Services NSW recently released a tender for supervised children's transport for 11 prisons in New South Wales. This service provision remains unfulfilled due to lack of available government funding. To fill this gap SHINE for Kids has been able to attract philanthropic funding to provide transport for children with a mum in prison in New South Wales who reside within a two hour radius of Dilwinya, Silverwater, Mary Wade and Emu Plains Correctional Centres.

Since securing philanthropic funding in July, 2018 SHINE for Kids has received

- 54 referrals from inmates, carers and caseworkers
- From the referral there were 114 children listed on their referrals
- 21 referrals were from families who identified being Aboriginal or Torres Strait Islanders
- Have completed 38 contact visits between children and their Mum's in prison

SHINE understands the need for program flexibility for women on remand and builds this into all aspects of its program design and logic to mitigate this risk. For example, Ride By Your Side is designed specifically with this in mind, so that the mentoring of the child continues in the community for a minimum of 12 months should the mother on remand be moved or released. This program is the only existing program that provides targeted transport support for children of prisoners in New South Wales.

### Case Study: Anita's Story

Anita had not seen her children for six months. While serving her sentence, the four children aged fourteen, eleven, nine and four, are in the care of their grandmother. Although with family, they are still part of the out of home care system and FACS are assigned Parental Responsibility. Missing their mum, they ask for her daily. Though desperate to see her, with no car, their grandmother is unable to take the children to see their mum. Anita asked to be part of the Ride By Your Side program for Aboriginal mums on remand at Mary Wade Correctional complex in Lidcombe. Speaking with the children's caseworker, SHINE for Kids could see how the family would benefit from being brought together, pairing the children with a trained volunteer, to receive mentoring and support during the trip and visit. While still planning their first visit, Anita was transferred to Berrima Correctional Centre, an hour and a half out of Sydney. Their new mentor generously said she was happy to still drive the children. The dedication and commitment of our volunteers is extraordinary and invaluable. Though travelling far, the first visit with mum was a happy occasion. The children were well behaved and friendly with lots of questions to ask. Changes happen quickly for children in the out of home care system and after the first visit, two of the four children were moved to Perth to live with another relative. Staying in the program, Anita's two remaining children living with their grandmother were brought for a visit. It was almost Christmas so they could talk about presents and plans for when mum gets out. To further strengthen this family unit, contact will continue until Anita's release. The children's mentor is now available to support the consistency and connection for the family and they suffer less stress and isolation now they have regular contact with their mum.

## SHINE for Kids OOHC Training

Children are three times as likely to be removed from their families if a parent is, or has been incarcerated. One study found that almost half (48 percent) of boys aged 0-10 years old who had been separated from their families due to incarceration were themselves convicted as an adult compared to 25 per cent of boys who were separated for other reasons<sup>69</sup>. Numerous Government Inquiries, including the 1991 Royal Commission into Aboriginal Deaths in Custody, the Bringing them Home Report and the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Involvement of Indigenous juveniles and young adults in the criminal justice system have identified the relationship between OOHC and the increased involvement of Aboriginal and Torres Strait Islander people with the criminal justice system. The Australian Law Reform Commission has stated that the *'links between these systems is so strong that child removal into out-of-home-care and juvenile detention could be considered as key drivers of adult incarceration. Therefore, programs and policies supporting children of prisoners must focus on children in out of home care.'*<sup>70</sup>

Professionals working with families and children of parents in custody often operate individually, with their own resources and ways of working. As such, there is a lack of centralised information on how best to support children of prisoners in practice, which may be particularly useful for professionals who have not previously attempted to support this group in a targeted way. SHINE for Kids has weekly conversations with government and non-government out of home care caseworkers who believe it is too stressful for the child to take a child into a prison to visit their incarcerated parent. This is despite there being court ordered contact and a SHINE Child and Family Coordinator available to supervise and support the contact. In response to this SHINE has developed training for Out of Home Care caseworkers and managers on the reality of visiting a parent and the importance of the child parent bond. This training should be funded to be delivered to all OOHC providers both government and non-government.

It has recently been discussed that FACS workers will be collocated at women's prisons across New South Wales. This is a positive development if those staff members have the appropriate training to understand the cohort they are working with otherwise the structural change just moves the problem closer and may further disadvantage mothers in prison who have a lack of trust of FACS staff.

## SHINE for Kids Corrections Officer Training

In partnership with MTC and Broad-spectrum private prisoner provider for Parklea Correctional Centre SHINE has delivered training to Corrections Officers on the impact of incarceration on children of prisoners and the need to engage with families as assets in case-management. This work is currently unfunded and dependent on the capacity of available staff. However, it is critical as Corrections Officers may not understand the potential benefits of implementing parent-focused practices and instead see families and visitors as contraband risks. The training includes the following:

- The scope of parental incarceration, including the number of children with incarcerated parents in the country and in the facility's state, region, or local community
- The disproportionate impact incarceration has on Aboriginal families, communities and children.
- An overview of intergenerational trauma and the impact of colonisation

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<sup>69</sup> Children's Antisocial Behavior, Mental Health, Drug Use, and Educational Performance After Parental Incarceration A Systematic Review and Meta-Analysis Joseph Murray, David P. Farrington, and Ivana Sekol. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3283435/>

<sup>70</sup> <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/executive-summary-15/overview-of-the-report-3/>

- The growing body of evidence of the harmful effects parental incarceration can have on children and the trauma, confusion, anxiety, and frustration that children face when their parent is in prison
- The benefits these practices can have on safety and security in the facility, including better rule compliance among parents, reduced misconduct, and improved reentry outcomes<sup>71</sup>
- Cultural sensitivity to help staff interact with family members from diverse racial, ethnic, and socioeconomic backgrounds
- Information on basis childhood and adolescent development.
- Basic customer services and communication skills. Training employees on how to interact with clients is common amongst other government agencies and includes attentiveness, patience, clear communication, understanding and respect.

Corrective Services Victoria as part of its strategy to reduce the number of women in Victoria's prisons, has allocated funding to develop and implement gender-specific, trauma-informed training for prison officers in the two women's prisons: Dame Phyllis Frost Centre and Tarrengower Prison.

The introduction of a trauma-informed approach to the management of women acknowledges the complex needs of women in custody and the high prevalence of trauma among this cohort. Reforms to training also acknowledge recent Victorian Ombudsman reports that identify gaps in training in the women's prison system and recommend that the Department ensures prison officers are trained in areas such as women with a disability, women with mental health conditions, and working with mothers and children.

The goal of trauma-informed, gender-specific training is to ensure that a trauma-informed approach is followed for all custodial staff activities in the women's prison system. This will help staff build trust and effective relationships with women, ultimately facilitating their engagement in programs and services designed to reduce the risk of reoffending.<sup>72</sup>

With appropriate training in how best to engage with families and children, staff have a unique opportunity to make lasting, positive impressions and reduce the trauma children experience in correctional environments.<sup>73</sup> In particular, understanding and responding to families' concerns and confusion when a parent is incarcerated can improve the visiting experience for parents, children, and staff. After receiving appropriate training centered on the needs of families and child well-being, staff can continue implementing safety and security measures while interacting with families in a prosocial, supportive way.<sup>74</sup>

SHINE for Kids Officer Training should be delivered to all Correctional Officers in New South Wales.

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<sup>71</sup> Bryce Peterson, Jocelyn Fontaine, Lindsey Cramer, Arielle Reisman, Hilary Cuthrell, Margaret Goff, Evelyn McCoy, and Travis Reginal (2019). *Model Practices for Parents in Prisons and Jails: Reducing Barriers for Families while Maximizing Safety and Security*, Washington, DC: Bureau of Justice Assistance (BJA) and the National Institute of Corrections (NIC).

<sup>72</sup> <https://www.tenders.vic.gov.au/tender/view?id=111458>

<sup>73</sup> Joyce A. Arditti, "Child Trauma within the Context of Parental Incarceration: A Family Process Perspective," *Journal of Family Theory & Review* 4 (3): 181–219, 2012.

## Tips From Expert: Dr. Wendy D. Williams, Deputy Commissioner, Alabama Department of Corrections

“From my experience as a corrections administrator, the culture of an agency and facility climate may often present barriers to implementing positive changes in visitation and other family-centered practices. Staff education and training are critical when an agency attempts to shift a culture from a punitive philosophy to more of a restorative and supportive environment that prepares offenders for transition and reentry. It’s a slippery slope at times, due to the nature of the environment in which we work. We have an obligation to ensure that our staff and offenders are safe, but we also have a moral responsibility to prepare offenders for transition back into our communities. Both of these primary goals can be accomplished simultaneously, but staff must understand their role in the day-to-day interactions they have with the offenders. Staff have to understand why the changes are necessary, which will require education that includes lengthy discussions of best practices and how those practices will positively impact the lives of offenders and the working environment inside the prisons. As often as possible, involve staff in the decision making and planning processes before implementation begins, which will build support and create champions among the workforce. Another great tool is to utilize key staff (champions) on the training facilitation team(s). This gets to the core of changing the culture inside the facility. When staff attend a training session that their peers are facilitating, it will often bring more credibility to the conversation and discussions, and help in gaining buy-in and understanding.”

## Policy and Strategy in New South Wales

In 2018, Corrective Services NSW released the *Family Matters Strategy* which outlines in the Introduction:

*“The benefits of maintaining and strengthening family relationships are well known and can extend to both the offender and family members. For offenders, regular contact and support during a period in custody can promote well-being and a more positive attitude towards rehabilitation. Preparing for release and putting in place critical supports for resettlement can be greatly assisted by direct input from family. For families, and particularly children, regular meaningful contact and involvement with the family member in custody can mitigate anxiety and negative behavioural issues that can often be a consequence of separation”.*<sup>75</sup>

SHINE for Kids practice experience is that this document has resulted in little operational change at prisons across New South Wales. A good example is that a 3.8 billion prison expansion project involved physical extension of a number of existing complexes in New South Wales and the building of new facilities. No consultation with SHINE for Kids has been sought to ensure those buildings include adequate indoor and outdoor play equipment for children or that the complexes are family friendly.

SHINE for Kids practice experience is that there is currently disconnect between strategy and operations with local operational staff at complexes citing safety and security as a barrier to supporting children of prisoners and family connection. However, the existing body of evidence internationally is that “policies

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<sup>75</sup> <https://www.correctiveservices.justice.nsw.gov.au/Documents/families-strategy.pdf>

*that encourage parent-child contact offer benefits that do not compromise a facility's safety or security, For instance, several studies conclude that policies that provide incarcerated people opportunities to communicate and interact with their families, through visits and other methods, improve their wellbeing and adjustments to the correctional environment and lower misconduct and violence in the facility".<sup>76</sup>*

SHINE for Kids clients often contact SHINE asking for information about correctional centres policies and procedures at the local level. Clients are often confused and frustrated with the lack of readily available information. One of the most common concerns is not knowing a family member's status, location and arriving to a visit to find out a visit has been cancelled or parent has been moved. SHINE for Kids recently tested the new automated notification system which will send families a text if visit is cancelled this is a positive development. It can be scary for children who have not heard from their parent and are unable to contact them and do not know if they are safe. It also frustrating for families who turn up to a facility after travelling a long distance to be turned away because the facility is on lockdown or the parent is not allowed to receive. SHINE for Kids encourages CSNSW to extend the automated notification system to include a notification that inform families when a family member is transferred, when phone call privileges are lost and when visits will resume. This will reduce the anxiety of the unknown for family members.

## National Policy and Governance Recommendations

Although exceptional instances of good practice exist in New South Wales and at the local areas of the criminal justice, education, social care and other sectors, these are isolated examples, which are not bolstered by any overarching national policy or advocate that examines and reports on the impact of incarceration on children of prisoners.

State and National policy guidelines for children of prisoners is needed which both identifies children of prisoners as a specific group, and designates accountability for supporting them across government departments. This is cross-departmental responsibility and guidance would help avoid the policy and departmental drift for these children, reflected in their current status as a group who are not specifically accounted for in policy and strategy.

The development of Prevention of Intergenerational Involvement in the Criminal Justice System Fund at the state and a national level would ensure quality programs and policies are developed to support children of prisoners. A national study by the Children's Commission would ensure that the voices of children of prisoners inform program and policy design. SHINE for Kids are available to help guide and support this work to ensure the best outcomes for children and families.

The structural move in New South Wales to combine the Departments of Justice and Communities has not incorporated a dedicated role for Children of Prisoners within this new government department. SHINE for Kids recommends a network of Children of Prisoners Officers in each administrative region and a dedicated representative within Corrective Service to respond to the needs of children with a parent in prison. These officers should work closely with SHINE for Kids and other non-government organisations to ensure the wellbeing of children of prisoners.

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<sup>76</sup> Bryce Peterson, Jocelyn Fontaine, Lindsey Cramer, Arielle Reisman, Hilary Cuthrell, Margaret Goff, Evelyn McCoy, and Travis Reginal (2019). Model Practices for Parents in Prisons and Jails: Reducing Barriers for Families while Maximizing Safety and Security, Washington, DC: Bureau of Justice Assistance (BJA) and the National Institute of Corrections (NIC). P.1

## Profiling what works in other jurisdictions

### Irish Prison Service Family Links Program - Ireland

This program's strategic objective is 'supporting the families of offenders in maintaining stable relationships by offering prisoners and their partners an opportunity to invest in the family unit'. Recognising the impact of family relationships on recidivism underpins this initiative, alongside an overarching vision to address multi-generational offending. The program involves two core elements: increased awareness and support amongst prison staff on the importance of prisoners maintaining good family relationships, and delivery of a parent education program for parents in prison and their partners.

A review of the program found that:

- Family Links enhanced empathy for parents amongst prison staff, and raised awareness in relation to the benefits of a child friendly prison.
- Participants found that communication with their children improved; empathy for each other enhanced, and for the women, an acceptance that self-care is important.
- Families experience stigma; isolation and financial strain.
- Imprisoned Fathers struggle with their identity as a father and as a prisoner.
- Communication improved between fathers and mothers after the course.

In a 2017 pilot a total of 15 families – with 28 children whose fathers were in prison took part in a pilot project over 18 months. An evaluation report, authored by Professor Orla Muldoon and Daragh Bradshaw, finds that imprisoned fathers who maintained a positive relationship with their children are six times less likely to reoffend.<sup>77</sup>

Minister for Justice Frances Fitzgerald has stated that the program should have an “enormous impact” on the prison service and society at large. “The Family Links Initiative is highly innovative in many aspects: the engagement of multiple stakeholders in its delivery, the direct involvement of prisoners’ families and the evidence based approach all contribute to a potentially highly effective intervention.”<sup>78</sup>

She went on to say that intergenerational crime within families can be interrupted if the system can help change and support family relationships while a family member is in prison.

Director General of the Irish Prison Service Michael Donnellan said “*an evidence based approach to improving prisoners’ relationship with their families, and the role model which fathers provide for their children, will reduce criminality and ultimately be of great benefit to society*”.<sup>79</sup>

### Mums on Remand Parenting Program - SHINE for Kids Queensland

In all Queensland women’s prisons SHINE delivers an evidenced-based parenting program to remand and sentenced mothers. The program is based on the Australian Childhood Foundation’s Bringing Up Great Kids program. Bringing Up Great Kids is a group parenting program designed for a wide range of parents of children 0-12 years old, especially those considered vulnerable or at risk. The Program runs for 12 contact hours across 3 weeks for mums on remand and 6 weeks for mums in custody who have been sentenced.

Parents are encouraged to explore and reflect on the evolution of their parenting style and resources help them to examine the messages they pass onto their children through their behaviour, interactions

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<sup>77</sup> Bradshaw, D., & Muldoon, O.T. (2017) “Family Links” Evaluation Report. Dublin: Childhood Development Initiative (CDI).

<sup>78</sup> <https://www.thejournal.ie/family-prisoners-reoffending-3237518-Feb2017/>

<sup>79</sup> <https://www.cdi.ie/2017/02/call-for-prisoner-parenting-programme-to-be-expanded/>

and emotional reactions. Parents learn about the brain development of their children and understand how to meet their children's growing needs. Through the program, they are supported to build attentive communication with children. Parents also reflect on and explore the meaning behind their children's behaviour and develop an awareness of the cues that trigger unhelpful or ineffective responses.

The program uses mindfulness and reflection to help parents examine and improve their communication and exchanges with their children so that they may foster more respectful and positive interactions, which support children's development and positive identity. It works to address the sources of parents' negative or unhelpful attitudes.

Bringing Up Great Kids is designed to be delivered by trained parenting support workers, therapists/counsellors, community workers and other professionals working with vulnerable families.

Program materials include:

- facilitator's manual
- parenting journal
- session outlines
- interactive reflection activities
- participant sheets
- evaluation protocol

Bringing Up Great Kids has been externally evaluated by the Australian Institute of Family Studies. A mixed method evaluation was conducted across 16 Australian sites and included 94 parent participants. Participants reported having a greater awareness of how their upbringing impacted on their responses and behaviours towards their children and of being more mindful, calm and better listening in their interactions. Parents reported positive changes in their lives such as less conflict and greater calmness in their homes and more positive interactions with their children<sup>80</sup>.

The Program's objectives are to:

1. Reduce distress caused by separation due to incarceration of female parents in custody who are the primary carers of children
2. Reduce trauma amongst young children caused by separation and visits to their mother in a prison setting
3. Break intergenerational cycles of crime by enabling women on remand in brief contact periods with their children to:
  - enhance the mother and child relationship
  - increase maternal sensitivity and appropriate responses to infant and child signals
  - build maternal and child strengths
  - increase mother's knowledge and skills to care for her child to enhance positive impact of existing care-giving patterns and behaviours
  - reduce negative parenting interactions
  - help develop pro social skills and behaviour management

SHINE for Kids has developed a remand specific program, a program for sentenced mothers and a program for Aboriginal and Torres Strait Islander women with funding from Queensland Corrective services and Child Safety to ensure all mothers are appropriately supported.

Qualitative feedback included from the program in Queensland Women Prisons included:

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<sup>80</sup> Hunter, C., Meredith, V. (2014). The utility of a reflective parenting program for parents with complex needs: An evaluation of Bringing Up Great Kids. Melbourne: Australian Institute of Family Studies.

I'm going to take the time I need to be patient and teach my child good messages

That even when you think you know everything this program gives you a greater knowledge of our relationships with our children

Need to remember young kids don't understand reasoning

Maybe I should work on stop, pause, play more often or situations can escalate for both of us

Being mindful of my children's actions and what they might mean and any damage I have caused so far can be repaired

Taking time for myself so I can be a better mother

It opened my mind and gave me a greater understanding of parenting from a different view

Becoming aware of the things I can reframe, recycle and throw in the rubbish.

### What will you take away from the program and continue to reflect on?

What will you take away from the program and continue to reflect upon?  
I will take everything that I have learnt in the program and continue to show and love them in a safe environment.

to always be there for them no-matter what and how hard things can be get up and never give up because we got this

### What changes have occurred in yourself as a result of coming on the program?

What changes have occurred in yourself as a result of coming to the program?  
It has made me come more aware of the different environment that helps me show my kids how much I love them and guides me how to parent them in their different ages.

How has your increased knowledge and ability to implement positive and nurturing parenting skills?

I'm more determined to do the right thing for my children.

### Have you learnt anything new about yourself or your child/children as a result of coming on the program?

the program.  
I have learnt so many positive parenting skills and how to show them when I reunite with them when I get out.

Support, listen, react, communicate  
Seek help when needed

I will try to get help before I spiral out  
of control.

My beautiful child & self forgiveness  
or to do my Best in every moment as  
a mother.

### If you were talking to another parent about the messages of this program, what might you say?

If you were talking to another parent about the messages of this program, what might you say?

The program helped me alot about  
understanding how important it is to  
have your kids in a loved & safe  
environment.

It is clear from the qualitative feedback that mums really understood the content and have developed a greater understanding of their children and strategies of self-care that they can use upon release. 88% of participants identified mindfulness or reflection as something they had learned. 88% of participants stated that they strongly agree or agree that they now feel positive about their future and the future of their children post release. 100% of participants stated that they now know how to calm themselves down when they feel overwhelmed in their parenting role.

### Keeping Us Together - Townsville Women's Correctional Centre

In Townsville the Keeping Us Together program includes a tailored program for Aboriginal and Torres Strait Islander mums and long term post release support in the community. The program provides 45 hours of in-custody support and 12-months of post-release support. The post-release support includes a case plan to deal with factors including domestic violence, homelessness, drug abuse and school attendance.

The program aims to help women change their behaviours and mindsets through a range of exercises including art therapy, debates, self-reflection and mindfulness. The women learn ways to improve communication with loved ones, boost their self-esteem, achieve goals, understand their child's development and the influence they have as parents. As stated by SHINE For Kids Program Manager, Priscilla Simpson "The program is not about whether they're good or bad parents, it's more about why we parent the way we do... Even though they're in jail, they're still mums, they're still going to go home, they're still missed by their children".<sup>81</sup>

<sup>81</sup> <https://www.abc.net.au/news/2019-12-07/mothers-in-prison-learning-ways-to-improve-parenting/11773848>



*Townsville Keeping Us Together Program*

### **Stay Together Play Together Playgroup**

In partnership with Queensland Corrective Services SHINE for Kids runs a facilitated playgroup for children who reside with mum in custody and who come into the complex from the community. This enables SHINE for Kids to see teachings from the Parenting Program implemented and incarcerated parents empowered to run activities with their children. In Southern Queensland Correctional Centre a volunteer mum takes responsibility for setting up the activities and packing them away. Incarcerated mums decide which activity station to attend and what activities to run. In addition, the visiting area where the Playgroup is ran is decorated with soft comfortable children furniture including bean bags. In addition, age appropriate books, games, toys and play rugs for the children is set up in a room connected to the main visiting area. This creates a child focused space and play area for families. The space at Southern Queensland Correctional Centre also includes digital games for older children which is critically important. SHINE for Kids data shows that only 5% of our clients are aged 13-18 with most services and supports focused on younger children.

This idea of parent ownership extends to the visiting area at Numinbah Correctional Centre where the walls of the visiting room have been painted by parents. This simple modification brightens the room and makes it more welcoming for children and families during the Playgroup and standard visits.

### **AMC Prison - Australian Capital Territory**

SHINE for Kids is funded to deliver a number of programs and supports at the AMC included inivists, child parent, children's supported transport and Storytime. In addition to the SHINE Programs the AMC supports child parent interactions by allowing parents to email children. Due to technology advancements some children are more comfortable emailing rather than writing a letter.

Another example used internationally is the establishment of email Kiosks in units which can bolster communication and increase the number of messages parents and children can exchange.<sup>82</sup> As noted earlier these should only be used to substitute face to face contact when it isn't possible due to distance or to maintain contact between visits.

## Young Parents and Youth Justice Recommendations

New South Wales' six juvenile facilities cost \$100 million every year to run, with 245 young people detained as of August last year.<sup>83</sup> This works out to be around \$400,000 per detainee annually. Forty-seven per cent of detainees are Aboriginal, while 68 per cent of inmates had experienced neglect or abuse. While rates of youth crime have fallen across Australia, the percentage of young people in detention who demonstrated a high or medium-high risk of reoffending had increased by 30 per cent since 2010–11. Eighty-four per cent of detainees had been in custody at least once before, with an average of 5.3 times.<sup>84</sup>

The juvenile justice system applies to young people aged 10–17 years inclusive. Under the Children (Criminal Proceedings) Act 1987 (NSW), a child under 10 cannot be guilty of a criminal offence.

Youth prisons or Juvenile Justice centres emanate from a time when there was limited or no understanding of child development, learning disabilities, and the effects of abuse and neglect or childhood trauma (all disproportionately higher among imprisoned children). Current research in child development and neuroscience says that abstract reasoning skills are not fully developed in children aged 12 and 13. International standards recommend that the minimum age of criminal responsibility shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity.

*State parties are encouraged to increase their minimum age to at least 14 years of age. At the same time, the Committee commends States parties that have a higher minimum age, for instance 15 or 16 years of age.*<sup>85</sup> Children with developmental delays should not be in the child justice system at all, even if they have reached the minimum age of criminal responsibility.<sup>86</sup>

*The protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders. This can be done in concert with attention to effective public safety. The best-interest of the child as a paramount consideration is doubly important for consideration when young offenders are also young parents. Every effort should be made to keep young people out of custody and in the community especially pregnant young people and young people who are parents.*<sup>87</sup>

In 1996 a discussion paper was released by the Community Services Commission in New South Wales, entitled *The Drift of Children in Care into the Juvenile Justice System: Turning Victims into Criminals*. Included in the discussion paper was an analysis of figures indicating that wards were 15 times more likely to enter the juvenile justice system than were non-wards (the separate figures for males was

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<sup>82</sup> Bryce Peterson, Jocelyn Fontaine, Lindsey Cramer, Arielle Reisman, Hilary Cuthrell, Margaret Goff, Evelyn McCoy, and Travis Reginal (2019). *Model Practices for Parents in Prisons and Jails: Reducing Barriers for Families while Maximizing Safety and Security*, Washington, DC: Bureau of Justice Assistance (BJA) and the National Institute of Corrections (NIC).

<sup>83</sup> <https://www.abc.net.au/news/2019-10-29/juvenile-justice-reform-after-frank-baxter-riots/11651376>

<sup>84</sup> Youth justice system gets major overhaul after Frank Baxter riots ABC Central Coast By Lucy Thackray Posted 29 Oct 2019, 7:52pm.

<sup>85</sup> General Comment No. 24 (201x), replacing General Comment No. 10 (2007) Children's rights in juvenile justice

<sup>86</sup> General Comment No. 24 (201x), replacing General Comment No. 10 (2007) Children's rights in juvenile justice

<sup>87</sup> General Comment No. 24 (201x), replacing General Comment No. 10 (2007) Children's rights in juvenile justice

almost 13 times more likely and females were 35 times more likely). Wards are also readmitted to Juvenile Justice Centres more often than non-wards. As well as evidence of 'drift' from wardship to the juvenile justice system, the discussion paper noted that:

*Once a ward is charged with a crime, the responsibility and care for the child can shift from the Department of Community Services to the Department of Juvenile Justice. Such a transfer means that more attention is paid to the young person's crime, punishment and rehabilitation than their 'welfare' needs such as accommodation, emotional disturbance and physical and mental health. For some young people, this drift in care is a form of systems abuse which turns the victim into the criminal.<sup>88</sup>*

The paper indicated areas where the absence of proper linkages between the systems responsible for care and protection of young people and for juvenile justice had failed young people.

Accommodation is often a key issue. If magistrates do not consider that a young person's accommodation is stable enough or supportive enough, or that they are in danger of constantly moving between shelters and the streets, there is a greater likelihood that they will favour a custody option where the young person will at least be clothed and fed and have access to some services. Children of prisoners are particularly vulnerable in this situation particularly when the primary care giver is incarcerated.<sup>89</sup>

We need a completely new approach to meeting the needs and addressing the behaviour of children who cannot live safely in the community particularly young parents. We also need to ensure that children currently in youth prisons who are parents are provided with support whilst in custody. A Mother-Child Residency Program is of urgent need in New South Wales for young parents in custody.

SHINE for Kids currently delivers Stand As One Program at Frank Baxter Juvenile Justice Centre. The Program works with young people three months prerelease and for a minimum of nine months post release. This year the program celebrates 10 years of providing support to children in Frank Baxter and should be extended to other facilities in New South Wales specifically Reiby Juvenile Justice Centre.



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<sup>88</sup>Community Services Commission 1996 p.10

<sup>89</sup> Australian Institute of Health and Welfare (AIHW) 1998. Juvenile justice and youth welfare: a scoping study. AIHW cat. no. CWS 6. Canberra: AIHW p.31

### Case Study: Anthony's Story

In his heart, Anthony was an artist. As a teenager, with little family support, Anthony was serving his sentence at Frank Baxter Juvenile Justice Centre. The Mentor works with the Young Person one-on-one at least three months pre-release and up to nine months post release in the community. Anthony revealed his goal to the SHINE Program Coordinator, asking to be part of the Visual Arts program so he could enjoy painting and sketching. He knew some of the young people's artwork was put in other NSW Juvenile Justice Detention Centres and particularly liked a mural they designed at Cobham. It was agreed he could join the Visual Arts program and in addition, Anthony was matched with John, his mentor. John applied to be a Mentor after raising three sons. He knew the challenges they face and had enjoyed being able to coach them safely to adulthood. Having built a successful life in the community, John wanted to give some of his time to support other young people experiencing challenges to achieve their own goals. Building a rapport, John came to visit once a fortnight for the last four months of Anthony's sentence. Together, SHINE and John worked on improving Anthony's life skills, like positive social behaviour and conflict resolution. On his release, they continued to work with Anthony as he made the transition back into the community. This meant escorting him to accommodation, supporting him with job applications and introductions, mental health appointments and securing practical items like a low cost mobile phone so he could take calls for job interviews. While escorting Anthony to appointments and community engagements, John would explore topics like 'situational awareness' and 'perspective taking' in general conversations. Purposefully and using a structured approach, John enjoyed being able to support Anthony by removing or minimising barriers to his reintegration into the community. With John's encouragement, Anthony was also able to reach out to his Grandmother and extended family to re-engage and build relationships. John kept mentoring Anthony in person and over the phone, during the past five months since his release. Anthony has not re-offended in this time, and has been making conscious choices not to take the risks he would have in the past. He now has a part-time job and is looking for further work opportunities in Warehousing and ultimately to work in the Building and Construction industry. Anthony has been able to re-engage with his extended family networks, and is living with his Aunty and Uncle in Country NSW.

## Data Recommendations

A number of recommendations emerged from the NSW Inquiry in 1997, two of which addressed the lack of accurate data on the number of parents in prison, and the number of children with incarcerated parents. SHINE for Kids keeps its own data in a customized database but this is only for the prisons we are funded to be in and is not comprehensive as SHINE is only funded in 11 prisons in New South Wales.

There has been improvements in data collection with Corrective Services NSW collecting data on the number of visits including children. Improvements could be made in the sharing of this information to ensure policies and programs are effective in supporting children of prisoners. The majority of service provision is currently being delivered by the non-government services but there is a lack of publicly available data to inform program development and delivery.

An opportunity exists for New South Wales to take a leadership position and ensure a national survey on parenthood of prisoners is conducted to ensure early prevention services and support nationally and we encourage collaboration between states to ensure best practice service provision is shared.

## Conclusion

There are many challenges to both multiagency work and work within the prison system. For the most part families affected by imprisonment are on the margins of the educational, health and welfare systems. Families on the margins are those most in need and about whom the least understanding is available. Therefore the importance of continued support of initiatives outlined and evaluations cannot be understate or undervalued. Most importantly it can't continue to be underfunded.

A holistic approach requires the involvement of corrections, health, education, housing and social welfare services, among others. As outlined by Lord Farmer:

*My report is not sentimental about prisoners' families, as if they can, simply by their presence, alchemise a disposition to commit crime into one that is law abiding.*

*However, I do want to hammer home a very simple principle of reform that needs to be a golden thread running through the prison system and the agencies that surround it. That principle is that relationships are fundamentally important if people are to change.*

Whilst some progress has been made in recognising the value of maintaining family ties for the offender, there is much more that needs to be done to both recognise, and realise, the mutual benefits of maintaining and strengthening ties for an offender's family and children. Maintaining family ties is not only predictive of more successful desistance from offending, but also improves social outcomes for children with a parent in prison. A whole family, holistic approach is a win-win situation both within and outside the criminal justice system. However, the current system does not provide any shared objectives to facilitate the joint working that is required to provide a coordinated, whole family approach.

Largely government departments and associated services work in silos, seeing only their service and the 'bit' of the person that their service deals with. Nowhere is this more apparent than in the case of children of prisoners, with no particular national body or group currently taking responsibility for them, and a distinct lack of whole family support. This is despite the fact that a whole family approach is mutually beneficial for all agencies involved in the criminal justice system, and agencies outside the criminal justice system that deal with the children of parents in custody. As a result, support is often fragmented, short-term, narrow in scope, made in isolation, and lacks continuity due to insufficient government funding.

Incarcerated parents should be recognised as having responsibility to their children, wanting to be involved in their children's lives, and helping make parenting decisions. Yet, incarceration disrupts familial ties and makes it difficult for incarcerated parents to maintain or mend relationships with their children. In part, this is because correctional facilities have policies and practices that govern contact between incarcerated people and people on the outside. These policies and practices can present barriers to parents' ability to interact and communicate with their children and the individuals and systems that affect their children such as co-parents, caregivers and other family members, teachers, and counselors.

Though many of these policies and practices are in place to ensure the correctional facility is safe and secure, the existing body of evidence suggests that policies that encourage parent-child contact offer benefits that do not compromise a facility's safety or security. For instance, several studies conclude that policies that provide incarcerated people opportunities to communicate and interact with their families, through visits and other methods, improve their well-being and adjustment to the correctional

environment and lower misconduct and violence in the facility. Increased communication and interaction with family members also lower recidivism rates for incarcerated people after release.<sup>90</sup>

SHINE for Kids acknowledges the many excellent family services working in custody and in community to support families and ensure prisoners and families are able to stay in touch. While they are providing excellent services individually, and have built significant expertise over time, their presence does not conceal what is effectively a systemic failure of public services to find a way to join up their systems.

We acknowledge the incredible work of carers and family members on the outside who provide support for children of prisoners during their parent's incarceration.

We look forward to discussing our programs and initiatives further to ensure that children of prisoners don't just survive a difficult time in their life but thrive.

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<sup>90</sup> Bryce Peterson, Jocelyn Fontaine, Lindsey Cramer, Arielle Reisman, Hilary Cuthrell, Margaret Goff, Evelyn McCoy, and Travis Reginal (2019). *Model Practices for Parents in Prisons and Jails: Reducing Barriers for Families while Maximizing Safety and Security*, Washington, DC: Bureau of Justice Assistance (BJA) and the National Institute of Corrections (NIC).