



2013 Report to the Pennsylvania State Roundtable

Dependent Children of Incarcerated Parents

Chairperson:

Honorable Kim Berkeley Clark

Court of Common Pleas of Allegheny County



May 2013

Dear Pennsylvania State Roundtable Members:

Last year, you accepted our recommendations to improve outcomes for dependent children of incarcerated parents and engagement of incarcerated parents. For the past year, the Dependent Children of Incarcerated Parents Workgroup has worked diligently to initiate and bring to fruition the recommendations that you approved.

1. **Collaboration**—During the past year, our workgroup collaborated with the Department of Corrections, the Pennsylvania Board of Probation and Parole, the Child Welfare Resource Center, and others. Our report highlights the accomplishments that were made due to this collaboration.
2. **Revision of the Benchbook**—Information on engagement of incarcerated parents will be included in the revised Dependency Benchbook.
3. **Training and Education**—The Child Welfare Resource Center is developing curricula for caseworkers on engagement of incarcerated parents. The workgroup is also producing a training video for judicial officers and legal professionals.
4. **Data Collection**—The workgroup has recommended that a mandatory checkbox be placed on the CPCMS court orders to begin to collect data on the number of dependent children in Pennsylvania who have an incarcerated parent.
5. **Protect Your Rights Brochure**—The brochure for incarcerated parents that explains their rights *and* responsibilities of an incarcerated parent of a dependent child has been published and distributed.
6. **Presentation at the Children's Summit**—The 2013 Children's Summit highlighted this important issue with the presentation of a panel that included: an attorney who represents parents in dependency cases, a former incarcerated parent, a former dependent youth whose mother was incarcerated, a warden of a local county prison, the Deputy Secretary for the Pennsylvania Department of Corrections, and the Chairman of the Department of Probation and Parole.

As you can see, a lot was accomplished in a short period of time due to the collaborative spirit of the workgroup and the commitment to the overarching principal that under the law, ***"Incarcerated parents have the same rights, as parents who are not incarcerated, to fully participate in the court process, to fully participate in case planning, to require the agency to make reasonable efforts towards reunification, and to have visitation and contact with their children."***

The contributions of each of the committee members were invaluable, particularly the contributions of a former incarcerated parent and former dependent youth, whose voices are reflected in this report. It has been a privilege to work on this issue and we look forward to completing our tasks.

Sincerely,



Kim Berkeley Clark, Chair
Dependent Children of Incarcerated Parents Workgroup

Dependent Children of Incarcerated Parents Workgroup

Chairperson

Honorable Kim Berkeley Clark
Court of Common Pleas of Allegheny County

Members

Laura Borish
Practice Improvement Specialist
Child Welfare Training Program

Brian Clark
Warden
Adams County Prison

Kathleen Creamer, Esq.
Staff Attorney & Stoneleigh Foundation Fellow
Community Legal Services

Lauren Cummings
Human Services Program Specialist, Program Policy Unit
Department of Public Welfare

Brant Duda
Youth Ambassador

Honorable Christopher Feliciani
Court of Common Pleas of
Westmoreland County

Mary Finck
Reentry Program Manager
PA Department of Corrections

Malissa Gamble
Founder/CEO/Parent Ambassador
The Time is Now to Make a Change

Stephanie Mannering
Legal Services Initiative Coordinator
Statewide Adoption and Permanency Network

Brooke Milliron
Legal Services Initiative Coordinator
Statewide Adoption and Permanency Network

Renee Murray
Legal Services Initiative Coordinator
Statewide Adoption and Permanency Network

Mike Potteiger
Chairman
PA Board of Probation and Parole

Amy M. Ross, M.S.
Manager, Child Custody Department
Allegheny County Children's Court

Claire Walker, Ph.D.
Executive Director
Pittsburgh Child Guidance Foundation

Diana Woodside
Policy Director
PA Department of Corrections

Melissa Zakraysek
Regional Program Representative
Department of Public Welfare

Administrative Office of Pennsylvania
Courts/Office of Children and Families in the
Courts

Angela Cerilli Sager, M.P.A.
Judicial Program Analyst

Elke Moyer
Administrative Associate / Graphic Designer

Sandra Moore, MSW
Administrator

Dependent Children of Incarcerated Parents Workgroup Progress Report

In accordance with the charge of the Dependent Children of Incarcerated Parents Workgroup following the 2012 State Roundtable meeting, the Workgroup focused efforts during the past year on implementation of the approved 2012 recommendations. The Workgroup met regularly to design an implementation strategy for the recommendations focusing on three core areas: *collaboration*; *education and training*; and *data collection*.

Collaboration

The Workgroup's 2012 State Roundtable Report recommended counties take a cross systems collaborative approach where child welfare agencies, the courts and corrections/parole professionals work together to improve the outcomes for dependent children with incarcerated parents and to better engage incarcerated parents during the dependency process. The Workgroup also suggested enhanced collaborative efforts on the state level. During 2012-2013, Workgroup members worked diligently on enhancing statewide collaborative efforts by partnering more closely with the Pennsylvania Department of Public Welfare, Pennsylvania Child Welfare Resource Center, Pennsylvania Department of Corrections, Pennsylvania Board of Probation and Parole, Statewide Adoption and Permanency Network (SWAN) and the Courts.

State Collaboration

The Workgroup engaged key stakeholders to gain their support of the *Protect your Rights* flyer which was approved by the State Roundtable in 2012. The flyer is intended to give incarcerated parents with a child in the foster care system pertinent information about their rights, their responsibilities and the Adoption and Safe Families Act timeframes for termination of parental rights. The *Protect your Rights* flyer can be distributed to parents by child welfare professionals, attorneys, courts and correctional/probation/parole professionals. The PA Department of Public Welfare, PA Department of Corrections, PA Board of Probation and Parole and the Pennsylvania Wardens' Association endorsed the flyer and affixed their logo to the bottom of the document to show collaborative support. Twenty thousand (20,000) copies of the *Protect your Rights* flyer were produced and distributed to county courts and child welfare agencies, state prisons and parole offices. The flyer is also available on the Office of Children and Families in the Courts website in a downloadable PDF format and can be accessed by professionals and families <http://www.ocfcpcourts.us/assets/upload/Final%20Protect%20Your%20Rights%20Poster.pdf>. In addition, 500 *Protect your Rights* posters were produced and will be displayed in common areas in state parole offices, state correctional institutions and county prisons across the state.

The Workgroup continues to collaborate with cross systems partners on several other projects. These projects include a training video for judges and legal professionals, enhancements to a child welfare professionals' training course, Public Service Announcement for state prisons, SWAN Legal Services Initiative (LSI) Incarceration Project and presentations at the 2012 PA State Roundtable, 2013 Children's Summit and at an upcoming PA Wardens' Association Conference. More detailed information on the above mentioned projects will be discussed in the Education and Training Efforts section of this report.

County Collaborations

Although a formal survey was not conducted, the Workgroup learned through the Office of Children and Families in the Courts' staff that some Local Children's Roundtables (Berks, Bedford, Westmoreland, Franklin, Adams, Indiana, Butler and Blair) and Criminal Justice Advisory Boards are beginning to address the issue of dependent children of incarcerated parents. It was also reported that some counties have included the county prison warden on their Local Children's Roundtables since the release of the 2012 Report. In addition, some county stakeholders are working more collaboratively to enhance prison visitation rooms. Some county prison facilities now provide contact visits to make the visitation experience more family friendly (Blair, Indiana, Allegheny, Westmoreland and Adams). The above mentioned counties are not an exhaustive list, as others may be working on this issue as well.

Education and Training Efforts

In 2012, the Workgroup surveyed judges, children and youth administrators and prison wardens/state superintendents to gain more insight about how system stakeholders view the engagement of incarcerated parents in the dependency process. The survey results underscored the critical need for more education and training on the topic to all stakeholders. Since the 2012 State Roundtable, Workgroup members focused efforts to improve and develop training and educational opportunities for all stakeholders.

Pennsylvania Dependency Benchbook

In the 2012 State Roundtable Report, the Workgroup noted the PA Dependency Benchbook contains little information or guidance for courts on addressing the complex issue of dependent children with incarcerated parents. The Workgroup recommended the inclusion of a short chapter on incarcerated parents in the revision to the PA Dependency Benchbook and Resource Companion. The Workgroup is in the process of compiling information to submit to the Benchbook Committee on incarcerated parents. Resources will include information on parents' participation in the court process, engagement in case planning and delivery of services, visitation and regular contact. Workgroup members are also collecting a series of articles for consideration to be included in the Resource Companion on issues of wellbeing of dependent children of incarcerated parents, grief, loss and separation issues for children of incarcerated parents, importance of regular contact and visitation, etc. It is anticipated that Benchbook suggestions will be submitted to the Benchbook Committee in the Fall of 2013.

Dependent Children on Incarcerated Parents: A Training Video for Judges and Legal Professionals

How to best train judges and legal professionals about the complexities of serving dependent children and their incarcerated parents was a primary focus of the Workgroup during the year. After contemplating various types of training options, the Workgroup decided the development of a training video would be the best approach. Workgroup members agreed that a training video would be most cost effective, most sustainable, would save travel time and could be utilized during various training forums.

The Pittsburgh Child Guidance Foundation, whose mission includes helping members of the community and government implement programs designed to improve the well-being of children whose parents are incarcerated, partnered with the Workgroup to financially support the development of a training video for judges and legal professionals. The video is divided into seven (7) chapters focusing on key training topics, best practices and highlights real experiences of children through powerful interviews. The video also demonstrates strategies on how judges/judicial officers can “set the tone” of court proceedings to ensure parties understand the court’s expectation that incarcerated parents have the same rights as all parents in the dependency process.

The video will be approximately 90 minutes in duration. The chapters will include: (1) Busting the Myths/Confronting Biases Head On, (2) Trauma, Separation and Maintaining the Bond, (3) The Court Process: The Role of Judicial Officers – Setting the Tone and Expectations, (4) Termination of Parental Rights and Permanency Planning for the Child, (5) Visitation/Contact and (6&7) Messages to Corrections Professionals and Child Welfare Professionals. Each chapter will have 3-5 training points, demonstrated best practices and the ‘voice of the child’ will be carried throughout the film. Videotaping started in April of 2013 and will continue through the summer. It is anticipated that the video will be available in the Fall of 2013. The Workgroup requests that the State Roundtable approve the finalization of the video and distribution to judges/legal professionals upon the completion of the film in the Fall of 2013.

Public Service Announcement in PA State Correctional Institutions

The Workgroup partnered with the PA Department of Corrections to produce a Public Service Announcement (PSA) to be aired in the 28 state correctional institutions. The PSA will outline key points of the *Protect your Rights* flyer and emphasize the critical need for incarcerated parents to participate in dependency court proceedings, be in communication with their attorney and child’s caseworker, be involved in case planning and maintain or establish a bond with his or her child. It is anticipated that the PSA will be completed in the Fall of 2013.

2013 Children’s Summit: Panel Discussion on Dependent Children of Incarcerated Parents

The topic of dependent children of incarcerated parents was highlighted during the evening presentation at the 2012 PA State Roundtable because of the focus on this issue by the PA State Roundtable, the Commonwealth’s Joint State Government Commission and the Government Accountability Office’s Report on Foster Children with an Incarcerated Parent. A panel of professionals, a youth and a parent discussed the complexity of the issue and shared personal experiences about incarceration and involvement in the dependency system. The presentation was well received by State Roundtable members and the Workgroup’s recommendation to include the topic at the 2013 Children’s Summit to expose the topic to a broader audience was supported.

Similar to the 2012 State Roundtable presentation, a panel presentation was held at the 2013 Children’s Summit. Panel members included a formerly incarcerated parent, a youth, a parent attorney, a prison warden, the Executive Deputy Secretary from the PA Department of Corrections and the Chairman of the PA Board of Probation and Parole. Together, panel members discussed the myths and biases that exist concerning engaging incarcerated parents, trauma and separation, the critical need for visitation and maintaining the bond regardless of where a parent resides, the need

for increased collaboration, and best practices that are happening both on the state and county levels to better engage families.

The presentation concluded with a sneak peek of the upcoming training video for judges and legal professionals. In addition, Summit participants received an “Action Packet” which included resources and information for Local Children’s Roundtables. The presentation was well received by those in attendance. The Workgroup is hopeful by increasing the level of awareness about the topic it will motivate Local Children’s Roundtables to discuss and strategize with county stakeholders about how best to work together to better serve dependent children and their incarcerated parents. The Workgroup welcomes the opportunity to assist Local Children’s Roundtables and Criminal Justice Advisory Boards as they begin to address this issue.

Enhancing Child Welfare Training Curriculum on Engaging Incarcerated Parents

The Workgroup has also prioritized improved training for child welfare professionals about better engaging these families. The PA Child Welfare Resource Center is currently redesigning its training curriculum “305: Engaging Incarcerated Parents.” The Workgroup was invited to evaluate the current training curriculum and make suggestions for updates and improvements to the curriculum. The Workgroup met with the curriculum writer and provided numerous suggestions based on recommendations and key elements from the 2012 State Roundtable Report. The suggested enhancements and modifications to the curriculum are based on the premise that incarcerated parents have the same rights as parents who are not incarcerated, to fully participate in the court process, to fully participate in case planning for the child, to require the agency to make reasonable efforts to reunification and to have visitation and contact with their children. The revised training workshop will confront the myths about dependent children of incarcerated parents as well as the biases that exist in engaging incarcerated parents in the dependency process.

Results from the 2012 survey administered to judges, children and youth administrators, wardens and state correctional institution superintendents will be highlighted during the training. The *Protect your Rights* flyer will be distributed as a handout and the sample protocol developed by the Workgroup (see Attachment B of the 2012 State Roundtable Report) will be showcased as an example of a sample protocol and best practice for the engagement of incarcerated parents. The Workshop will also present data supporting proactive strategies for engagement, hearing participation and visitation while a parent is incarcerated. There will be an emphasis on cross-system collaboration highlighting successful programs throughout Pennsylvania. The revised curriculum is scheduled for completion in 2014.

Core II Training

The Workgroup has endeavored to improve training and educational opportunities for child welfare and corrections professionals, judges, and attorneys on working with incarcerated parents and their families. The *Protect your Rights* flyer is designed as an educational tool for incarcerated parents with dependent children, but the hope is it will also be useful to the court and practitioners in engaging and supporting these parents and their families. Therefore, the Workgroup recommended in 2012 that the flyer as well as information about engaging incarcerated parents be incorporated into the statewide Core II Legal Representation Training for parent attorneys, guardians ad litem and

children and youth agency solicitors. The Workgroup partnered with the Legal Representation Workgroup to ensure the topic of representation of incarcerated parents was discussed in the Core II training where appropriate. To date, approximately 250 attorneys participated in Core II training and two more training sites are scheduled for the near future. Where appropriate, in specific training modules, the topic of adequate representation for incarcerated parents is discussed particularly concerning visitation, termination of parental rights and the appellate process. The *Protect your Rights* flyer is also used as a handout for the training. The Workgroup was pleased with this inclusion in the Core II training; however, it is still recommended that an advanced training, covering more in-depth representation topics be developed for attorneys. Once an advanced training process for attorneys is developed, the Workgroup welcomes the opportunity to participate in the training development if needed and further recommends the newly developed training video be used as part of the training.

PA Wardens' Association Conference

The 2012 survey revealed that one-half of corrections professionals, including county prison wardens and state correctional institution superintendents, reported little to no understanding of the child dependency system. Eighty-two percent (82%) indicated they would like to receive training about the dependency system and how it relates to incarcerated parents. In order to support training efforts for corrections professionals, Workgroup members were invited to present at an upcoming statewide Pennsylvania Wardens Association conference. The conference date for the presentation has not yet been set; however, Workgroup members are eager to present information to corrections professionals to ensure they are well informed about the dependency process and to encourage ongoing cross-system collaboration between child welfare, corrections and the courts.

SWAN LSI Incarceration Project

Workgroup members learned of a parallel committee operating under SWAN addressing the barriers to engaging incarcerated parents. The Workgroup met with members of the SWAN LSI Incarceration Project Committee to gain a better understanding about the committee's purpose and offer to collaborate on cross purpose initiatives. SWAN representatives explained the group was formed in response to comments heard over the past few years while working in counties about barriers in case planning and engagement of incarcerated parents. This Committee is in the process of compiling county, state and federal prison policies and procedures into a single resource manual for caseworkers, supervisors and SWAN LSI paralegals to assist in case planning with incarcerated parents. Currently, policies and procedures are maintained in multiple places, and most existing resource manuals are written for a single county. The manual that will be developed from the Incarcerated Parents Project Committee will contain current information from all 67 Pennsylvania counties. The Committee is working with Statewide Technical Assistance Collaborative partners to ensure the information does not duplicate other efforts aimed at working with incarcerated parents, but rather compliments those efforts. Members of the LSI Committee have joined the State Roundtable Workgroup. The Workgroup is excited about the efforts of the SWAN LSI Incarceration Project and look forward to future collaboration with the Incarceration Project Committee.

Data Collection

As stated in the 2012 Report to the State Roundtable, no good data exists either nationally or Pennsylvania specific about the number of children in the dependency system with an incarcerated parent. The Workgroup previously recommended the need for better gathering and utilization of reliable data on this population of children. As part of the 2012 recommendations, the Workgroup recommended CPCMS orders be revised to include check boxes to indicate whether a parent is incarcerated, if it is the mother or father who is incarcerated and whether or not they are incarcerated in a federal, state or local correctional facility. The Workgroup further recommended that the field be mandatory and the data be collected and reported both county specific and statewide. The Workgroup submitted a request to the PA Juvenile Court Procedural Rules Forms Sub-committee outlining the above request. To date, the Workgroup has not been notified whether or not the request has been discussed or approved.

Recommendations and Ongoing Efforts

The Dependent Children of Incarcerated Parents Workgroup:

1. Recommends a change to CPCMS court orders to collect data on dependent children of incarcerated parents.
2. Recommends advanced training on dependent children of incarcerated parents be made available for attorneys and legal professionals utilizing the training video as part of the curriculum.
3. Requests to finalize information to submit to the Dependency Benchbook Workgroup for both the Dependency Benchbook and Resource Companion on dependent children of incarcerated parents.
4. Requests to finalize the Dependent Children of Incarcerated Parents: Training Video for Judges and Legal Professionals and distribute upon completion.
5. Requests to finalize the Public Service Announcement for the PA Department of Corrections.
6. Requests to continue to assist the PA Child Welfare Resource Center in the enhancement to the Engaging Incarcerated Parents Curriculum for child welfare professionals.
7. Requests to continue collaborative efforts with the Pennsylvania Board of Probation and Parole and the Pennsylvania Department of Corrections to address statewide systemic issues.