



2015 Pennsylvania State Roundtable Report



**Dependent Children of
Incarcerated Parents Workgroup**

Dependent Children of Incarcerated Parents Workgroup

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The Time is Now to Make a Change

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Dependent Children of Incarcerated Parents Workgroup 2015 Progress Report

“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 Honorable Kim Berkeley Clark, Allegheny County Court of Common Pleas
Dependent Children of Incarcerated Parents, Workgroup Chair*

BACKGROUND AND INTRODUCTION:

The Dependent Children of Incarcerated Parents Workgroup, commissioned by the Pennsylvania State Roundtable was formally launched in September 2011. Prior to the Workgroup’s establishment, the issue of incarcerated parents within the dependency system was addressed by both the Pennsylvania State Roundtable’s Father Engagement Workgroup and Visitation Workgroup. Through their efforts, both of these Workgroups began to identify the complexities surrounding engagement of incarcerated parents in many facets of the dependency process including case planning, delivery of services, hearing participation and visitation and contact. During the 2011 Pennsylvania State Roundtable, it was determined that the issues surrounding children with incarcerated parents were complex and deserving of individualized attention. A Workgroup was designated to solely focus on the issue.

The Workgroup is chaired by the Honorable Kim Berkeley Clark, Administrative Judge, Family Division, Court of Common Pleas of Allegheny County and is comprised of highly skilled and experienced members who specialize in legal representation, child advocacy, child welfare, incarceration and dependency court. In addition to the above stakeholders, the group is privileged to include both a youth ambassador and parent ambassador who bring real life perspectives.

2012-2014 UNDERSTANDING THE ISSUES, BUILDING COLLABORATION AND PROVIDING RESOURCES:

Understanding the Issues:

Early tasks of the Workgroup included vetting the issues identified by both the Father Engagement and Visitation Workgroups and other concerns identified by stakeholders. In addition, the Workgroup reviewed national and state reports on the subject including the Pennsylvania Joint State Government Commission Advisory Committee on Incarcerated Parents and the U.S. Government Accountability Office Committee on

Foster Care Children with Incarcerated Parents. Both of these groups have issued extensive reports with sweeping recommendations for legislative, case practice and court reform.

Surveying Stakeholders:

Given the limited availability of national or Pennsylvania specific data about the issue, the Workgroup surveyed Pennsylvania dependency judges, hearing officers, children and youth administrators, county prison wardens and state correctional institution superintendents in 2012. Survey results revealed all stakeholders overwhelmingly agreed children have a right to visitation with their incarcerated parents, children deserve the right to maintain or create a bond with their parent and that child well-being is enhanced by frequent visitation. The survey also confirmed that common barriers exist across the commonwealth with engagement, hearing participation and visitation including distance, transportation and inadequate “child-friendly” visitation spaces in correctional facilities as well as concerns regarding the emotional impact of visits. The survey also indicated stakeholders were lacking in collaborative efforts. One hundred percent of county prison warden respondents reported never meeting with their local dependency judge to discuss systemic issues concerning children in foster care who have an incarcerated parent. In addition, 78% of warden respondents indicated they were unaware if a Local Children’s Roundtable existed in their county. Survey results also underscored the need and desire for cross-system dialog, protocols and training.

In addition to surveying the court, child welfare and prison systems, the Workgroup thought it was important to gain information from dependent youth with an incarcerated parent. A questionnaire was distributed to youth through the Pennsylvania Child Welfare Resource Center. Questions included information on what judges, caseworkers and Guardians Ad Litem should know, the importance of contact, visitation and parental involvement prior to incarceration. Results indicated that the majority of children surveyed wanted communication and contact with their incarcerated parent. Further the youth expressed through quotations their need to maintain a bond with their parent, the critical need and desire for visitation and the important roles their parents play in their lives.

As the Workgroup examined survey results, unpacked recommendations from similarly focused state and national groups and thoroughly discussed the issue, the Workgroup’s overarching principle was defined. Using the Mission and Guiding Principles for Pennsylvania’s Child Dependency as a touchstone – it was decided that the Workgroup would focus its efforts by raising awareness of this issue and ensuring *“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.”

Building Collaboration:

The Workgroup’s multi-system stakeholders recognize the critical need of system partners working together to achieve the overarching guiding principle aforementioned. In 2012, the first recommendation put forth by the Workgroup was *collaboration*. A system of collaboration between courts, child welfare agencies, correctional facilities and probation/parole offices is necessary for the improvement of outcomes for dependent children of incarcerated parents and for the engagement of incarcerated parents in the dependency process. In addition, the Workgroup recommended the development of county specific protocols for working with this population and for system partners to work together to make visitation spaces in county prisons more ‘child friendly.’

The Workgroup also recommended state agency partnerships be strengthened to address issues of this population. To assist these collaborative efforts, Workgroup members created the *Protect Your Rights* flyers and posters. This document helps educate incarcerated parents with a child in the foster care system about their rights and responsibilities. Over 20,000 flyers and posters were distributed to state correctional institutions, community corrections centers, probation and parole offices, county prisons and children and youth agencies. The flyer is also available for download on the Office of Children and Families in the Courts’ website in English and Spanish.

Dependent Children of Incarcerated Parents: An Educational Video for Judges and Legal Professionals

During 2013-2014 the Workgroup continued to collaborate with cross system partners on several other projects including the *Dependent Children of Incarcerated Parents: An Educational Video for Judges and Legal Professionals*. This video, funded by the Pittsburgh Child Guidance Foundation, is designed to educate judges and other legal professionals on the issues faced by incarcerated parents including confronting biases and myths, trauma, setting the tone in the courtroom, visitation and permanency planning. The video demonstrates that although unique challenges exist for this population of foster care youth, with individualized case planning, strong advocacy, and judicial oversight many of these challenges can be overcome. While the video was designed for judicial officers and legal professionals, much of the information is relevant for child welfare and corrections professionals. The video was distributed in the fall of 2014 and is available on the Office of Children and Families in the Courts’ webpage and

via Youtube. Initial comments from viewers about the video have been very positive and some counties have used it as a training tool for their local children's roundtables.

In addition, judges and children and youth administrators were given a copy of the newly released resource: *Little Children Big Challenges: Incarceration* produced by Sesame Street. The video and its related website are designed to provide educational resources for children, caregivers and service providers to help children impacted by parental incarceration.

Public Service Announcement in Pennsylvania State Correctional Institutions

The Workgroup partnered with the Pennsylvania Department of Corrections to produce a Public Service Announcement (PSA) to be aired in 28 Pennsylvania State Correctional Institutions. The PSA outlines key points of the *Protect Your Rights* flyer and emphasizes the critical need for incarcerated parents to:

- participate in dependency court proceedings
- communicate with their attorney and child's caseworker on a regular basis
- participate in case planning for their child
- maintain or establish a bond with their child
- save and share all documents received from programming completion in the institution.

The PSA is being aired on closed circuit stations in all state correctional facilities and is available to county prisons as well. The PSA is also located on the *Dependent Children of Incarcerated Parents: An Educational Video for Judges and Legal Professionals*.

Other Collaborative Projects

Other cross systems projects include:

- Presentation at the 2015 Pennsylvania Wardens' Association
- Presentation at the 2014 SWAN Summer Conference
- Presentation at the 2013 PA Children's Summit
- Presentation at the 2012 PA State Roundtable
- SWAN Legal Services Initiative (LSI) Incarceration Project
- Pennsylvania Board of Probation and Parole Agent training
- Enhancements to Child Welfare Resource Center's 305: Engaging Incarcerated Parents training curriculum for child welfare professionals

Resources:

PA Dependency Benchbook – Chapter 8 Incarcerated Parents

In 2014, the Workgroup offered suggestions to the Pennsylvania Dependency Benchbook Committee to include a separate section in the revised Pennsylvania Dependency Benchbook specifically on incarcerated parents and their children. A chapter on this topic was included which provides useful and practical information as well as guidance on engaging incarcerated parents in the court process. This new chapter underscores the importance of maintaining the bond and relationship between incarcerated parents and their children. Along with practical information, the chapter includes best practice recommendations and questions to ask from the bench.

Information on Additional Resources

Included on the next page is a comprehensive list of Resources that were developed by the Workgroup or by organizations with representation on the Workgroup to help achieve the Workgroup's Overarching Principle.

Resource	Description	Targeted Audience	Where its Located
OCFC Dependent Children of Incarcerated Parents Website	Educational information on the subject matter including links to all PA State Roundtable reports, resources, training video and link to the sesame street video on incarceration	All systems partners	www.ocfc.pacourts.us under children's roundtable and then PA State Roundtable workgroups
Protect Your Rights flyer	Educates incarcerated parents about rights and responsibilities if they have a child in the dependency system	Incarcerated parents and their families, parent attorneys and all systems partners	OCFC Website www.ocfc.pacourts.us downloadable in English and Spanish also limited supplies in SCIs, county prisons, prob./parole offices and child welfare offices
Dependent Children of Incarcerated Parents: An Educational Video for Judges and Legal Professionals	Educational information on the issues faced by dependent children with an incarcerated parent. Chapters include: confronting the biases, trauma, setting the tone in the courtroom, visitation and permanency planning	Designed for legal professionals but also benefits child welfare and corrections professionals and other systems partners	Available for download on www.ocfc.pacourts.us website or on YouTube. Can be viewed in entirety or by chapter. Hard copies available through the OCFC
Public Service Announcement	8 minute video designed specifically for inmates who have a child in the dependency system – outlines parents' rights and responsibilities	Incarcerated parents and their families, parent attorneys and all systems partners	www.ocfc.pacourts.us Dependent Children of Incarcerated Parents Workgroup webpage. Also located on Dependent Children of Incarcerated Parents: An Educational Video for Judges and Legal Professionals

Resource	Description	Targeted Audience	Where its Located
PA Dependency Benchbook (revised) Chapter 8 – Incarcerated Parents	Full chapter on engagement and visitation with an incarcerated parent Includes best practices and questions from the bench	Designed for judicial officers but also benefits child welfare and corrections professionals	Hard copies at county dependency courts and child welfare offices Available online at: www.ocfc.pacourts.us under judges and legal professionals tab
Sample protocol and practices for engaging incarcerated parents	Designed to assist local children’s roundtable and/or county stakeholders in development of local protocol for working with incarcerated parents in the dependency system	All systems partners	2012 Dependent Children of Incarcerated Parents State Roundtable Report - Attachment B
5 Things Your Local Children’s Roundtable Can Do Right Now	5 quick things roundtables can do to begin working on the issue of dependent children of incarcerated parents	All systems partners	2012 Dependent Children of Incarcerated Parents State Roundtable Report – Page 8
SWAN LSI Incarceration Project	Single resource manual of county prison policies and procedures	Child welfare professionals primarily but may be useful to systems partners	Coming in 2016 – check SWAN/LSI website for additional information
305: Engaging Incarcerated Parents Training Curriculum - CWRC	Enhanced CWRC curriculum designed to target the knowledge and abilities necessary to serve families with incarcerated parents	Child welfare professionals	Coming in 2016- check CWRC website for additional information

THE DISCUSSION ON DATA COLLECTION CONTINUES

As stated in the 2012, 2013 and 2014 State Roundtable Reports, no good data exists either nationally or Pennsylvania specific about the number of children in the Pennsylvania dependency system with an incarcerated parent. The Workgroup previously recommended the need to better gather and utilize reliable county specific and statewide data on this population. As part of the 2012, 2013 and 2014 State Roundtable Reports, the Workgroup recommended that the Common Pleas Case Management System (CPCMS) Dependency Orders be revised to include mandatory check boxes to collect data on incarcerated parents.

In 2014, the Workgroup began discussions on the possibility of collecting information on incarcerated parents in the newly created Child Welfare Information Solution System (CWIS). A request has been made to the Department of Public Welfare/Office of Children Youth and Families to begin collecting the following data elements in the CWIS system:

- Mother/Father incarcerated
- Incarcerated in a local, state or federal correctional facility
- Custodial/Non-custodial parent
- Whether or not visitation occurred in a prison.

In addition, the Office of Children and Families in the Courts has made several enhancements to the Permanency Review Hearing Court Observation Form. Among them is the ability to capture information on whether or not an incarcerated parent participated in the hearing. While this is certainly an advancement in data collection, it will only capture data on the portion of cases observed by the OCFC, not all cases. Therefore, the Workgroup continues to recommend utilizing the CPCMS system to gather statewide information on whether or not an incarcerated parent participated in dependency court proceedings. The Workgroup Chair has written to the Juvenile Court Rules Committee to request this topic be added to the agenda of the Forms Subcommittee.

EVALUATION:

The Workgroup believes it has done all it can to provide resources and assistance to support Local Children's Roundtables and corrections professionals in addressing the issue of Dependent Children of Incarcerated Parents. The recommendations from the 2012-2105 State Roundtable Reports, sample county protocols, Educational Video for Judges and Legal Professionals, Public Service Announcement, Protect Your Rights Document/Posters, Benchbook Chapter, enhanced Child Welfare Resource Center's 305: Engaging Incarcerated Parents Training and the upcoming Swan LSI Incarceration

toolkit hopefully will help to enhance local efforts. These tools and resources were provided to stakeholders between 2012-2015. Now that the resources are developed and distributed, the Workgroup is requesting to recess for 18 months to allow counties adequate time to utilize these resources. The Workgroup will reconvene after 18 months to evaluate the progress of achieving the Workgroup's overarching principle. While the Workgroup will not meet regularly during the recess, Workgroup members will continue to support efforts of partnering stakeholders with the completion of their projects.

Recommendations and Ongoing Efforts

The Dependent Children of Incarcerated Parents Workgroup respectfully submits to the State Roundtable the following recommendations:

1. Evaluate the impact of the Workgroup's efforts in achieving the overarching principal 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, to require the agency to make reasonable efforts towards reunification, and to have visitation and contact with their children."
2. Follow up with the Juvenile Court Procedural Rules Committee on the previous request to collect data on dependent children of incarcerated parents via the CPCMS court orders;
3. Follow up with the DHS/OCYF on the possibility of collecting data through the Child Welfare Information Solution;
4. Continued support of the PA CWRC effort to enhance the Engaging Incarcerated Parent Training Curriculum;
5. Continued support of the SWAN LSI Incarceration Toolkit project;
6. Continued collaborative efforts with the DOC, PBPP and other key stakeholders to address statewide systemic issues;
7. Utilization of Workgroup members to act as ambassadors to assist counties and state agencies in the implementation of the Workgroup's recommendations.