

Chapter 1: Confronting the Biases & Busting the Myths Head On

In this chapter, the common biases and myths about children and their incarcerated parents are revealed. These myths/biases include: the “apple doesn’t fall far from the tree” mentality; parents were never involved in their child’s life prior to incarceration; visitation in prison is harmful to a child; incarcerated parents are dangerous people; and incarcerated parents cannot play an important role in their child’s life. In reality, children of incarcerated parents are children of great promise. Most incarcerated parents were involved in their child’s life prior to incarceration making visitation and contact very important for both the parent’s and the child’s well-being during separation. Co-parenting from prison, although somewhat challenging, is possible.

Discussion Questions

1. What are your own personal biases about dependent children and their incarcerated parents?
2. What are some common biases/myths that exist about this population in your jurisdiction?
3. What system improvements can be made to address these biases?
4. What can you do in your daily work to confront these biases/myths head on?

Chapter 2: Trauma

This chapter is presented by a national expert on trauma who has extensive experience working with children of the incarcerated and their parents, child welfare professionals and judges. In this chapter, trauma is defined and a thorough explanation is given about the change in brain chemistry and behavioral reactions directly related to traumatic experiences. The loss of a parent to incarceration is compared to the loss of a parent to death. This chapter explains how the roll of a loving caretaker and a child’s ability to maintain/establish a connection with their parent is critical to mitigating trauma.

This chapter also offers a series of best practices for judicial decision makers and ideas on how to address trauma effectively.

Discussion Questions

1. How can the court and other system partners in your jurisdiction recognize the impact of trauma for children of incarcerated parents and what efforts can be taken to mitigate that trauma?
2. When seeking the help of medical professionals in diagnoses of children of incarcerated parents, do you ask whether or not the medical professional is experienced in trauma and if any of the symptoms the child is experiencing may be directly or indirectly related to the trauma associated with parental incarceration?
3. Think about past child welfare cases in your jurisdiction involving parental incarceration, what were the reactions of the system professionals and other adults (caregivers) surrounding the child? What could be done differently, now after watching this video, to elevate a sense of awareness about this population and to educate all those involved on trauma experienced by children of the incarcerated?
4. Consider your experiences of the reactions children demonstrate from visitation with their parent in prison. In those cases where children seemed to “act out” before or after visitation – could the negative behaviors have been a result of trauma experienced by the loss and separation from the parent and not the prison environment?

Chapter 3: The Court Process – The Role of the Judicial Officer and the Attorneys

Chapter 3 explores the role of the judicial officer and attorneys in cases involving dependent children who have an incarcerated parent. The overarching principle is *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*. This chapter explores best practices for judicial officers, parent attorneys, guardians ad litem, and agency solicitors in cases involving dependent children of incarcerated parents. Further, this chapter emphasizes the importance of judicial leadership in setting the tone and expectations of the parties.

Discussion Questions

1. The judicial officer must set the tone and expectations of the parties for cases involving dependent children with incarcerated parents. What is being done or what can be done to ensure that the *overarching principle* is achieved in all cases with an incarcerated parent?
2. What best practices are currently being utilized in your jurisdiction to ensure that incarcerated parents and their children are treated the same as any other parents and children? What new best practices have you learned through this video that can be incorporated into your current practice? Does your jurisdiction have a protocol in working with incarcerated parents? Should a protocol be developed?
3. Are incarcerated parents attending dependency proceedings either in person (preferred) or by video conference or telephone? If not, what barriers exist to impede participation and what processes can be put in place to ensure parent participation?
4. Are incarcerated parents actively involved in the family service planning process for their child? As much as other parents who are not incarcerated? Are the goals set for incarcerated parents achievable while they are incarcerated? Is the Family Service Plan revised upon release from prison?
5. Do children and parents understand they have a right to communicate and participate in visitation? If not, what can you do to ensure that both parents and children understand and exercise these rights?
6. Consider the best practices and recommendations outlined for the judicial officer, solicitor, parent attorney and guardian ad litem – which of these practices/suggestions could be implemented immediately to help in achieving the *overarching principle*?

Chapter 4: Visitation

Chapter 4 explores the issue of visitation including laws, parent/child visitation rights, benefits of visitation, visitation as it relates to best interest, logistics, barriers, prison environment, contact and non-contact visitation, other forms of communication beside visitation and planning/debriefing for visitation. In addition, this chapter offers best practices and roles and responsibilities for judicial officers and attorneys surrounding visitation for dependent children and their incarcerated parents.

Discussion Questions:

1. In your jurisdiction, does visitation between incarcerated parents and their children occur as frequently as children with parents who are not incarcerated? If not, what barriers exist to prevent more frequent visitation and contact? How can you overcome these barriers?
2. Have you ever visited your local county prison or a state prison? Are you familiar with the environment and visitation space? What efforts can be made to educate stakeholders about prison policies, procedures and visitation? What efforts can be made to engage prison staff about the dependency process and parent and child rights?
3. Is the warden of your county prison facility a member of your Local Children's Roundtable? What can be done to engage the warden or other prison personnel to partner in improving visitation for this population and working collaboratively on needed services?
4. Consider how stakeholders handle planning and debriefing for both parent and child before and after visitation. What are the current practices? What new practices have you learned from this video that can improve the visitation experience for families? How can they be implemented?
5. The video demonstrates the important role a loving, supportive caregiver can play while a parent is incarcerated. What efforts are currently underway to educate and support caretakers (kin / foster parents) about their role? What else can be done given the information outlined in the video?

Chapter 5: Permanency Planning

In this chapter, important information about permanency planning for children of incarcerated parents is discussed. The Adoption and Safe Families Act (ASFA) timelines and criminal justice policies makes this population of youth uniquely vulnerable to the permanent loss of their parent. This chapter explores challenges to reunification, termination of parental rights, coordinating reentry planning, concurrent planning, front loading services and engaging both the parent and youth as early as possible in permanency planning for their family.

Discussion Questions:

1. In cases where a parent is incarcerated, how accurate is the information given to the court about what is happening in the criminal case (charges, sentence length, release date, mandatory programming, probation/parole etc.)? What systemic changes can occur to better inform the court and the parties about the criminal case?
2. How well do incarcerated parents in your jurisdiction understand the ASFA timelines, termination of parental rights and their rights and responsibilities as it relates to permanency planning? What can be done to better educate and engage parents?
3. Has your jurisdiction used Family Group Decision Making (FGDM) with this population for either reentry planning for the parent or permanency planning for the child? If not, discuss the possibility of implementing FGDM in this unique way. Remember – if transporting the parent is an issue, parents can participate via phone or video for a FGDM conference or the conference could be held at the jail or prison.
4. Discuss engagement efforts for both youth and parents in permanency planning? What new information presented in this video can assist in enhancing the youth and parent voice?



An Educational Video for Judges and Legal Professionals



Dependent Children of Incarcerated Parents

Discussion Guide

This discussion guide can be used to accompany the video and is designed to assist Local Children's Roundtables, multisystem professionals who work with dependent youth and their incarcerated parents or for individual study. Although the video can be viewed in its entirety, it is recommended that the chapters be viewed separately and the discussion guide be used to generate conversation among viewers.