AMERICAN BAR ASSOCIATION
National Conference on Parent Representation
April 12, 2019

REPRESENTING INCARCERATED PARENTS IN CHILD WELFARE PROCEEDINGS
ERA OF MASS INCARCERATION

JOIN US IN CALLING FOR #JusticeReformNOW #cut50
Total adult correctional population, 1980–2015


1974-Child Abuse Prevention and Treatment Act (CAPTA)

1980-Adoption Assistance and Child Welfare Act

1997- Adoption and Safe Families Act (ASFA)
Children With an Incarcerated Parent

2011-2012 United States Children  
5,113,000  
Percentage of Children  
7%

2015-2016 United States Children  
5,749,000  
Percentage of Children  
8%

1.  

2.  
Incarcerated US Mothers and Their Children

Source: US Bureau of Justice Statistics
Resources
BARRIERS TO REPRESENTING INCARCERATED PARENTS IN CHILD WELFARE PROCEEDINGS

- Parent Participation in Hearings
- Child-Parent Visitation
- Case Plans and Individualized service Planning
- Parent Participation in Staffings & Family Team Meetings
- Parents’ ability to access services in different corrections facilities (Jail v. Prison)
- Re-entry Barriers Facing Parents
Dependency Advocacy Center
Corridor Program
ABA National Conference on Parent Representation, April 11-12, 2019
Presenting Problems

- Substance Abuse: 59%
- DV: 36%
- Mental Health: 32%
- Physical Abuse: 23%
- Sexual Abuse: 7%
- Other: 14%
In Santa Clara County, 10% of parents in new dependency cases are in custody at time of initial hearing.

Approximately 1/3 of Santa Clara County dependency cases involve one or more parents incarcerated for at least part of the case.

Many other parents in dependency cases have a history of incarceration.

Incarceration can create significant barriers to successful reunification.

Parents on formal probation are at risk of child welfare system intervention.

History of incarceration, or release during reunification, creates particular stresses and barriers.
Corridor: a Partnership of DAC and Santa Clara County Probation Department

• Serve Santa Clara County residents on formal probation and at risk of child welfare involvement
• Break the generational cycle of involvement in multiple systems (criminal justice, child welfare) parents at all stages of the “lifecycle” of incarceration
Corridor Goals

• Reduce incarceration and recidivism of parents in Santa Clara County
• Ensure children of arrested or incarcerated parents are healthy, thriving, and living in safe and nurturing families
• Ensure arrested or incarcerated parents have access to resources that strengthen their capacity to raise healthy, thriving children
• Prevent child welfare system involvement
• For families involved in the child welfare/dependency system, promote family/community placements, empower parents on formal probation to reunify with their children and reduce future child welfare and criminal justice system involvement
Dac Corridor Team

- Attorney
- Social Worker
- Mentor Parents
Prevention and Diversion

- Community resource referrals
- Safety planning
  - Relapse prevention
  - Domestic violence
  - Mental health
  - Re-incarceration – alternative caretaker arrangement
- Legal consultation regarding child welfare system
- Limited scope legal representation
- Peer support
Dependency Services

• Court appointed to provide direct legal representation through all stages of the dependency case.
• Promote collaboration and coordination between DFCS and Probation.
• Provide clinical support (including safety planning) and peer mentorship
• Aftercare supports
Leveraging Community Partners and Resources

- Santa Clara County Probation Department
- Public Defender's Office
- Department of Pre-Trial Services
- Office of Reentry Services/Reentry Resource Center
- Santa Clara County Department of Family and Children's Services
- First Five of Santa Clara County
- Santa Clara County Superior Court
- San Jose State University
Corridor Mission Statement

Empowering parents on formal probation to keep their families together, strengthen community supports, and reduce involvement with child welfare and criminal court systems.
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Alameda County Children of Incarcerated Parents Partnership (ACCIPP)

• Regional coalition
• Builds bridges in the community (inside and outside of prison)
• Policy Advocacy (“Time of Arrest” Position Paper)
• Increase professional and public awareness

• Main goal: Improve the lives of children with an incarcerated parent
ACCIPP

• WORKGROUPS
  ▪ Parent-Caregiver Advisory Group (PCAG)
  ▪ Time of Arrest Workgroup
  ▪ Data and Research Workgroup
  ▪ Training and Practice Workgroup
“Model Policies to Care for Children Impacted by Parental Arrest” (Position Paper)

- **Concern:** The harm suffered by children when their parent is arrested
- **Question:** How can we protect a child during and shortly after arrest?
San Francisco PD “Children of Arrested Parents Policy” – Dept. General Order 7.04

• Requires officers to ask all arrestees whether they have a dependent child under age 18 and instructs officers to look for signs of children.

• The SFPD policy permits an arrested parent to have a “good goodbye” where, if a parent is cooperative with law enforcement, the parent may explain the situation to his children and reassure them.

• Alternatively, officers are instructed to explain the reasons for the arrest to the child in age-appropriate language and to reassure the child that she and her parent will be cared for.

• Instructs officers to handcuff parents outside the sight and hearing of children when safety permits.
Partners for Justice

- Low income people who have issues that do not yet require legal assistance (requirement for our referrals: must also be a client of the public defender office).
- Recent college graduates trained by Bronx Defenders.
- Issues include: housing, health benefits, property loss, employment, or immigration.
- www.partnersforjustice.org
In-House Efforts

Social Work Interns – “Resources for Incarcerated Parents”
• Lists the jails and prisons in California, the direct contacts, and how to get contact and non-contact visits for an incarcerated parent and his/her child
• Tips and tricks, clearances

Parent Advocate – “Parent Support Group”
– Gain resources to support a parent and his/her family though the process

Attorneys
– Pushing for visits at jails - contact, non-contact, or video
INCARCERATED REPRESENTATION PROGRAM

http://www.drake.edu/law/clinics-centers/middleton/ipp/
CREATE PARTNERSHIPS WITH KEY STAKEHOLDERS TO IDENTIFY BARRIERS, DISCUSS THOSE BARRIERS AND PROBLEM SOLVE SOLUTIONS
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DEVELOP RESOURCES TO ASSIST FAMILIES AND PROVIDE CHILD WELFARE PROFESSIONALS WITH RESOURCES PERFORM THEIR DUTIES ACCORDING TO BEST PRACTICES

Incarcerated Parents

Caretaker Resources

Child Welfare Professionals

Parent Attorneys

Transnational Families

Iowa Social Workers
PARTNERING FOR LASTING CHANGE
IMPACT ON CHILDREN

• Children of Incarcerated Parents are 5x more likely to be incarcerated themselves.

• CDC has determined parental incarceration significantly increases the likelihood of long-term negative outcomes for children.
Adverse Childhood Experience (ACE) Questionnaire
Finding your ACE Score

While you were growing up, during your first 18 years of life:

1. Did a parent or other adult in the household often …
   Swear at you, insult you, put you down, or humiliate you?
   or
   Act in a way that made you afraid that you might be physically hurt?
   Yes  No
   If yes enter 1 ______

2. Did a parent or other adult in the household often …
   Push, grab, slap, or throw something at you?
   or
   Ever hit you so hard that you had marks or were injured?
   Yes  No
   If yes enter 1 ______

3. Did an adult or person at least 5 years older than you ever…
   Touch or fondle you or have you touch their body in a sexual way?
   or
   Try to or actually have oral, anal, or vaginal sex with you?
   Yes  No
   If yes enter 1 ______

4. Did you often feel that …
   No one in your family loved you or thought you were important or special?
   or
   Your family didn’t look out for each other, feel close to each other, or support each other?
   Yes  No
   If yes enter 1 ______

5. Did you often feel that …
   You didn’t have enough to eat, had to wear dirty clothes, and had no one to protect you?
   or
   Your parents were too drunk or high to take care of you or take you to the doctor if
   Yes  No
   If yes enter 1 ______

6. Were your parents ever separated or divorced?
   Yes  No
   If yes enter 1 ______

7. Was your mother or stepmother:
   Often pushed, grabbed, slapped, or had something thrown at her?
   or
   Sometimes or often kicked, bitten, hit with a fist, or hit with something hard?
   or
   Ever repeatedly hit over at least a few minutes or threatened with a gun or knife?
   Yes  No
   If yes enter 1 ______

8. Did you live with anyone who was a problem drinker or alcoholic or who used street drugs?
   Yes  No
   If yes enter 1 ______

9. Was a household member depressed or mentally ill or did a household member attempt suicide?
   Yes  No
   If yes enter 1 ______

10. Did a household member go to prison?
    Yes  No
    If yes enter 1 ______

Now add up your “Yes” answers: ______  This is your ACE Score