

Submission:

Inquiry into children affected by parental incarceration

The Centre for Excellence in Child and Family Welfare (the Centre) welcomes the opportunity to provide a submission to the *Inquiry into children affected by parental incarceration* for consideration by the Legislative Council Legal and Social Issues Standing Committee.

The Centre is the peak body for child and family services in Victoria. For over 100 years we have advocated for the rights of children and young people to be heard, to be safe, to access education and to remain connected to family, community and culture. We represent over 150 community service organisations, students and individuals throughout Victoria working across the continuum of child and family services, from prevention and early intervention to the provision of out-of-home care.

Our members work with children and young people experiencing many different kinds of vulnerability. Many members work with children and families where a parent is either at risk of incarceration, is currently incarcerated, or is completing/has completed a period of incarceration, each part of the cycle of imprisonment with its own specific challenges and risks for children. We work closely with our members on early intervention programs and practices which are aimed at making sure all children, regardless of family circumstances, are supported at the earliest opportunity. Much of our work involves advocacy for children's perspectives and voices to be heard and incorporated into policies and programs.

As a community, we need to do better for children. We have an obligation to make sure the children of incarcerated parents are not stigmatised or marginalised or treated differently from their peers. Any response to children affected by parental incarceration needs to be based on what children themselves say they need and want.

Number of children affected by parental incarceration

A good starting point to better responding to children with parents in prison would be to better understand the number of children affected. While the problem of parental incarceration is known to be significant, there is no reliable data source currently available on the number of children affected. A study by the Australian Institute of Health and Welfare (AIHW) found that from a sample of prison entrants in 2018, 38 per cent, or two in five, had dependent children.¹ Some sources estimate that around 5 per cent of all children and 20 per cent of Aboriginal children are affected by parental incarceration in Australia.²

As will be discussed below, the costs of parental incarceration to a child, their family and society are high. When the caregiver of a child is incarcerated, this has significant implications for a child's

¹ Australian Institute of Health and Welfare (AIHW) 2018, *The health of Australia's prisoners*, AIHW, Melbourne.

² Hart, A & Field-Pimm, M 2021, Whose responsibility? Re-examining Victorian justice system responses to the children and families of parents in prison, *Australian Journal of Social Issues*, online version, pp. 1-15.

rights, safety and wellbeing. As a community, we have a responsibility to make sure that *all* children affected by parental incarceration receive appropriate care and support in their best interests. If support is to be provided to all children, then data on the scope of the problem is needed to show the extent to which we are delivering on this promise. We therefore recommend that the Victorian Government advocate for the AIHW to collect and annually report data on:

- the number of prisoners with children aged 0-18 years
- the number of children they have
- whether their children are from Aboriginal or CALD backgrounds
- who cared for the children immediately prior to incarceration
- who is caring for them while the parent is in prison
- whether the child is receiving child protection services.

This kind of data would increase the visibility of children and inform the scale and quality of the service system response.

Recommendation

That the Victorian Government advocates for the Australian Institute of Health and Welfare to collect and annually report data on the number of prisoners with children aged 0-18 years, the number of children they have, whether their children are from Aboriginal or CALD backgrounds, who cared for the children immediately prior to incarceration, who is caring for them while the parent is in prison and whether the child is receiving child protection services.

Impacts of parental incarceration on children

There is extensive evidence pointing to a range of wellbeing concerns and adverse impacts that children affected by parental incarceration are likely to experience in the short-term, long-term, and intergenerationally.³ Much of this research is from the United States, where millions of children are affected by parental incarceration.⁴ A US longitudinal study using a nationally representative sample found that for people who had a father in prison during their adolescence, there were significant associations with physical and mental health conditions, lower educational attainment and satisfaction, and poorer economic outcomes.⁵

Having an incarcerated parent is considered to be an Adverse Childhood Experience (ACE).⁶ Children who reside in the care of their parent/s at the time of their parent's arrest are likely to experience significant trauma and attachment disruption as well as separation anxiety and development

³ Miller, HV, Barnes, JC 2015, The association between parental incarceration and health, education, and economic outcomes in young adulthood, *American Journal of Criminal Justice*, vol. 40, no. 4, pp. 765-84.

⁴ Cramer, L, Goff, M, Peterson, B & Sandstrom, H 2017, *Parent-child visiting practices in prisons and jails: a synthesis of research and practice*, Urban Institute, Washington D. C.

⁵ Miller & Barnes 2015.

⁶ Arditti, JA 2012, Child trauma within the context of parental incarceration: a family process perspective, *Journal of Family Theory & Review*, vol. 4, no. 3, pp. 181-219; Emerging Minds 2020, *Adverse Childhood Experiences (ACEs): summary of evidence and impacts*, Emerging Minds: National Workforce Centre for Child Mental Health, Canberra.

regression.⁷ Interrupted attachment with caregiver/s can affect the development of healthy attachments throughout life.

A summary of other impacts indicated by the research include:

- *Changed care arrangements, instability and uncertainty:* When a parent is arrested, a child may continue to live with another parent or caregiver with limited change to their home life, however this is not the case for all children and many experience uncertainty.⁸ For some children, their living circumstances may change drastically, with possible changes to where they live and who cares for them, where they go to school, and to their existing social networks and friendship groups. We need to minimise these disruptions as far as practicable through collaborative and skilled service responses.
- *Socioeconomic impacts:* A parent going to prison can have significant and immediate consequences for a family's financial wellbeing, increasing their risk of poverty and housing insecurity.⁹ Kinship carers, and grandparents in particular, often experience financial hardship when taking on the care of children. Given that poverty is strongly correlated with other childhood adversities, this is an important factor to consider when thinking about the impact of parental incarceration on children.¹⁰ It suggests consideration should be given to additional financial support for these caregivers to minimise the material and social impacts on children's lives as a result of parental incarceration.
- *Child protection involvement:* Children who do not have an appropriate alternative caregiver within their family or social network are at risk of child protection intervention and of being placed in foster care or residential care.¹¹ The length of the parent's period of incarceration contributes significantly to protective planning, and in accordance with the legislation regarding permanency planning, is likely to determine whether there is planning for reunification, or whether plans are made to have the child remain out of parental care permanently. Children need to have a say in what happens to them when a parent is incarcerated.
- *Stigma,¹² marginalisation and social exclusion:* Parental incarceration is a known contributor to family marginalisation and social exclusion.¹³ Increasing practitioner and community understanding of the impacts of parental incarceration on children could help mitigate against this.
- *Education engagement and performance challenges:* Lack of understanding by the school system and a child's own feelings associated with their parent's incarceration can lead to

⁷ Arditti 2012; Miller & Barnes 2015.

⁸ Arditti 2012.

⁹ Arditti 2012; Miller & Barnes 2015.

¹⁰ Hughes, M & Tucker, W 2018, Poverty as an Adverse Childhood Experience, *North Carolina Medical Journal*, vol. 79, no. 2, pp. 124-26.

¹¹ Arditti 2012.

¹² Arditti 2012.

¹³ Miller & Barnes 2015.

academic and behavioural challenges at school and higher levels of absenteeism.¹⁴ Increasing professional understanding of the impact on children's educational engagement and performance could inform localised responses and state-wide educational guidance.

- *Emotional distress and mental health and behavioural challenges:* Some studies have found high levels of post-traumatic stress among children affected by parental incarceration.¹⁵ Children can be left feeling worried or afraid for their incarcerated parents, whether they choose to see them or not.¹⁶ Better access to specialised supports and services could assist in addressing this impact.

Children bear the impact of and punishment for a parent's crime through the removal of their caregiver. They are entitled to trauma-informed therapeutic supports similar to those provided to victims of crime to process their grief and parental separation and to mitigate adverse outcomes. Timely supports near to home are needed to enable children to recover and thrive. Unfortunately, availability of therapeutic counselling and support for children in Victoria is currently limited, particularly in regional areas, with long waiting lists for support.

Recommendation

That the Victorian Government take action to address the shortage of therapeutic counselling services for children affected by parental incarceration.

Impact of and challenges maintaining contact with an incarcerated parent

Frequent contact with incarcerated parents has been associated with improved emotional adjustment and coping skills in children.¹⁷ However, visiting a parent in prison can be a very difficult experience for a child and must be undertaken with care, ideally supported by family and a specialist worker.¹⁸

One study drew on interviews with families from four different countries and found that:

the practical and financial barriers to maintaining contact and the suitability of prison visiting environments ... had important implications for children's emotional health and the extent to which contact was conducive to supporting parent-child relationships.¹⁹

¹⁴ Levkovich, I & Ne'emani H 2022, 'Childhood in the shadow of prison bars': How school counselors cope while counseling children of incarcerated parents, *Children & Society*, online version, pp. 1-17; Schlafer, RJ, Reedy, T & Davis, L 2018, School-based outcomes among youth with incarcerated parents: differences by school setting, *Journal of School Health*, vol. 87, no. 9, pp. 687-695.

¹⁵ Arditti 2012.

¹⁶ Arditti 2012.

¹⁷ Kremer, KP, Christensen, KM, Stump, KN, Stelter, RL, Kupersmidt, JB & Rhodes, JE 2021, The role of visits and parent-child relationship quality in promoting positive outcomes for children of incarcerated parents, *Child and Family Social Work*, online version, pp. 1-11; Sharratt, K 2014, Children's experiences of contact with imprisoned parents: A comparison between four European countries, *European Journal of Criminology*, vol. 11, no. 6, pp. 760-75.

¹⁸ Arditti 2012.

¹⁹ Sharratt 2014.

This reinforces the importance of child-friendly visiting environments to enable the child-parent relationship to be sustained during incarceration. We need to make sure that when children visit their parents the environment is as safe and welcoming as it can possibly be to prevent further traumatisation.

When a child is in the child protection system, maintaining contact with a parent in prison comes with additional complications as there are likely to be orders in place dictating contact arrangements with parents. The frequency of visits to a parent in prison will vary based on a number of factors from age and wishes of the child to travel distance. Contact frequency and arrangements may also be affected by the circumstances of the other, non-incarcerated parent, who also does not have care of the child. Further, the justice system can be challenging for protective workers (especially new or inexperienced workers) to navigate when supporting a child to maintain contact with parents, exacerbated by differing processes between prisons. At all times the system must take into account what is in the best interests of children and how we can continue to support their emotional and physical wellbeing.

There can be further complexities regarding contact arrangements, particularly when the relationship between the foster carer or kinship carer and the parent is less than amicable. Children will often be left with feelings of divided loyalties and confusion, particularly when they can sense that there is tension between their incarcerated parent and their carer. The complex challenges involved in maintaining contact with parents strongly support the need for specialist services to support children and families to navigate this space.

Adequacy of policies and services

For the entire period of their parents' incarceration, children need at least one stable and committed relationship with an adult who can meet their developmental, safety and wellbeing needs.²⁰ Support to maintain the parent-child relationship while a parent is in prison, where this is in the best interests of the child, is also important for children and their parents.²¹

Specialist services

While quality specialist services are available, the quantity and reach of these services is inadequate and does not meet the needs of all children with imprisoned parents across Victoria.

In keeping with its Early Intervention Investment Framework, the Victorian Government should be investing in early intervention programs which can help prevent family breakdown during a parent's incarceration period, potentially avoiding the financial cost of more intensive and costly services later in a child's life. Investment in pilots and promising programs can lay the foundations for long-term change. This means focusing on initiatives where there are:

- Existing capabilities – areas where there is already evidence, capability and readiness to make a difference

²⁰ National Scientific Council on the Developing Child 2016, *Applying the science of child development in child welfare systems: in brief*, Center on the Developing Child at Harvard University, Cambridge, MA.

²¹ Kremer et al. 2021.

- Tangible results – cohorts or issues that already have clearly definable and measurable outcomes that can be targeted
- Positive outcomes – areas where the desire to reduce acute expenditure and improve wellbeing outcomes closely align.

For example, VACRO delivers four specialised programs that support children and families affected by parental incarceration, all of which have been evaluated. Despite evidence of their success and significant levels of unmet need, these programs remain small in scale. If these were to be scaled up, they could provide a potent form of early intervention to prevent incarceration becoming intergenerational. There is a need for adequate and sustainable funding to ensure all children affected by parental incarceration can access the services that will support them early in their life trajectories and prevent or mitigate the impacts that research shows can occur without appropriate and early supports.

It is important that the Victorian Government funds services to pilot and evaluate innovative programs when unmet needs are identified. Where these pilot programs are found to be effective, we urge the Victorian Government to provide them with ongoing funding.

Recommendation

Invest in the expansion of evidence-based and evaluated specialist services for children and families affected by parental incarceration so that all children in need of support in Victoria can access these.

Upon arrest

While Australian data is limited, research indicates that a significant number of children are present when their parent is arrested, an exposure which can be a contributing factor to a child's trauma.²² If a child is not present during the arrest, a lack of formal processes for identifying if a person is a parent upon arrest can lead to circumstances in which children are left unattended or without adequate support. Currently, responses to children upon parental arrest are inadequate in Victoria.

In some international jurisdictions, including Sweden and parts of the US, children are provided with a basic minimum standard of care upon arrest, such as support from social workers co-located in police stations, and include all people being asked upon arrest about parenting responsibilities and care arrangements.²³

The Centre recommends that the 2012 [Protecting children: Protocol between Department of Human Services - Child Protection and Victoria Police](#) be reviewed, refreshed and updated to include mandatory processes to enquire about and record parenting responsibilities and care arrangements for children at the time of a parent's arrest and to guarantee a minimum standard of care for children.

²² Arditti 2012.

²³ Flynn, C, Bartlett, T, Fernandez Arias, P, Evans, P & Burgess, A 2015, Responding to children when their parents are incarcerated: Exploring the responses in Victoria and New South Wales, Australia, *Children of Prisoners*, vol. 32, pp. 4-27.

Recommendation

That Victoria Police develop and implement mandatory processes to enquire about and record parenting responsibilities and care arrangements for children at the time of a parent's arrest and to guarantee a minimum standard of care for children.

Adult justice system responses to the needs of children and parents in prison

The Centre welcomes recognition from Corrections Victoria (CV) that 'strong family connections play a pivotal role in promoting rehabilitation, reducing recidivism and supporting reintegration of individuals released from prison'.²⁴ CV's recently released document *Family engagement and parenting: programs and services guide* contains the following statement:

CV policy initiatives have moved away from seeing parenting or family engagement initiatives as optional services to ones that are critical for the effective operation of the system and that are vital in achieving its broader mission of reducing reoffending and increasing community safety.²⁵

This position is strongly supported by the evidence. While there are a number of evidence-based parenting programs available to parents in prison, these are not currently available in all prisons. Five parenting programs are only delivered in Tarrengower Prison, meaning they are only available to mothers. While women in prison are more likely to have dependent children than men,²⁶ the high proportion of male prisoners (94 per cent of Victorians in prison) suggests that a significant number of fathers are missing out.²⁷ It is crucial that fathers are also provided access to quality parenting programs given that many will re-join their families on release and resume parenting responsibilities.²⁸ Information from our members suggests that where family violence has been present prior to incarceration, re-entry into the family can be fraught for all family members, suggesting that access to parenting programs for fathers could support safer environments for children after re-entry to the family.

Recommendation

Expand the availability of evidence-based parenting programs across all prisons.

²⁴ Corrections Victoria 2022, *Family engagement and parenting: programs and services guide*, Victorian Government, Melbourne.

²⁵ Corrections Victoria 2022, p. 4.

²⁶ Bartels, L & Gaffney, A 2011, *Good practice in women's prisons: a literature review*, Australian Institute of Criminology, Canberra.

²⁷ Australian Bureau of Statistics (ABS) 2021, *Prisoners in Australia*, 9 December, viewed 27 April 2022, <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release>>.

²⁸ Charles, P, Muentner, L & Kjellstrand, J 2019, 'Parenting and incarceration: perspectives on father-child involvement during reentry from prison', *Social Services Review*, vol. 93, no. 2, pp. 218-261.

While the *Family engagement and parenting: programs and services guide* demonstrates the work taking place to deliver family-focused supports in the prison system, complementary work and attention in other systems and workforces is necessary to adequately meet the needs of children.

We recommend the establishment of a dedicated unit within the Department of Families, Fairness and Housing (DFFH) whose core work is to implement strategies to meet the needs of children affected by parental incarceration. DFFH are best placed to provide this support due to their existing mandates and experience supporting work with children with complex needs. This unit would maintain a focus on the rights and needs of the child in family engagement work, coordinate service responses and work closely with CV and child protection to achieve positive outcomes for children affected by parental incarceration. It would also look to the ways that other workforces, such as child and family services, including out-of-home care services, delivered by community services organisations (CSOs) can better meet the needs of these children.

Recommendation

Establish a dedicated unit within the Department of Families, Fairness and Housing (DFFH) whose mandate is to implement strategies to meet the needs of children affected by parental incarceration.

Other areas for improvement

Support for the child and family services workforce and for carers

Unfortunately, data is not available on the number of children affected by parental incarceration who are supported by child and family services. Information from our members indicates that the numbers are significant enough to warrant targeted training, resources and support for our workforce. This is particularly important as children affected by parental incarceration in contact with child and family services are more likely to have experienced or be experiencing multiple ACEs, and research shows that the number of ACEs experienced strongly predicts the likelihood of associated physical health, mental health and social and behavioural problems throughout life.²⁹

There is currently no specific assessment process, framework or practice guide to assist child and family services, including out-of-home care workforces, to identify when a child is affected by parental incarceration and to provide appropriate support. While some organisations reported that they have an assessment process that would identify if a child had a parent in prison, this was not consistent across sector organisations.

The [Child Protection Manual](#) provides guidance for situations when a child is placed in prison with a parent, but not for supporting a child in care who is affected by parental incarceration.

There are a range of opportunities to improve the capability of the child and family services workforce to identify and respond to children affected by parental incarceration. While our workforce uses trauma-informed and child-focused practice in their work, which puts them in a strong position

²⁹ Emerging Minds 2020.

to support children affected by parental incarceration, gaps exist, including knowledge of specialist services.

Suggestions from the child and family services workforce to improve their confidence and capacity to support these children include:

- Dedicated training on the needs of children affected by parental incarceration and how they can best be supported
- Providing additional content-specific advice and guidance to existing resources and promoting evidence-informed resources, such as the Families of Offenders Resource Kit from VACRO
- Raising levels of awareness of specialist services to facilitate referrals.

Victoria's training infrastructure for carers, including Carer KaFÉ for foster and kinship carers and the Residential Care Learning and Development Strategy for residential care workers could be supported to develop tailored training on how to support a child with an imprisoned parent. Existing international models, such as the CARES approach, which focuses on supportive communication to build a child's resilience, could be drawn on to develop this training.³⁰

Recommendation

Review existing resources commonly used by child and family services practitioners to identify and address gaps in guidance relating to children affected by parental incarceration.

Conclusion

The Centre welcomes an inquiry into the impact of parental incarceration on children. The research shows a wide range of adverse outcomes for children affected by parental incarceration, particularly in the absence of the right supports at the right times. Fortunately, there is sufficient evidence to show what works well to support these children, and therefore the focus should be on expanding existing evidence-based and evaluated programs to all children and families in need of support in Victoria. This is the main message we want to pass on to the Committee: that children affected by parental incarceration need to be given the very best evidence-informed support to enable them to grow and thrive, and where it is in their best interests, to maintain a positive relationship with the incarcerated parent. This means listening to what children of incarcerated parents have to say about their lives, what they want and need. It means government investing in what is known to work in the best interests of children. When parents are incarcerated, the best interests of children must always be front of mind.

³⁰ KidsMates 2022, Parental incarceration survival skills, viewed 27 April 2022, <<https://www.kidsmates.org/survival-skills>>; Martoma, R 2020, Tips to support children when a parent is in prison, 7 January, viewed 27 April 2022, <<https://www.healthychildren.org/English/healthy-living/emotional-wellness/Building-Resilience/Pages/Tips-to-Support-Children-When-a-Parent-is-in-Prison.aspx>>.