



**ORANGA
TAMARIKI**
Ministry for Children



ALLEN + CLARKE

New Zealand Government

Evidence Brief

Care of Children of Incarcerated Sole Caregivers

Acknowledgements

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The Oranga Tamariki Evidence Centre works to build the evidence base that helps us better understand wellbeing and what works to improve outcomes for New Zealand's children, young people and their whānau.

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Executive Summary



This evidence brief details what is known about the best practice responses to the care of children of sole caregiver or parents when they are arrested or incarcerated. This brief provides insight across:

- policy, practice, and guidance
- care arrangements
- reunification
- impacts and consequences
- child wellbeing support, and
- indigenous approaches.

Local and international policy, guidance and practice go some way to guiding practitioners, but fall short of providing strong frameworks for the care of children whose sole parent or caregiver has been arrested or incarcerated.

The evidence review identified that guidelines from the United Nations and the Council of Europe are considered to be the most important international guidelines for protecting the rights of children. The African Charter also provides a blueprint for national legislation and systematic support of children of parental incarceration.

Although international guidelines provide directions and overarching principles, at the national level, practices vary, and different interpretations exist. The evidence highlights the importance of inter-agency information sharing and collaboration. As an example of strong local policy, in some US states law enforcement and child welfare agencies work together on child placement prior to an arrest. If possible, custodial sentencing can be avoided to lessen the impact on the child. If unavoidable, it is crucial for child welfare and justice agencies to identify a replacement caregiver quickly, effectively, and collaboratively through consultation with the incarcerated parent/caregiver, and for support to be put in place throughout this process for the best wellbeing outcomes for all affected parties.

Inter-agency collaboration is a key element to successful care arrangements during custodial sentencing, after sentencing, and during re-entry.

Inter-agency collaboration plays an important role in supporting children through the process of their caregiver's incarceration. Effective inter-agency collaboration can respond to the complex and interconnected needs of these children and can provide a comprehensive and coordinated approach to addressing needs. As the impact of parental incarceration on children can be significant (and can touch on other areas of their lives, such as school), by working collaboratively across multiple agencies and sectors the overall wellbeing of the child can be better protected and supported.

This collaboration supports a more holistic understanding of the needs and circumstances of the child, as different agencies around the child have their own unique perspectives and expertise. Collaboration between child welfare agencies, justice and corrections systems, local NGOs, and schools can provide the much-needed support for the child, their caregivers, and the incarcerated parent. This

collaboration should span from arrest through to establishing a reunification plan and supporting the incarcerated parent to return to the community. Social support involving a broader network of agencies is recommended to jointly solve the 'Triple Threats' (mental health, unemployment, and domestic violence) faced by incarcerated women post re-entry.

There are impacts and consequences for the whole whānau when a sole parent or caregiver is incarcerated.

A substantial amount of academic research concludes that children are adversely impacted by a parent or caregiver being arrested or incarcerated. The same is true of the impacts on the caregivers of those children, when the primary or sole caregiver is incarcerated. Some research acknowledged that the impacts on children could vary depending on the relationship they have with a new caregiver, however other research concludes that this relationship was not the primary factor in determining impacts and consequences for children of incarcerated caregivers.

Much of the discussion of impacts and consequences focuses on negative outcomes for children. However, the literature also acknowledges that in some instances there are positive or neutral impacts on the children and their new caregivers in instances of caregiver incarceration.

Child wellbeing is supported by early intervention and inter-agency collaboration.

The impacts of primary caregiver incarceration on the child can be traumatic. The research highlights two important ways in which adverse effects of this can be mitigated. Re-establishing early contact between incarcerated caregivers and their children is crucial and should ideally occur within the first week of their imprisonment.

It is recommended to adopt a policy that places them in facilities close to their children's home location. The location of prisons in Aotearoa often poses a challenge, as parents, particularly mothers, may be incarcerated far from the homes of their children. Regular visitation (if appropriate) can play an important part in retaining stability between the child and incarcerated caregiver, and benefits reunification post-sentence.

Establishing a kinship caregiver, through working with the incarcerated to properly identify who steps into that role, provides the child with familiarity and stability through a traumatic time. A kinship caregiver can also support in visitation through having a connection with the incarcerated. However, there can be challenges with this approach if there is conflict between them. Kinship caregivers face their own barriers and challenges, and at times may need outside support when taking on this extra responsibility.

There are limited indigenous approaches to support indigenous communities and individuals dealing with sole parent or caregiver incarceration.

The literature highlights the overrepresentation of indigenous people in colonised nations, including Aotearoa New Zealand, Canada, and Australia. Policy documentation from Canada and Aotearoa New Zealand provides insights into some of the indigenous approaches used to better support indigenous individuals and communities through the judicial system. Few of these policies are specific to caregiver or parental incarceration, and there did not appear to be any specific approaches in place to address needs arising from sole caregiver incarceration within indigenous families.

Some positive initiatives are in place (or in development) in Canada (such as the Indigenous Courts) and Aotearoa New Zealand (such as Iwi Justice Panels), but more evidence is needed to assess the efficacy of these initiatives. The research emphasises that more can be done to provide a whānau-centred approach across agencies interacting with indigenous communities.

Introduction



The Brief

Oranga Tamariki commissioned this evidence brief on the policy and practice of the care of children of incarcerated sole caregivers, with a focus on countries in similar jurisdictions.

This brief is to inform Oranga Tamariki of evidence in relation to 3 specific recommendations from the Poutasi report¹:

- Recommendation i: Oranga Tamariki should be engaged in vetting a carer when a sole parent of a child is arrested and/or taken into custody. Police (or other prosecuting agency) in the first instance, and the Court in the second, will need to build into their processes time for this to occur.
- Recommendation ii: Oranga Tamariki should be engaged in regular follow-up checks and support for such an approved carer while the sole parent remains in custody. Resourcing must be addressed to enable this to occur.
- Recommendation vi: the Ministry of Social Development should notify Oranga Tamariki when a caregiver who is not a lawful guardian, and who has not been reviewed by Oranga Tamariki or authorised through the Family Court, requests a sole parent benefit or other assistance, including emergency housing support, from the agency for a child whose caregiver is in prison.

The focus of this evidence brief is on the process of recognising the need for, understanding, and arranging care for the children of sole caregivers when they have been incarcerated (or are on remand); how children stay in touch with their caregiver in prison; who arranges care for them (including who has a say in this); whether there is a process for assessing the suitability of the caregiver; and what happens after the temporary care and custody of the children ends.

Research questions

This evidence brief is guided by the following agreed research questions. They have been developed with an understanding of the recommendations from the Poutasi report.

Key research questions

1. What is current practice and policy in [named] country around identifying sole caregivers on arrest, remand, and incarceration and making care arrangements for their children (and what is the default position)?

¹ The Poutai report details the gaps in the child welfare systems regarding the death of Malachi Subecuz following the imprisonment of his mother (a sole caregiver) who was arrested in 2021.

2. Which countries vet the care arrangements of incarcerated sole caregivers, who is consulted and how, who and what agencies are involved in the decision-making process and how does this work?
3. What happens during the custodial sentence to ensure safety and wellbeing of children and contact with incarcerated caregiver?
4. What happens at the end of the sentence and prior to that, in terms of arrangements around custody and care of the child/children? Who is consulted and involved in the decision making and how does this happen (and what is the default position)?
5. What indigenous approaches are there (that address the above research questions)?

Methodology

Following discussions with Oranga Tamariki, the research team undertook a scan and analysis of relevant literature across academic and general research platforms, based on agreed search terms in Table 1 subject to the flexibility of database search functions.

Table 1: Search terms

Search concept 1 (Institution)	Search concept 2 (The incarcerated)	Search concept 3 (Dependent child)	Search term 4 (Agency)	Search concept 5 (Community groups)	Search concept 6 (Countries)
Incarcerated	Sole caregiver	Child(ren)	Justice	Māori	New Zealand
Prison	Sole parent	Tamariki	Courts	Indigenous	Australia
Remand	Parent	Teen/adolescent	Police	Minorities	Canada
Court	Mother	Rangatahi	Welfare agency/state care	Community groups	UK
Arrest	Father	Family/Whānau	Corrections		Scandinavia

The title and abstracts of initial returns were reviewed for relevance to the key research areas. The references used in articles or reports that passed this initial review, as well as lists of documents that had cited these articles or reports (generated by the databases searched), were also checked for any further relevant information sources.

A total of 47 documents – including research articles, government strategies, and reports – were fully reviewed, forming the basis of this report.

Literature overview and report format

The literature can be broadly classified under three categories:

- guidance, policy, and practice
- impacts and consequences
- family support and inter-agency collaboration.

A high-level summary of the guidance, policy, and practice in different jurisdictions is summarised in Table 3: Current policy and practice. The following section looks at the impacts and consequences of parental incarceration on children and their caregivers. This section largely consists of academic research, supplemented with grey literature. The next three sections review the literature that explores family support and inter-agency collaboration. The final section examines indigenous approaches identified in the literature highlighting systems in Canada and Aotearoa New Zealand. Little Australian evidence was returned in the search, beyond acknowledging that Aboriginal and Torres Straits people are overrepresented in incarceration figures.

There is a significant gap in the literature both in Aotearoa New Zealand and internationally that seeks to understand the impacts on families and children when a sole parent or caregiver is arrested.

Terminology and disclaimer

As noted in the introduction, there are limitations with the data and literature collected for this evidence brief. Oranga Tamariki sought specifically to understand the circumstances around the arrest and incarceration of sole caregivers. However, the evidence collected largely explored the experiences relating to parents or caregivers more broadly. As such this brief presents the findings as they relate to the key research questions but is not able to directly address this element of the research. This brief has used terminology as it appears in the literature.

For the purposes of evidence brief, please see a list of terminology below:

- Parent – a legal or biological parent of a child
- Caregiver – a legal caregiver of a child, not necessarily a parent
- Sole parent/caregiver – the sole legal or biological parent or caregiver of a child at the time of arrest
- Primary parent/caregiver – the primary (but not necessarily sole) caregiver or parent at the time of arrest.

Contextual information

In Aotearoa New Zealand, an estimated 23,000 children and young people are affected by parental incarceration.² It is unclear whether this number also includes caregiver incarceration. There is no official data on the number of incarcerated sole caregivers in Aotearoa New Zealand. This data gap has also been identified in international literature. Data on the number of prisoners who are parents is also lacking, as is the custody status of their dependent child(ren). A 2008 National Health Committee review reported that 87% of women and 67% of men incarcerated in Aotearoa New Zealand were parents.³

The following data has been drawn from the Integrated Data Infrastructure (IDI). It is important to note that these figures are not official statistics. They have been created for research purposes from the IDI, which is carefully managed by Stats NZ.⁴ The IDI prisoner analysis assessed if prisoners were parents and how many children they had. This is presented in Table 2. It should be noted that:

- Some prisoners will have adult children not included in these numbers.
- Children will be counted in both the Male and Female rows if both their mother and father are in prison.

Table 2: Summary of IDI data on incarcerated parent and dependent children Sex	Type	Number of Prisoners	Parents to children under 18		Number of children	
			Number	Percent	Total	Per Parent
Female	Prison	624	399	64%	1,068	2.7
Female	Remand	1,179	783	66%	2,028	2.6
Male	Prison	6,777	3,522	52%	7,326	2.1
Male	Remand	8,001	4,488	56%	9,489	2.1

² Ministry of Education, *Supporting students with a parent in prison*. (2019)

<https://gazette.education.govt.nz/articles/supporting-students-with-a-parent-in-prison/>

³ National Health Committee, *Review of research on the effects of imprisonment on the health of inmates and their families*, (2008)

[https://www.moh.govt.nz/notebook/nbbooks.nsf/0/4A0145602706FD1ACC2574FF006F8A3D/\\$file/prisoner-health-review-aug08.pdf](https://www.moh.govt.nz/notebook/nbbooks.nsf/0/4A0145602706FD1ACC2574FF006F8A3D/$file/prisoner-health-review-aug08.pdf)

⁴ For more information about the IDI please visit <https://www.stats.govt.nz/integrated-data/>

Current policy and practices

Overview

The evidence presented in this table provides a high-level overview of policies and practices in Aotearoa New Zealand and internationally in selected countries concerning the care of children of an incarcerated sole caregiver/parent. It should be noted that most of the policies and guidelines address the 'parent/caregiver' broadly and do not specifically address sole caregivers. Also, some policies refer to the 'primary caregiver' which may not be the same as sole caregiver. In the table below we use the terminology used in the policy documentation reviewed.

This section provides the evidence in response to research question 1 – what is current practice and policy in [named] country around identifying sole caregivers on arrest, remand, and incarceration and making care arrangements for their children (and what is the default position)?

High-level summary table of international policies and practices concerning children with incarcerated sole caregivers

Table 3: Summary of policy and practice

Country/ territory	Guideline /policy	On arrest/ prosecution	Court	On remand/ sentence	Other care arrangement	Training	Legal representatio n	Inter-agency collaboration	Post- sentence
United Nations	UN Convention on the Rights of the Child; UN Rules on the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (also referred to as the 'Bangkok Rules')	Ensure child receives appropriate protection and care.	Non-custodial sentence should be considered where possible.	Prior to or on admission, women shall be permitted to make arrangements. Regular visits and direct contact.	Ensure child access to education, health care, and basic services.	Provide training and support to professionals who work with children and families, including law enforcement officials, social workers, and judicial personnel.	Legal assistance to child and family, including access to legal representation ⁵	The guidelines call for collaboration between child welfare, justice, health, education, and social services. Principles: 1. identify and respond to needs; 2. inter-agency info sharing; 3.	Provide support to family. Encourage involvement of the parent in child's life. Ensure the children have access to info/support to

⁵ This is reflected in its General Comment No.14(2013).

Country/ territory	Guideline /policy	On arrest/ prosecution	Court	On remand/ sentence	Other care arrangement	Training	Legal representatio n	Inter-agency collaboration	Post- sentence
								focus on the best interest of the child; 4. ongoing monitoring	cope with parent release.
Council of Europe	Recommendation 6	Where possible, arrest should be carried out in the absence of the child or in a child-sensitive manner.	Consider the rights, needs, and the potential impact on children. Non-custodial alternative should be considered.	Detention in a facility close to children. Allow contact and prison visits. Grant prison leave for child-related events (e.g., birthday).	Prison administration personnel collect and collate info regarding children. Prison should inform children of any updated information regarding the parent. Child-friendly visitation arrangements Tele-visit and phone calls allowed.	Proper training to all staff in contact with children and imprisoned parent.	N/A.	1. National authorities collaborate with state agencies and civil society organisation to support children and family regarding needs and contact. 2. When current carer is unavailable, a qualified professional should be arranged by related agency for prison visit. 3. Multi-agency approach.	1. Positive parenting programmes. 2. Community-based programmes. 3. Pre- and post-release reintegration programmes.
New Zealand	Oranga Tamariki Act 1989 Care of Children Act 2004 Community Law Manual – Prisoners' rights	No specific policy exists to manage care arrangements of children of sole parents who have been arrested. Police and prison authorities may notify Oranga	The courts are often notified (anecdotal) about sole caregiver circumstances but it is not a requirement. Courts may file a report with Oranga Tamariki regarding	Children can visit their parent/s while incarcerated. Low number of female prisons in New Zealand mean solo mothers are often incarcerated too	Oranga Tamariki is responsible for the safety and wellbeing of children in their care. There are no specific provisions for children of	Oranga Tamariki provides training to their staff. It is unclear whether Police, Corrections, or Justice provide training to their frontline staff who may interact with	Children have the right to legal representation where applicable.	Inter-agency collaboration between Oranga Tamariki, Police, Justice and Corrections is encouraged where the safety of a child is concerned.	Parenting courses are available, and may be a requirement, for parents to be reunited with their children upon release from prison.

⁶ Recommendation CM/Rec (2018) of the Committee of Ministers to member states concerning children with imprisoned parents.

Country/ territory	Guideline /policy	On arrest/ prosecution	Court	On remand/ sentence	Other care arrangement	Training	Legal representatio n	Inter-agency collaboration	Post- sentence
		Tamariki upon the arrest of a sole parent or caregiver, but it is not a requirement.	care of a child whose sole parent has been arrested or incarcerated, but it is not a requirement.	far from children to make regular visits feasible.	incarcerated sole caregivers outside Oranga Tamariki care.	children of arrested or incarcerated sole caregivers.			Requirements differ depending on whether a Family Court Order was in place during the sole parent's time in prison.
Australia (Victoria as an exemplar)	Children, Youth and Families Act 2005 Inquiry into children affected by parental incarceration (Parliament of Victoria) 2022 Sentencing Act 1991	Support for children at the point of a parent's arrest is at the discretion of the arresting officer.	Support from the courts at the remand and sentencing stages is at the discretion of the presiding magistrate, judge, and court personnel.	Courts may consider the impact on children during the sentencing of their parents under exceptional circumstances.	Some Victoria prisons restrict visits with children based on a model of punishment and security, rather than taking a child-centred wellbeing approach. Counselling, parenting interventions are available, but mostly in seminars limited to 2 hours or less time.	Training across all professions who interact with children and families of prisoners is limited. Hidden Sentence Training offered by the Onesimus Foundation in Tasmania was cited as a good example of required training.	Children have access to legal representation where applicable.	No single Victoria Government department or agency has responsibility for leading or coordinating the support responses for children affected by parental incarceration. Provision of services is largely ad-hoc and at the discretion of individuals working within corrections/justice services.	N/A.
England and Wales	The Prison Service Instruction on Children and Families The Offender Rehabilitation Act 2014; Sentencing Council Definitive	The police must notify the local authority children's services if a parent is arrested and has dependent children.	Judges consider non-custodial alternatives such as community service or probation. Caring responsibilities can be a mitigating factor in sentencing.	Female prisoners' family and caring responsibilities are considered during rehabilitation Appropriate support in visiting facilities. "Email a prisoner" scheme in UK to	Kinship caregiver or foster care. Training and support of carers for children of imprisoned parents Social worker will assess the child's situation including safety, wellbeing,	Frontline staff receive training on the impact of parental imprisonment, the need of children and families, and appropriate support provision. Optional training for police officers	Child may be appointed a legal representative to ensure child's rights	Family support workers (prison partnering with family and parenting organisation) The probation service and other agencies are required to work together to provide	Requirement to ensure child support during the transition period after release, and work with local authorities for ongoing support to children.

Country/ territory	Guideline /policy	On arrest/ prosecution	Court	On remand/ sentence	Other care arrangement	Training	Legal representatio n	Inter-agency collaboration	Post- sentence
	Guideline on Theft Offences 2015 The Care Act 2014 The Child Act 1989			strengthen family bond. “Time to correct” course is offered. Telephone/Skype family contact	and child-parent relationship			support and supervision to incarcerated parent and children. Local authorities to work with other agencies to identify and support carer.	
South Africa ⁷	African Charter and its General Comment (2015) ⁸	Caregiving responsibilities are considered during pretrial measures, but the scope is limited to sole primary caregivers.	The court process identifies whether the person is a primary caregiver. The best interest of the child must be at all judicial and administrative decision making. Failure to do so in sentencing is grounds for leave to appeal.	Time is provided for the parent to arrange the children's care before starting a prison sentence.	Care arrangements must ensure the healthcare of child and ensure that child's access to education and emotional support.	Staff receive training to ensure that children of incarcerated parents receive appropriate and effective care. Training includes child development and attachment, trauma-informed care, and family centred approach.	Children have access to legal representation. The Charter emphasises the need to protect children of incarcerated parents from abuse, neglect, and exploitation.	The Charter acknowledges the need for multi- agency collaboration including government agencies, civil society organisations, and community organisations.	Continued support after release including counselling, education and training, and financial assistance.
Canada	The Corrections and Conditional Release Act The Child and Family Services Act	Police have a duty to inform the parent about their right to contact their child or children and to make	Special consideration for affected young people when the parent is accused. Children and youth are	Correction Services of Canada must identify the needs of the child; the parent is encouraged to provide	Collaboration with other agencies such as child welfare authorities to ensure the child's needs are met.	CSC Mandatory staff training on child protection. Optional training on working with families affected by incarceration.	The availability of legal representation for children can vary depending on the province or territory, as well as	Child protection agency assesses and determines the risk to child and makes care arrangement on arrest.	Community based programmes. Reintegration support.

⁷ South Africa was included in the table because it is the first country to adopt a holistic children's rights approach to sentencing primary caregivers.

⁸ Applied to all sole or primary caregivers, including another family member such as a grand-parent or a foster parent.

Country/ territory	Guideline /policy	On arrest/ prosecution	Court	On remand/ sentence	Other care arrangement	Training	Legal representatio n	Inter-agency collaboration	Post- sentence
	The Canadian Bar Association's Guidelines for Lawyers Working with Children and Youth Guidelines for the Implementation of Mother-Child Units in Canadian Correctional Facilities	arrangements for their care. Police must also notify an appropriate child protection agency.	supported and informed throughout the court process, in an age-appropriate manner. Court-based support—some provinces, e.g., Ontario	information about the child's needs and care arrangements. Family Visiting Program (FVPs)	Parenting classes or counselling to imprisoned parents.	Mother-Child Training Curriculum by CSC. Training offered by external orgs. ⁹	the nature of the case. In some cases, legal representation may be provided by government-funded legal aid or by NGOs specialising in children's rights.	Many provinces and territories in Canada have agreements in place between child welfare agencies and correctional facilities to ensure the best interests of the child. Community-based support includes counselling, parenting, and education support	Child focused interventions. ¹⁰
Italy	Memorandum of Understanding ¹¹	There must be consideration of measures alternative to pre-trial detention. This provisions is limited to imprisoned mothers.	Special laws relating to incarcerated women who have children, including avoid pre-trial custody or imprisonment as much as possible.	Focus on preserving parental relationship with children. Child-friendly visit arrangements and emphasis on maintaining contact. Parental "Study circle" on parenting	Consideration of the needs of underage children must be given in granting bonus leave to imprisoned parents. Care arrangements must ensure child access to education and healthcare.	Mandatory training for penitentiary administration in appropriate procedures for children and adolescents. Lawyers, judges, and social workers also need training.	N/A.	Expert groups are convened to improve the visitation experiences of younger children. Age-appropriate information and support services are provided through NGO or qualified agencies.	Permits before release. Support family and child-parent relationship after detention.

⁹ For example, training to correctional staff on care and support of children of incarcerated parents by the Canadian Families and Corrections Network.

¹⁰ Examples include the child-focused intervention programmes developed by the Child and Family Services Review Board in Ontario.

¹¹ Memorandum of Understanding signed between the Italian Minister for Justice, the Italian Ombudsman for Childhood and Adolescence and Bambinisenzasbarre ONLUS (2014)

Country/territory	Guideline/policy	On arrest/prosecution	Court	On remand/sentence	Other care arrangement	Training	Legal representation	Inter-agency collaboration	Post-sentence
California	California Welfare and Institutions Code (CWIC) IACP Safeguarding Children of Arrested Parents report	Two thirds of Californian law enforcement agencies do not have policies outlining officer responsibilities to ensure child safety upon arrest of parent. However, the CWIC outlines procedures for child welfare agencies to assess child safety after a parent has been arrested.	The court provides judicial oversight of the child welfare system. This includes review and approval of removals, placements, and reunification plans to ensure the best interests of the child are upheld.	Child welfare agencies must make reasonable efforts for maintenance of visitation while a parent is on remand. Family Visiting Program in California. Project What! In San Francisco county.	Child welfare agencies are responsible for developing a permanency plan for a child if reunification with a parent is unsuccessful or unfeasible. This might include adoption, legal guardianship, or long-term foster care.	Training is ad-hoc and varies between counties.	Children are entitled to legal representation.	Inter-agency collaboration is ad-hoc and varies between counties. There do not appear to be many instances where this is a requirement.	Child welfare agencies must make reasonable efforts for family reunification. Online resources/services and support to the parent to address the reasons they were arrested and work towards reunification, when appropriate.
Scandinavian countries (Norway, Denmark, Sweden, Finland)	Danish Act on Children of Convicted Parents Swedish Social Services Act Norwegian Act relating to Care Services Finnish Act on Child Welfare	Training of police officers on protocols of arrest with children present (Denmark). Child-friendly arrest (Denmark, Norway).	In Sweden, the judge decides whether the parent trial can be reported by the press to reduce harm to child.	Child-friendly prison visitation schemes. Norway requires a child's ambassador to assist the child's prison visit. Parental "Study circles" in prison (Sweden).	Caregiver support-lone parent benefit (Norway). Free 15 minute call per week with child (Sweden).	Professional training for prison officers required.	Children are entitled to legal representations in legal proceedings.	FFP social facilitation and counselling programme in Norway, SAVN in Denmark, Bryggan in Sweden. Networking group for coordinated Scandinavian cooperation.	All four countries have family support programmes, counselling and parenting programmes and other social support after re-entry.
France	Code of Criminal Procedure	Judge may not order pre-trial detention without researching whether this would endanger the minor's health,	Electronic surveillance rather than detention will be considered. The judge needs to secure acceptable living	Prison visit. Telephone or video call. Craft workshops for prisoners to	Possibility of being granted provisional release, or suspension to care for child.	Ongoing training on child protection and specific needs of children. Possibility of referring the child to specialised	The appointment of a lawyer to represent the interests of the child in proceedings related to the	The prosecutor to notify the child protection services and education authority when a parent is detained.	Assistance in reintegrating into family and community around employment, housing, and social services.

Country/ territory	Guideline /policy	On arrest/ prosecution	Court	On remand/ sentence	Other care arrangement	Training	Legal representatio n	Inter agency collaboration	Post sentence
		safety, moral, or education. National law on alternative to custody for women prisoner with dependent child under 16	conditions for the minor before ordering a person's detention on remand. (Exclusive parenting authority)	make and send gifts for their child.	Possibility of being granted permission to send letters or gifts to child. Volunteer supported child visit (The Relais Enfants Parents programme)	organisation or service for support.	parent's detention or release.	Trained volunteers accompany child visit and life support (Relais Enfants Parents programme)	Possible ongoing parent-child relationship support. Support family and child- parent relationship after detention.

Custodial sentence and care arrangement

Research for this evidence brief found international policy and practice suggestions for the arrest and sentencing of parents and/or caregivers of children, summarised in the previous table. This section provides more detail to the summary in Table 3.

This section responds to research questions one and two:

1. What is current practice and policy (in tier 1 and selected tier 2 countries) around identifying sole caregivers on arrest, remand, and incarceration and making care arrangements for their children (and what is the default position)?
2. Which countries vet the care arrangements of incarcerated sole caregivers, who is consulted and how, who and what agencies are involved in the decision-making process and how does this work?

Overarching rules of care arrangements for children of incarcerated parents

There is a common understanding around overarching rules around protecting the children of incarcerated parents.

UN Convention on the Rights of the Child states two basic principles:

1. The best interest of the children in sentencing decisions is a primary concern.
2. Addressing the issues of child separating from parent via promoting regular visits and direct contact.

Adding to this, the **UN Rules on the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders** ('the Bangkok Rules') Rule 64 state:

Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children (United Nations, 2011; Minson et al., 2015; Brett, 2018)

As highlighted by Brett (2018), the provisions of the Bangkok Rules are limited to women, but the preamble recognises that the Rules should be applied to men equally when in an equivalent position.

The most developed regional standard is the **African Charter on the Rights and Welfare of the Child** and the General Comment, which was implemented in 2015. This sets judicial decision-making guidelines regarding supporting child(ren) of an incarcerated parent, which was reinterpreted to apply to all incarcerated sole or primary caregivers (Brett, 2018; Lauwereys, 2020). Key guidelines in the Charter are:

- The best interest of the child needs to be placed as the primary consideration; and
- This should be ensured at all judicial and administrative decision-making process during the criminal sentencing process.

In line with the **UN Convention on the Rights of the Child**, the Council of Europe's Committee of Ministers adopted the two overarching principles in its **Recommendation CM/Rec(2018)5** (a Recommendation on children of imprisoned parents) in 2018. This requires consideration of the rights and best interest of the affected child(ren) to be taken into account during custodial sentencing as a Basic Principle in its detailed provisions (Brett, 2018).

The implementation of the **UN Convention on the Rights of the Child** principles has been inconsistent across countries (M. Eddy & Poehlmann-Tynan, 2019). Research from some countries (such as Australia - specifically the state of Victoria) reports that even though the principles have been adopted, the best interest of children is rarely considered across the justice system. This is due to lack of state-level protocols concerning children, along with limited inter-agency communication and under resourced child welfare agencies (M. Eddy & Poehlmann-Tynan, 2019; Victoria Legislative Council, 2022)

Practice suggestions around initial arrest

The uncertainty, fear, and instability associated with parental or caregiver arrest can have negative impacts on children (M. Eddy & Poehlmann-Tynan, 2019). A study investigating needs of the children of prisoners and the corresponding policy responses in four European countries (the United Kingdom, Germany, Romania and Sweden) found that witnessing a parent being arrested could have significantly negative impacts on a child's wellbeing. It is important for police and criminal justice agencies to give a high priority to children's welfare when making an arrest and review their current arrest and search procedures taking into account the child's (Jones et al., 2013).

Recommendations by the International Association of Chiefs of Police (IACP), developed in 2014, state that "officers will be trained to identify and respond effectively to a child, present or not present, whose parent is arrested in order to help minimise potential trauma and support a child's physical safety and wellbeing following an arrest" (IACP, 2014, as cited by M. Eddy & Poehlmann-Tynan, 2019). The IACP also calls for collaboration between law enforcement, child welfare services, and other key agencies to minimise trauma experienced by children whose parent is arrested. Police are recommended to inform local child welfare agencies upon arrest (M. Eddy & Poehlmann-Tynan, 2019). An additional practice recommendation from Europe is that police should offer information and referral to agencies that can support those taking on caregiving responsibilities on the arrest of the parent or primary carer (Jones et al., 2013).

Similar guidelines have also been reflected in the policies in some European countries (such as Italy and Sweden) and in the guidelines of IACP, whose recommendations include avoiding arrest in front of children, supporting parents in calming their children, explaining to children what will happen next, and making sure children are left with a caregiver that is known to them (Philbrick et al., 2014).

An example of good practice carried out in San Francisco is law enforcement and child welfare agencies working together prior to an arrest of a parent. The agencies collaborate on child placement after arrest, providing emotional (as well as problem solving) support for both children and families following the arrest of a parent, and/or arranging follow-up visits to ensure that temporary caregivers are providing suitable care for the child (Philbrick et al., 2014).

However, there is also research indicating that police-child welfare connections raise concerns of punitive outcomes for both parents and children (Edwards, 2016).

Practice and suggestions around court decision making

This evidence brief identified several aspects good practice related to judicial decision making that considers the best interests of the child.

Pre-sentencing information on caregiving responsibilities

Within her independent review, Dame Karen Poutasi (2022) called for identifying the needs of a dependent child when charging and prosecuting sole parents through the court system in Aotearoa New Zealand. Studies have identified that before deciding on a sentence judges should identify whether the parent to be sentenced is the sole carer for the child, and if so, what care arrangements are in place (Kingi, 1999).

Similarly, research from the UK posits is that it is the court's duty to investigate sole or primary caring responsibilities of defendants and to take these responsibilities into account in sentencing decisions (Minson et al., 2015).

It is good practice for courts to establish a clear mechanism to ensure that the sufficient information be provided to judges when the offender has primary caring responsibilities, including a requirement for a full written pre-sentence report and a local directory of women's services and interventions. (Minson et al., 2015).

In Aotearoa New Zealand the Chief High Court Judge and Chief District Court Judge have requested that probation officers include information about dependent children in pre-sentence reports where the offender to be sentenced is either the primary caregiver or plays a substantial role in caregiving. If the judge considers an imprisonment sentence, the report will also provide information as to what will happen to dependent children.

While there is no data available on the impact of pre-sentencing reports on sentencing outcomes, sentencing should also consider the feasibility of prison visitation for the child (Jones et al., 2013).

Sentencing policy that centres the needs of children

Similar to the suggestions to reform arrest practices with respect to supporting children, there is a call to shift sentencing policy to better support children (United Nations, 2011).

There is mixed evidence of this practice in the jurisdictions examined for this evidence brief. The NZ Bar Association notes that non-custodial sentences for women prisoners with dependent children should be preferred where possible, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger (NZ Bar Association 2022). Policy guidance in the UK also recommends that the judge should consider a community order, deferred, or a suspended sentence for offenders with primary care responsibilities (Minson et al., 2015).

In contrast, under the United States legal framework and most sentencing guidelines, the “children of the convicted are essentially considered irrelevant third parties to sentencing” (Boudin, 2011, p. 93, as cited in M. Eddy & Poehlmann-Tynan, 2019, p. 30). In addition, legislated mandatory minimum sentencing requirements constrains the judge’s ability consider the needs of affected children in sentencing decisions (M. Eddy & Poehlmann-Tynan, 2019).

The Australian state of Victoria recently reviewed its policies and practices in relation to children of incarcerated parents and found that a formal and clear state-level policy and guidelines are lacking in the court system (Victoria Legislative Council, 2022).

Visitation rights from the pre-trial remand period

Establishing early contact between the imprisoned parent and the child is important; the parent-child contact needs to be established from pre-trial incarceration. Arrangements should be placed around ensuring that regular remand visitation is available and that the visits take place in a manner which respects children’s dignity and privacy (Halton & Townhead, 2020).

Multi-agency collaboration

Multi-agency collaboration is paramount to centre the wellbeing of the children of incarcerated parents from arrest and prosecution to court sentencing.

Inter-agency information sharing between corrections and child welfare agencies

Research from the United States found that court and corrections agencies typically do not track whether or not incarcerated men or women have a dependent child (Eddy & Poehlmann-Tynan, 2019). Child welfare agencies, on the other hand, do not consistently track parental incarceration. Studies show that child protection agencies are often only notified by law enforcement when a parent with a minor child is

arrested in about 25% of cases (Government Accountability Office, 2011; M. Eddy & Poehlmann-Tynan, 2019). Policy is needed to guide the practice of child welfare and criminal justice agencies around joint information sharing protocols (Victoria Legislative Council, 2022).

Research from the United States posits that information sharing and joint case planning can enhance the rights of children when a parent is incarcerated (Annie E. Casey Foundation, 2011; M. Eddy & Poehlmann-Tynan, 2019). The legal obligations of the child welfare agency to the arrested or incarcerated parent(s) should be specified, and information should be shared between agencies to facilitate this (Annie E. Casey Foundation, 2011).

Practice recommendations include that enforcement and child welfare agencies have a joint case meeting focusing on the needs of the child and family before the court hearing (Eddy & Poehlmann-Tynan, 2019). For example, in the United States the Family Drug Court in Oklahoma brings together a team to discuss the case prior to the court hearing of the incarcerated parent, focusing on both the welfare of the child and the needs of the incarcerated parent; as well as ensuring the collaboration and training across agencies (M. Eddy & Poehlmann-Tynan, 2019).

Research into policy and practice from the United States and Australia goes further, calling for joint training of child welfare, law enforcement staff, and court personnel with a focus on identifying needs specific to children with an incarcerated parent (M. Eddy & Poehlmann-Tynan, 2019; Victoria Legislative Council, 2022).

The Poutasi report also recommended that perspectives from child welfare agencies, family protection agencies, as well as family members and the community should be sought and taken into account in the inter-agency collaboration around child maltreatment cases (Poutasi, 2022).

Multi-agency partnerships in care planning

Child welfare agencies need to engage early and regularly with incarcerated parents throughout child welfare cases (from arrest, court, to post-sentence) to improve stability for children. This early engagement can result in decreased non-relative or institutional placements; and improve relationships between child(ren), parents, and caregivers.

A 2015 Australian study examined care planning experiences and practices for children whose primary carer(s) are arrested and imprisoned in Victoria and New South Wales (Trotter et al, 2015). This mixed-method study gathered primary data from a total of 307 stakeholders including imprisoned primary care parents, other caregivers, children of incarcerated parents, and professional organisations. The study concluded a lack of inter-agency communication has resulted in a lack of recognition of the needs of these children. The study makes recommendations which focus on child-centred processes and the implementation of holistic services through a cross-agency care planning model.

A United States-based publication released by the Annie E. Casey Foundation (2011) states that child welfare plays a crucial role in identifying and assessing the needs of children whose primary caregiver/parent is incarcerated, and to determine the impact on their wellbeing, safety, and stability. It notes the importance of facilitating regular contact between both parties (the child and incarcerated primary caregiver) to keep this relationship strong. This is crucial for the child's emotional and psychological wellbeing. Inter-agency collaboration between justice and child welfare agencies can create intervention strategies to support ongoing connection between the child and caregiver that can mitigate future issues and provide better outcomes for all parties involved – creating a holistic and coordinated approach to supporting families throughout the incarceration process.

Impacts and consequences



Research for this evidence brief found evidence of impacts and consequences of parental incarceration on children, caregivers, and the wider whānau. The literature in this section is largely academic and, as the disclaimer in the introduction notes, is broad and varied in the definitions of parent/caregiver and does not specifically speak to the circumstances of a sole parent or caregiver.

Impacts on child/ren

The literature has documented that there are potential negative impacts of parental incarceration on children, including (but not limited to); financial issues, anti-social behaviour, psychological and behavioural difficulties, and health vulnerabilities (Arditti & McGregor, 2019; Hairston, 2007; Young & Smith, 2000). The literature notes that negative impacts on children with an incarcerated parent can vary depending on factors including kinship support and connection to the incarcerated parent while they are away from the family home. A small number of studies note that parental incarceration has positive benefits for children in some cases, such as removing criminally active parents from the family home; acknowledging that nuance is required when discussing the positive and negative impacts on children of parental incarceration (Turanovic et al., 2012). Findings from studies conducted in a variety of jurisdictions are presented below.

A European research project explored the impact of parental imprisonment on children and young people (Manby, 2016). It included 349 interviews with children, care-giving parents, and imprisoned parents in Germany, Romania, Sweden, and the UK. The study focused on themes of resilience, attachment, and experiences of stigma. The importance of children's own agency and the support of caregivers, extended families, and friends were reinforced for all four countries. Openness and honesty about the prison sentence served children best, when related to their age and maturity. The study found that, outside the family, schools were the most important agency to support children. Services responding to children's needs were mainly provided by NGOs.

In a United States longitudinal, mixed method study of 57 families, the assessment of children nine years and older found that having no contact with the incarcerated parent was associated with children reporting more feelings of alienation toward that parent, compared to children who had contact (Shlafer & Poehlmann, 2010). Children's behaviour problems were a primary concern, often occurring in a relational context or in reaction to social stigma associated with parental imprisonment.

A United States quantitative research paper examined how having a father, a mother, or both parents incarcerated may be associated with an array of adverse life circumstances such as criminal justice contact, drug use, and depression, for African American children (Kopak & Smith-Ruiz, 2016). Differences were examined among children who had (a) an imprisoned mother, (b) an imprisoned father, (c) both parents imprisoned, and (d) neither parent imprisoned. Results indicated that having

different parents imprisoned early in life was differentially associated with negative outcomes during emerging adulthood.

A 2016 Hong Kong study explored associations between caregiver distress and children's behavioural problems (Chui, 2016). The study reported that depression in caregivers was connected to behavioural problems of the child in their care. Moreover, socio-demographic characteristics were not found to have any bearing on the psychosocial functioning of children—rather, all psychosocial variables were interlinked.

A 2007 Canadian literature review assessed the economic, emotional, and social consequence of parental incarceration (Hairston, 2007). The literature review concludes that many children of prisoners experience serious social and psychological problems that may be short-term or enduring, but others seem to manage this difficult period in their lives without permanent damage. While children of prisoners are at risk of experiencing many adverse outcomes, the exact cause of these outcomes and how to improve them is not clear, and more research is needed.

Impacts on foster caregiver

The literature highlights that parental incarceration has impacts on the caregivers of children whose parent or caregiver has been arrested or incarcerated.

As with the above section, while caregivers¹² can be impacted both positively and negatively the body of evidence suggests that impacts are often negative. A 2012 United States study investigated the collateral consequences of incarceration on those caring for children of incarcerated parents (Turanovic et al., 2012). Drawing from in-depth interviews, Turanovic and colleagues found that there is a variation in the effects of incarceration on caregivers, including negative (58%), positive (20%), and neutral (22%) effects. These effects are not unique or specific to any one subset of caregivers (e.g., grandparent, spouse etc.). A 2016 Hong Kong study reported that 57% of the caregivers suffered borderline to severe depression (Chui, 2016).

Research indicates that the impact on caregivers are shaped by factors including the prisoner's prior parental involvement, the relationship between prisoner and caregiver, and the caregiver's family support system (Turanovic et al., 2012).

Increasing the focus on caregiver mental health may be an effective strategy to alleviate problems in families impacted by parental incarceration (Chui, 2016). However, additional research and support is required to alleviate the social, economic, and health impacts on family caregivers (Ruiz, 2002).

¹² 'Caregiver' in this section refers to the caregiver of a child whose parent/caregiver is incarcerated.

Broader family dynamics

When a parent is arrested or incarcerated, there are impacts on the whole whānau. The literature here outlines some of the impacts the broader whānau can face when dealing with parental incarceration.

A 2007 United States study of 6,146 inmates investigated differences between incarcerated mothers' and fathers' reported rates of incarceration for family members, adult children, predictors of adult children's incarceration, and living situations of minor children (Dallaire, 2007). The study reported that mothers were 2.5 times more likely to report that their adult children were incarcerated than fathers, and that mothers' regular drug use predicted incarceration of the child when they became an adult. Incarcerated mothers reported greater familial incarceration and their minor children were more likely to be in foster and other nonfamilial care situations than incarcerated fathers. As risk factors accumulated, there were greater rates of adult child incarceration, with a more obvious relationship for mothers.

A 2019 United States-based analysis of resource adequacy, caregiver and family stability, and the quality of care of children with incarcerated parents concluded that policy interventions are required to improve the quality of care the children of incarcerated parents receive (Arditti & McGregor, 2019). Policy interventions suggested include:

- strategies that support parenting across diverse family structures and caregiving scenarios (e.g., acknowledging the socio-cultural impacts of having an incarcerated parent and utilising a strength-based approach to foster family connection)
- strategies that strengthen children's family contexts; and
- strategies that enhance positive developmental and parenting trajectories.

Child wellbeing support



This section responds to research question three: What happens during the custodial sentence to ensure safety and wellbeing of children and contact with incarcerated caregiver?

United States-based research conducted by Young and Smith (2000) looked into the impact parental separation due to incarceration had on a child, suggesting that the traumatic effects of parental incarceration might contribute to a range of childhood and adult behavioural and emotional problems. Many children whose sole parent is incarcerated are taken into kinship care arrangements.

Kinship care arrangements

Kinship care refers to the placing of children with relatives (or in some circumstances, friends) when a parent is incarcerated. Kinship care can offer benefits to the children involved. Firstly, kinship care provides stability and a familiar environment for the children which can mitigate adverse effects of parental incarceration. Keeping the sense of connection is an important theme when discussing the child's wellbeing, connection to the parent as well as cultural and familial roots.

Research conducted by the Annie E. Casey Foundation (2009, 2011, 2012) and Nesmith and Ruthland (2011) found that kinship caregivers are more likely to understand the child's backgrounds or needs, which means they are able to provide stronger emotional support during the time of parental separation. The caregiver can help keep the connection between the child and parent through making routine visits, and keeping the parent updated on the child's health and wellbeing, as well as plan the eventual reunification process when needed. The support and guidance of the kinship caregiver can assist the parent and child to rebuild their bond post-release and navigate any challenges that may arise.

Kinship care also faces varying challenges. These include risk to healthy development of the child. One in five children in kinship care faces three or more simultaneous risks to their healthy development – this does not differ significantly among formal, voluntary, or private kinship care arrangements. In addition, children in kinship care arrangements are often exposed to poverty and a lack of social supports. Caregivers in these arrangements tend to face physical and mental health challenges, especially when those care givers are grandparents or elderly (Annie E. Casey Foundation, 2009).

Challenges mentioned by Nesmith and Ruthland (2011) focused more on the strain felt by the caregivers, both mentally and financially. These include:

- lack of transportation for visitation with incarcerated parent
- child-unfriendly visitation rules and atmosphere
- struggling to maintain neutrality for the best of the parent/child relationship

- social stigma faced by caregivers' association with the incarcerated
- financial strain due to loss in income as a result from situational change; and
- accessing support.

Kinship care planning needs to take into account the needs of grandparent carers. A 2002 United States review of female incarceration data found that 53% of the children whose mothers are incarcerated are cared for by grandparents (Ruiz, 2002). The research from the Annie E. Casey Foundation (2009) found that many grandparent caregivers avoid the intrusion of child welfare, either out of fear of losing the child in their care or concerns about dealing with a confusing bureaucratic system that could do more harm than good; and thus, do not access services and support they need. If they do receive support, it is often not enough compared to children in formal foster care arrangements. These caregivers also generally do not receive the information and services needed to assist with basic issues such as parent-child visits, boundary setting with incarcerated parents, and reunification. The Annie E. Casey Foundation (2009) suggests that if child welfare agencies share this knowledge with families not formally involved with them, it would provide great benefits and could possibly prevent some children from entering the system.

Keeping connected while incarcerated

Mentioned previously was the importance of keeping the relationship strong between the incarcerated parent and the child. Frequent visitation, if possible, is suggested across the literature,

The European publication *Children of Imprisoned Parents: European Perspectives on Good Practice* (Philbrick et al., 2014) discusses initiatives that are in place across Europe that support incarcerated parents in their various roles. Though there may be obstacles to visitation, re-establishing contact as early as possible is in the child's best interests towards strengthening the child-parent bond. At times, this may be difficult, as there may be restrictions on visitation during the remand period, as in Scandinavia, however the impact on the child has been seen as stressful when they have not been able to say goodbye.

Prison visitation

The establishment of early contact between the imprisoned parent and child is of paramount importance, and should happen in the first week of the parent going to prison, if possible (Jones et al., 2013; Council of Europe, 2017; Smith & Philbrick, 2019).

Suggestions from the research state that there should be an adoption of a policy of holding those parents to the closest appropriate facility to the location of their children (Kingi, 1999; Halton & Townhead, 2020). In the research conducted by Kingi (1999), the location of women's prisons in Aotearoa New Zealand often means mothers are incarcerated a significant distance from their and their children's homes.

While it is acknowledged that some parents will always need to be incarcerated due to the serious nature of their offending, for most, the cost incarceration has on families is hard to overcome (Kingi, 2000; Stone et al., 2017). If possible, short-term prison sentencing should be avoided, replaced with community-based alternatives, and if not suitable, there should be proper funding for support programs for all mothers released from prison, especially those who served short-term sentences (Halton & Townhead, 2020).

Children and their caregivers may need support to navigate the prison system in order to make a visit. Philbrick et al., (2014) highlight that information about the prison and visitation should be available and accessible to all family members, and that many European NGOs already provide resources, both online and hardcopy, to help those involved with the processes. If it is not possible for a caregiver/family member to accompany a child with this visitation, an alternative to this should be in place as to not jeopardise the stability needed as well as the parent/child connection.

It can be beneficial for the caregiver to partner with a community-based provider who can support in childcare, transport, or other support the caregiver might need (Philbrick et al., 2014; Peterson et al., 2019; Child Welfare Information Gateway, 2021). For example, the Relais Enfants Parents (REP) volunteer programme in France facilitates visitation by transporting the child from either home or school to the prison. Once there, the volunteer accompanies the child through the systematic procedures (searches and security checks), and acts as a nonintrusive third party to the visit before escorting them home. Alongside this support, the volunteer also provides full explanation of the systematic procedures so that the child is as aware as possible. It is important that the child is accompanied by the same volunteer in these cases, as this provides security for the child.

A United States-based research report by Matz et al. (2022) found that in-person visits between incarcerated fathers and their children were often perceived as “low quality” by those involved, and the children reported finding the prison environment and its procedures intimidating; and some stating the lack of child-appropriate activities was a problem as well.

Further international literature highlights the importance of facilitating child-friendly visitation, including extending visitation time and hosting these visits outside of the prison environment (United Nations, 2011; Halton & Townhead, 2020); or if unable to conduct visits off-site, to create physical changes to the visiting facilities to accommodate children (Peterson et al., 2019).

Multi-agency support and collaboration

Child welfare agencies need to engage with the incarcerated parent early, and regularly, from arrest through to reunification. This can improve the permanency outcomes for the child (Annie E. Casey Foundation, 2011). Through this early engagement, child welfare can engage in family-finding efforts which can then

decrease non-relative or institutional placements, and provide improved communication between child, parent, and caregivers. Offering a family conferencing model in this early stage can be helpful in ensuring engagement and smooth communication between all parties involved (child, parent, and child welfare) as well as creating a case plan for the child involved.

Across the literature, there is a strong theme of the need for inter-agency collaboration, specifically between corrections and child welfare to maximize the opportunities for assisting children and families across both systems (Annie E. Casey Foundation, 2001; Government Accountability Office, 2011; M. Eddy & Poehlmann-Tynan, 2019). United States-based research highlights a gap in information sharing and access across these systems, though some collaborative efforts have taken place in some jurisdictions, and offer suggestions to address this (C. B. Seymour, 1998; Government Accountability Office, 2011).

Possible initiatives suggested in this space to address this are:

- Periodic inter-agency meetings are conducted, and regular informal communication is encouraged.
- There is to be a designated liaison person within each agency that acts as a facilitator for when personnel from each system need to locate either a parent or child in each other's system in order to arrange visitation and exchange information.
- Regular collecting of information that highlights the overlap between each system (how many children in placement have mothers in prison/criminal justice supervision? Where and with whom are these children residing?).
- To create manuals and provide cross-training so that child welfare personnel have an understanding of the criminal justice system, and vice versa (including a frequently updated directory of key personnel with contact information).

In relation to visitation, Seymour and Hairston (2001; 2007) describe the success of a United States-based inter-agency collaborative programme known as *Girl Scouts Beyond Bars* (GSBB). This programme supports enhanced visitation between an incarcerated mother and her daughter through bi-monthly meetings at the correction facilities. Support includes transporting the children to these facilities, fostering connection between the daughters through Girl Scout troop meetings and activities, and collaborative planning conducted once a month between the incarcerated mothers and a social worker or Girl Scout staff member to discuss future troop meetings between the daughters and their mothers (Seymour & Hairston, 2001; Hairston, 2007; Soltes, 2012; Colanese, 2017). Analysis of visitation data and data collected through interviews found that this programme enhanced regular prison visits, and caregivers of the children involved found improvements to the children's overall wellbeing.

Through linking with these community groups and programmes, child welfare agencies can broaden their network of programmes and relevant agencies to optimise their use of resources and maximise their ability to reach successful outcomes (C. Seymour & Hairston, 2001; Hairston, 2007).

Care arrangement post-sentence and during re-entry

This section responds to research question four: What happens at the end of the sentence and prior to that, in terms of arrangements around custody and care of the child/children? Who is consulted and involved in the decision making and how does this happen (and what is the default position)?

Many children are not prepared for their parents' release from prison, and incarcerated parents are often not adequately prepared to resume their parenting role (Hairston, 2007). For incarcerated primary carer parents, findings suggest clear gender differences exist within the criminal justice system in terms of parenting support. While mothers are offered a range of parenting services and support, fathers are offered very little support of this kind and are arguably less prepared when returning to a parenting role in the community (Dennison et al, 2014; Kjellstrand et al, 2012; Trotter et al, 2015).

Recommendations from Europe highlight the importance of positive post-release interventions. Recommendations to foster a positive post-release experience include the incarcerated parent being able to attend special events and be granted home leave; this is especially important closer to release to create a smoother transition for both the parent and child(ren). Post-release reintegration programmes should be designed collaboratively with prison authorities, probation, social welfare services, and/or local community groups, and should take into account the specific needs of prisoners resuming their parental role in the community (*Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States Concerning Children with Imprisoned Parents*, 2018; Smith & Philbrick, 2019).

Principle 44 from the *Recommendation CM/Rec(2018)5* states "When parents come out of prison, everybody, including the people in charge in the prison, and in the community, should help them be positive and active parents for their children" (*Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States Concerning Children with Imprisoned Parents*, 2018).

A large variety of education, intervention, and family support programmes have been developed to support parents on both the inside and outside of prison. These programmes are categorised as three stages: Before release, during transition, and after re-entry.

Before release

The Council of Europe (2017) suggests that corrections-initiated parenting sessions are needed to be in place in the prisons to provide positive parenting techniques that contribute to child development and wellbeing, which can be developed through collaboration with child welfare agencies.

The research conducted by Young and Smith (2000) discusses the need for educational programmes and support groups on parenting while the parent is incarcerated. Though this research focuses primarily on the mother, there are widespread benefits to this as support occurs in a group setting where through the

sharing and addressing of personal traumatic histories, collective work can be done to make positive change.

The enhanced prison visitation schemes in America and Canada (e.g., allowing children and parents to have long visits or even live together at prison while receiving support and counselling, parent-child relationship building activities such as shared cooking or shared sports) are designed to get the parent ready for reunification post-release and mitigate any issues they might face post release. The GSBB program mentioned earlier as a good example of enhanced prison visitation scheme adopted within the United States also plays a part in reunification through strengthening; as it strengthens the parent/child bond through contact required for reunification (C. Seymour & Hairston, 2001; Hairston, 2007).

There are also parenting and bond-strengthening programs targeted at the incarcerated father. Good examples of this are:

- the Incarcerated and Re-entering Fathers and the Partners (MFS-IP) designed to build collaboration between the criminal justice system and human service agencies to provide services to incarcerated fathers, their children, and their extended families; with a focus on strengthening the bond between father and child. The programme has a full curriculum with various topics for the imprisoned father to select.
- The 36-session Parenting Inside Out (PIO) parenting curriculum (which does include mothers as well).

During transition

The transition stage begins after the release until the incarcerated parent re-integrates into the family and community. In transition planning, re-entry efforts must focus not only on the parent and child, but on the needs of the entire family. Family members should be included in planning for the release of an incarcerated parent. This can alleviate both family members' and incarcerated parent's fears and concerns, address unrealistic expectations, and prepare children and parents for new roles.

Volunteer mentoring programmes, family support centres, and transitional housing are needed within the planning of the transition stage (M. Eddy & Poehlmann-Tynan, 2019). Intervention programs that connect pre-release to post-release would be helpful for the incarcerated parent to reconnect with the child and re-establish family bond while tracking their changes in behaviours and difficulties in reentry into the community.

After re-entry

Triple threats are faced by incarcerated women after re-entry: mental health issues, unemployment, and family violence. Incarceration is associated with shift in family

configuration, which leads to an increased likelihood of divorce and separation (in the instance that the incarcerated parent may be in a relationship) (Arditti & Few, 2006).

Australian based research by Stone, et al., (2017) found that mothers face barriers to reunification with their children post-sentencing due to factors such as poverty, abuse, homelessness, and a lack of service access. In the interviews conducted by the researchers, negative experiences with child welfare were highlighted as an issue faced post-release. These issues include negative historic experiences with child welfare; or having to deal with early-career social workers who may have lacked the life experiences needed to understand the situation; and unrealistic parole expectations that impact resuming childcare.

Community-based parenting and family intervention

Family-centric intervention to caregivers and children to cope with post-release challenges of the family is also recommended (Poehlmann-Tynan & Turney, 2021). The focus of intervention programmes after re-entry would focus on family problem solving, communication, intervention on parenting relationship (M. Eddy & Poehlmann-Tynan, 2019); with a good example being an online resource that practitioners and families can access called the *Family & Children Toolkit: A Primer for Families Supporting Their Loved One's Reentry*.

Multi-agency planning and collaboration

Australian and United States practices suggest that child welfare agencies should collaborate with family support NGOs in identifying the needs and issues of the child and the family, and take a holistic and preventive approach (C. Seymour & Hairston, 2001; Hayes & Higgins, 2014). This is supported by research from Europe where these NGOs serve as a connector between the justice system and the families of the incarcerated in order to support reunification (Jones et al., 2013). Child welfare agency collaboration with NGOs plays a crucial role in supporting the incarcerated parent with the process of reuniting with their child and family; and collective re-entry planning between correction staff and child welfare agency personnel is needed (M. Eddy & Poehlmann-Tynan, 2019).

Important family members and kinship caregivers are suggested to be involved in the planning as well, and should be identified by correction officers prior to release. This information needs to be shared with people in charge of community supervision and should be included in the post-release plan. Community supervisors could work with these caregivers or family members to build a supporting relationship network for the imprisoned parent (Tasca, 2016).

Indigenous approaches



Key research question 5 asks *what indigenous approaches are there?* This section aims to respond by highlighting any indigenous approaches or nuances found in the literature. Little evidence was found regarding indigenous approaches to care arrangements for children of incarcerated parents or caregivers. However, some literature from colonised countries acknowledged that indigenous communities are often overrepresented in incarceration figures and thus efforts were needed to support these communities appropriately (Millar & Dandurand, 2018).

The New Zealand Department of Corrections has identified new approaches required within their services to better serve prisoners and their whānau. The 2019 – 2024 Hōkai Rangi strategy highlights the importance of whānau, hapū, iwi, and communities, as well as emphasise a need to strengthen Corrections' te ao Māori capabilities (Department of Corrections, 2019). In the whānau section of the strategy, Corrections states a need to shift from focusing on the individual to focusing on the collective, including an inmate's whānau and wider community. It also notes that a whānau-centred approach is required to better support inmates and their families. Corrections specifically aims to create policies and practices in the short-to-medium term that place inmates as close as possible to their whānau. This seeks to address the concern that there are only three women's prisons in New Zealand, reducing the ability for incarcerated mothers to stay connected with their children and whānau (NZ Bar Association, 2022). It is unclear however, whether policies such as improving geographical proximity have resulted in greater whānau connections.

A long-term aim for Corrections, according to its strategy, is to create cross-agency collaboration to provide incarcerated parents with information on the care of their children. It is unclear what level of cross-agency collaboration currently exists between Corrections and other state departments regarding the care of children of incarcerated parents. Another long-term aim for Corrections is to develop relationships with broader Māori social structures to support whānau.

Oranga Tamariki has committed to giving practical effect to the principles of Te Tiriti o Waitangi to find appropriate solution for tamariki in need (Oranga Tamariki, 2021; Poutasi, 2022). In its Future Direction Plan, Oranga Tamariki acknowledges they must be an enabler and coordinator for Māori, to empower and support them (Oranga Tamariki, 2021). The Future Direction Plan involves incremental transference of the responsibilities of Oranga Tamariki to communities and organisations that are locally led and regionally enabled, while providing national support (Oranga Tamariki, 2021; Poutasi, 2022).

Te Pae Oranga (formerly known as the Iwi Community Justice Panels) are an approach used by Police and Māori partners to address crime and prevent reoffending (New Zealand Police, n.d.). When someone commits an offence, Police consider if Te Pae Oranga is a good option. If someone is eligible, Police refer them to a local service agency that runs the programme. While it is available to all people, it applies a te ao Māori framework to the justice process. It is not specific to childcare but has the potential to allow for whānau- and child-centred processes when a sole

caregiver is arrested or incarcerated. Te Pae Oranga was established in 2013 and there are currently 22 locations throughout New Zealand. The initiative is widely supported by Māori leaders.

In Canada, specialist Indigenous courts (as well as domestic violence courts, mental health courts, drug treatment courts, and community courts) have been developed to divert criminal offenders with particular needs from the criminal justice system.

These courts typically operate using collaborative inter-agency teams and specialised court personnel (for example, Indigenous judges, lawyers, elders, and probation officers for Indigenous courts) who seek to assist the offender in addressing underlying problems relating to their criminal behaviour (Millar & Dandurand, 2018).

The evidence suggests that law enforcement, corrections, judicial, and child welfare agencies in countries with indigenous populations acknowledge the need to better support indigenous communities. Canadian and Aotearoa New Zealand agencies have made attempts to better serve these communities while also acknowledging the systemic and intergenerational racism impacting progress for indigenous peoples. The evidence suggests more can be done to support these communities as the engage with law enforcement corrections, judicial, and child welfare agencies.

Conclusion



This evidence brief details what the research states about current policy, guidelines, practices, and suggestions around childcare arrangements for children of incarcerated sole or primary caregivers. It covers evidence from multiple agencies, across the entire process, from arrest, court, and remand, to custodial sentence, to re-entry.

The research shows that parental incarceration has a largely negative impact on child development and wellbeing, as well as having a negative effect on the new caregiver and their family, both financially and mentally. However, there were instances where impacts were reported as limited or neutral.

Care arrangements for children of incarcerated parents

International bodies and state policies and guidelines provide important guidance and suggestions on decision making and practice around the protection of child wellbeing when a caregiver is arrested. International practices and programmes, particularly the UN Bangkok Rules, provide guidance how to apply the principles of “the best interests of children” in police arrest, in court and remand, while in prison, and reunification. These practices and programmes also highlight the importance of inter-agency communication, information-sharing, coordinated operations, and support (of each other as well as the incarcerated and their children).

Kinship care is found to be the best alternative care arrangement when a sole caregiver has been incarcerated. The research highlights the benefits for the child’s wellbeing, as this provides familiarity and stability for the child; however, there are areas of improvement in this space, as caregivers in this role need support when taking on this extra responsibility (such as financial and mental support). Regular contact with the incarcerated caregiver plays an important role in maintaining the bond between caregiver and child, and supports reunification outcomes. At times, it may not be in the best interest of the child to visit the incarcerated, and this needs to be considered by the caregivers and the support network around them.

Need for data collection procedures and data sharing protocols

Some evidence gaps were identified, meaning that some of the research questions were not able to be fully addressed in this review. Data around caregiving status of children with incarcerated parents or caregivers is missing. The current Aotearoa New Zealand data available only provides basic descriptors around imprisoned parents and does not capture more specific information such as whether they have dependent children, who is taking care of those children, and other family data. This data gap hampers the capability of child wellbeing and family support services to respond to the specific needs of children and families affected by parental incarceration. There is a need for clear mandated data collection procedures and data sharing protocols in law enforcement (at the arrest) and the criminal justice system (prior to jail entry, and before release). Literature showed that prisoners tend to have low trust in public systems and thus tend to give inaccurate responses regarding information about their children and custody status.

Inter-agency collaboration

The literature suggests that collaborating agencies such as child wellbeing services, justice, corrections and community services need to gather data and share data to triangulate on a regular basis, and where possible, conduct a joint investigation on a given case.

More frequent interagency communications and shared training are recommended by the research. Collaborative training for frontline staff within corrections, child welfare, and community service providers has been shown to improve the continuity of care from arrest, through incarceration to re-entry. This systematic professional training is essential in enabling personnel from various agencies to effectively identify the needs of the child(ren), implement the appropriate service protocols, and provide support with coping with trauma and shame.

Consistent and clear inter-agency protocols are needed to support collaboration and joint care planning and operations across the law enforcement, the criminal justice, and the child welfare systems.

Support for the caregiver (kinship or otherwise)

The research found that though there is support in place for formal foster caregivers and informal (or kinship care), the support for informal/kinship caregivers is insufficient. Factors such as shame, or suspicion of child welfare agencies, as well as the lack of policy guidance to support front line agencies contribute to barriers for those taking on caregiver responsibilities. Early welfare intervention when a primary caregiver is arrested (through inter-agency collaboration), can assist incarcerated sole caregivers to help identify a new caregiver. Information sharing at the earliest can enable agencies to provide the most appropriate support for each individual and their whānau.

Bibliography



- Annie E. Casey Foundation. (2001). *Partnerships Between Corrections and Child Welfare: Collaboration for Change, Part Two* (Family to Family: Tools for Rebuilding Foster Care). The Annie E. Casey Foundation.
<https://www.aecf.org/resources/partnerships-between-corrections-and-child-welfare-collaboration-for-change>
- Annie E. Casey Foundation. (2009). *Kinship Care When Parents are Incarcerated: What we know, what we can do*. <https://www.aecf.org/resources/kinship-care-when-parents-are-incarcerated>
- Annie E. Casey Foundation. (2011). *When a Parent is Incarcerated: A primer for social workers*. <https://www.aecf.org/resources/when-a-parent-is-incarcerated>
- Annie E. Casey Foundation. (2012). *Stepping Up for Kids: What the government and communities should do to support kinship families*.
<https://www.aecf.org/resources/stepping-up-for-kids>
- Arditti, J. A., & Few, A. L. (2006). Mothers' Reentry into Family Life Following Incarceration. *Criminal Justice Policy Review*, 17(1), 103–123.
<https://doi.org/10.1177/0887403405282450>
- Arditti, J. A., & McGregor, C. M. (2019). A Family Perspective: Caregiving and Family Contexts of Children with an Incarcerated Parent. In J. M. Eddy & J. Poehlmann-Tynan (Eds.), *Handbook on Children with Incarcerated Parents: Research, Policy, and Practice* (pp. 117–130). Springer International Publishing. https://doi.org/10.1007/978-3-030-16707-3_9
- Brett, R. (2018). *Best Interests of the Child when Sentencing a Parent: Some reflections on international and regional standards and practice*.
<https://www.familiesoutside.org.uk/content/uploads/2020/08/Best-Interests-of-the-Child-when-Sentencing-a-Parent.pdf>
- Child Welfare Information Gateway. (2021). *Child Welfare Practice With Families Affected by Parental Incarceration*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.
- Chui, W. H. (2016). Association Between Caregiver Stress and Behavioral Problems in the Children of Incarcerated Fathers in Hong Kong. *Maternal and Child Health Journal*, 20(10), 2074–2083. <https://doi.org/10.1007/s10995-016-2034-9>
- Colanese, J. A. (2017). Girl Scouts beyond Bars. *The Encyclopedia of Corrections*, 1-3.
- Council of Europe. (2017). *Children separated from a parent in prison: Preliminary report and ideas for Council of Europe*.
- Dallaire, D. H. (2007). Incarcerated Mothers and Fathers: A Comparison of Risks for Children and Families. *Family Relations*, 56(5), 440–453.

- Dennison, S., Smallbone, H., Stewart, A., Freiberg, K., and Teague, R. (2014). 'My life is separated': An examination of the challenges and barriers to parenting for Indigenous fathers in prison. *British Journal of Criminology*, 54 (1).
- Department of Corrections. (2019). *Hokai Rangi: Ara Poutama Aotearoa Strategy 2019—2024*.
- Eddy, M., & Poehlmann-Tynan, J. (Eds.). (2019). *Handbook on Children with Incarcerated Parents: Research, Policy, and Practice* (2nd edition). Springer International Publishing.
- Edwards, F. (2016). Saving Children, Controlling Families: Punishment, Redistribution, and Child Protection. *American Sociological Review*, 81(3), 575–595. <https://doi.org/10.1177/0003122416638652>
- Government Accountability Office. (2011). *Child Welfare: More Information and Collaboration Could Promote Ties Between Foster Care Children and Their Incarcerated Parents*. U.S. Government Accountability Office. <https://www.gao.gov/products/gao-11-863>
- Hairston, C. F. (2007). *Focus on children with incarcerated parents: An overview of the research literature*. https://repositories.lib.utexas.edu/bitstream/handle/2152/15158/aecasey_children_incparents.pdf?sequence=2
- Halton, L., & Townhead, L. (2020). *Children of Incarcerated Parents: International Standards and Guidelines*.
- Hayes, A., & Higgins, D. (Eds.). (2014). *Families, policy and the law: Selected essays on contemporary issues for Australia*. Australian Institute of Family Studies. <https://aifs.gov.au/research/research-reports/families-policy-and-law>
- Jones, A., Gallagher, B., Manby, M., Robertson, O., Schützwohl, M., Berman, A. H., Hirschfield, A., Ayre, L., Urban, M., Sharratt, K., & Christmann, K. (2013). *Children of Prisoners: Interventions and mitigations to strengthen mental health*. University of Huddersfield. <https://childrenofprisoners.eu/wp-content/uploads/2013/12/COPINGFinal.pdf>
- Kjellstrand, J. M., Cearley, J., Eddy, J. M., Foney, D., & Martinez Jr. C. (2012). Characteristics of incarcerated fathers and mothers: Implications for preventive interventions targeting children and families. *Children and Youth Services Review*. 34 (1)
- Kingi, V. M. (1999). *The Children of Women in Prison*. <http://researcharchive.vuw.ac.nz/handle/10063/173>
- Kopak, A. M., & Smith-Ruiz, D. (2016). Criminal Justice Involvement, Drug Use, and Depression Among African American Children of Incarcerated Parents. *Race and Justice*, 6(2), 89–116. <https://doi.org/10.1177/2153368715586633>

- Lauwereys, H. (2020). Sentencing primary caregivers in South Africa: The role of the child's best interests. *South African Journal on Human Rights*, 36(2–3), 154–177. <https://doi.org/10.1080/02587203.2020.1865113>
- Manby, M. (2016). COPING Research: Exploring the Emotional Impact of Parental Imprisonment on Children in four European Countries; Qualitative Research Findings. *RPsych*, 2(3), 310–329. <https://doi.org/10.5771/2365-1083-2016-3-310>
- Matz, A. K., Mayzer, R., & Herberholz, M. (2022). *Interventions Pertinent to Children of Incarcerated Parents* (No. 5). Criminal Justice Faculty Publications.
- Millar, H., & Dandurand, Y. (2018). The Best Interests of the Child and the Sentencing of Offenders with Parental Responsibilities. *Criminal Law Forum*, 29(2), 227–277. <https://doi.org/10.1007/s10609-017-9340-9>
- Minson, S., Nadin, R., & Earle, J. (2015). *Sentencing of mothers: Improving the sentencing process and outcomes for women with dependent children*. The British Library; The British Library. <https://www.bl.uk/collection-items/sentencing-of-mothers-improving-the-sentencing-process-and-outcomes-for-women-with-dependent-children>
- Nesmith, A., & Ruhland, E. (2011). Caregivers of Children with Incarcerated Parents. *The Open Family Studies Journal*, 4(1), 105–116. <https://doi.org/10.2174/1874922401104010105>
- New Zealand Police. (n.d.). *Te Pae Oranga Iwi Community Panels*. <https://www.police.govt.nz/about-us/maori-police/te-pae-oranga-iwi-community-panels>
- NZ Bar Association. (2022). *The treatment of women in prison and the impact on children—Ngā Ahorangi Motuhake o te Ture*. <https://www.nzbar.org.nz/news/treatment-women-prison-and-impact-children>
- Oranga Tamariki. (2021). *Future Direction Plan*. <https://www.orangatamariki.govt.nz/assets/Uploads/About-us/News/2021/MAB-report-action-plan-release/OT-Future-Direction-Action-Plan.pdf>
- Peterson, B., Fontaine, J., Cramer, L., Goff, M., McCoy, E., & Reginal, T. (2019). *Model practices for parents in prisons and jails: Reducing barriers to family connections*.
- Philbrick, K., Ayre, L., & Hannah, L. (Eds.). (2014). *Children of Imprisoned Parents: European Perspectives on Good Practice* (2. ed). Children of Prisoners Europe.
- Poehlmann-Tynan, J., & Turney, K. (2021). A Developmental Perspective on Children With Incarcerated Parents. *Child Development Perspectives*, 15(1), 3–11. <https://doi.org/10.1111/cdep.12392>

- Poutasi, K. (2022). *Independent Review of the Children's System Response to Abuse*. <https://www.orangatamariki.govt.nz/about-us/performance-and-monitoring/reviews-and-inquiries/malachi-subecz-system-review/>
- Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents*. (2018). Council of Europe. <https://edoc.coe.int/en/children-s-rights/7802-recommendation-cmrec20185-of-the-committee-of-ministers-to-member-states-concerning-children-with-imprisoned-parents.html>
- Ruiz, D. S. (2002). The Increase in Incarcerations Among Women and its Impact on the Grandmother Caregiver: Some Racial Considerations. *The Journal of Sociology and Social Welfare*, 29(3).
- Seymour, C. B. (1998). Children with Parents in Prison: Child Welfare Policy, Program, and Practice Issues. *Child Welfare*, 77(5), 469–493.
- Seymour, C., & Hairston, C. F. (Eds.). (2001). *Children with parents in prison: Child welfare policy, program & and practice issues*. Transaction Publishers.
- Shlafer, R. J., & Poehlmann, J. (2010). Attachment and caregiving relationships in families affected by parental incarceration. *Attachment & Human Development*, 12(4), 395–415. <https://doi.org/10.1080/14616730903417052>
- Smith, B & Philbrick, K. (2019). *It's Time to Act—CoE Recommendation CM/Rec(2018)5*. Children of Prisoners. <https://childrenofprisoners.eu/its-time-to-act-cm-rec20185/>
- Soltes, F. (2012). Girl Scouts Beyond Bars: Incarcerated mothers, empowered daughters—and a Better Future for All. *New York: Girl Scouts of the USA*.
- Stone, U., Liddell, M., & Martinovic, M. (2017). Incarcerated Mothers: Issues and Barriers for Regaining Custody of Children. *The Prison Journal*, 97(3), 296–317. <https://doi.org/10.1177/0032885517703957>
- Tasca, M. (2016). The Gatekeepers of Contact: Child–Caregiver Dyads and Parental Prison Visitation. *Criminal Justice and Behavior*, 43(6), 739–758. <https://doi.org/10.1177/0093854815613528>
- Trotter, C. J., Flynn, C. A., Naylor, B. G., Collier, P. M., Baker, D., McCauley, K. M., & Eriksson, A. M. (2015). *The impact of incarceration on children's care: A strategic framework for good care planning*. Monash Criminal Justice Research Consortium.
- Turanovic, J. J., Rodriguez, N., & Pratt, T. C. (2012). The Collateral Consequences of Incarceration Revisited: A Qualitative Analysis of the Effects on Caregivers of Children of Incarcerated Parents*. *Criminology*, 50(4), 913–959. <https://doi.org/10.1111/j.1745-9125.2012.00283.x>
- United Nations. (2011). *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*.

OHCHR. <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-treatment-women-prisoners-and-non-custodial>

Victoria Legislative Council, P. of V. (2022). *Inquiry into children affected by parental incarceration*.

https://new.parliament.vic.gov.au/493323/contentassets/c5301ed866b64611a2a6f4979865e991/lclsic-59-11_children-affected-by-parental-incarceration.pdf

Young, D. S., & Smith, C. J. (2000). When Moms Are Incarcerated: The Needs of Children, Mothers, and Caregivers. *Families in Society: The Journal of Contemporary Social Services*, 81(2), 130–141. <https://doi.org/10.1606/1044-3894.1007>