
CHILDREN OF PRISONERS PROJECT

Steering Committee's Report to the Justice Cabinet
Committee

July 05

The purpose of a prison sentence is to punish offenders, not their children¹

¹ Cunningham, A. Forgotten families – the impacts of imprisonment, Australian Institute of Family Studies, *Family Matters* No.59 Winter 2001:35.

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Finally, the project team also extends its appreciation to those who shared their personal stories in focus group discussions and the 106 parents in prison and 28 carers who participated in the survey.

The project team acknowledges children of prisoners as the forgotten victims and hopes that by bringing forth their issues a more positive future can be created for them.

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ABBREVIATIONS & TERMINOLOGY

ABS	Australian Bureau of Statistics
ADHD	Attention-Deficit/Hyperactivity Disorder
AGD	Attorney General's Department
APOSS	Aboriginal Prisoners and Offender Support Services
CYFS	Children, Youth and Family Services
DCS	Department for Correctional Services
DUMA	Drug Use Monitoring in Australia
DECS	Department of Education and Children's Services
DHS	Department of Human Services (now known as the Department for Families and Communities)
OARS	Offenders Aid Rehabilitation Services
OCSAR	Office of Crime Statistics and Research
PAD	Passive Alert Dogs
SAPOL	South Australia Police

Terminology

For the purposes of this research, *children* are defined as youth less than 18 years of age. The term *parent* incorporates: mother, father or anyone else who is deemed to be the legal guardian of the child. The term *prisoner* is defined as any person held in custody, either on remand or sentenced by the Courts to serve a prison sanction.

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EXECUTIVE SUMMARY

This report represents the major findings of an examination into the needs of children of prisoners. In August 2003, the Justice Cabinet Committee initiated an investigation into the needs of children affected by parental incarceration to determine ways in which service provision could be improved.

Children of prisoners are often overlooked in public policy making and have been referred to as the *forgotten victims* of crime. At present, no statistical data are gathered on the numbers of children affected by parental incarceration. Nevertheless there is ample evidence to suggest that in Australia there are thousands of children affected by the imprisonment of a parent.

Research indicates that parental incarceration can profoundly affect a child's social, emotional and behavioural development. Children of prisoners often experience a range of emotions including grief and loss, anger, guilt, shame, anxiety and depression. They may suffer a great deal of disruption in their lives because of unstable caring arrangements, moving from one carer to another. Children may lose their primary carer who may also have been the sole source of household income, exacerbating their financial insecurity. Research has also shown that having a parent in prison is considered to be a significant predictor of future criminal behaviour, emphasising the need for these children to be afforded urgent attention.

As part of the project, two separate surveys were undertaken: parents in prison survey and carers of children who have a parent in prison survey. The Attorney General's Department administered the former survey, while the Offenders Aid and Rehabilitation Services, a non-government agency specifically established to provide support to prisoners and their families, administered the latter. This collaboration between government and non-government agencies was an essential element of the project and helped to determine the key issues affecting prisoners' children.

In total, 106 parents in prison and 28 carers of children affected by parental incarceration were surveyed. The parents surveyed had a total number of 256 children between them. The average number of children per prisoner was 2.4, with the highest number of children recorded for any one parent being eight. The findings have shown that a significant number of children affected by parental incarceration are very young, with nearly one-quarter under four years of age. Half of the children in the study were aged seven years or under. This finding is important because there is a significant body of evidence that shows these early years of a child's life will have a significant impact on their future health, development and well-being.

The results of the parents in prison survey also reveal that nearly one-third of the parents surveyed identified that during their childhood, a parent or significant other, was imprisoned. Many reported drug and mental health problems prior to their incarceration. For carers of children affected by parental incarceration, the project found that many families are often left without adequate support to cope. In addition, the significant emotional and financial burden placed upon grandparents was one of the recurring themes to emerge as part of the project.

The report also contains an action plan that reflects the findings of the projects consultations, surveys, case studies and available literature on this topic. As such, it represents an important starting point for further collaboration to take place to improve outcomes for this important group of children.

The report identifies key areas in which focus ought to be placed including the need for:

- research and data collection on the parenting responsibilities of prisoners;
- greater awareness of the impact of parental incarceration on children by all those involved in the key contact points along the criminal justice system;
- more understanding in the community to help reduce the shame and stigma often experienced by children affected by parental incarceration;
- more opportunities for children to have contact with their imprisoned parent; and
- the continued delivery and expansion of parenting programs to enable parents in prison to develop the necessary parenting skills.

The report asks for recognition of the importance of families as a key rehabilitative resource for assisting prisoners to successfully reintegrate into our community. This finding is based on a significant body of research that repeatedly shows that maintaining links between prisoners and their children serves an important dual purpose by not only helping to reduce the rate of recidivism but also greatly improving the emotional and behavioural well-being of children.

SECTION ONE: OVERVIEW OF THE PROJECT

BACKGROUND TO THE PROJECT

Children of prisoners have been largely overlooked in public policy even though there is growing evidence that indicates parental incarceration can adversely affect a child's emotional and behavioural development. In recognition of this, and against the current background of reforms to child protection services, the Justice Cabinet Committee initiated the Children of Prisoners and Offenders project to determine ways in which to improve service provision to children whose parents have come into contact with the criminal justice system.

The project began in August 2003, when the Justice Strategy Division of the Attorney General's Department was given the responsibility of leading this work and developing an action plan in partnership with a broad range of government and non-government agencies.

Although the original intention of the project was to consider issues pertinent to children of both offenders and prisoners, resource constraints have necessitated that the project focus only on those children affected by parental imprisonment. Children of offenders² have specific needs, which may differ considerably to those children who have a parent removed due to incarceration. It would be remiss to treat the two groups as having identical needs. It is therefore acknowledged that further work is needed to identify issues relevant to children of offenders and facilitate the development of a range of strategies to address their particular needs.

INTRODUCTION

It is now well known that the prison population in Australia has increased substantially over recent years. Obtaining up-to-date statistical information on prison populations and their demographic characteristics is not a difficult task. As at 30 June 2004, there were 24,171 prisoners in Australia, representing a 3% increase from the previous year.³ Over the past decade the prison population in Australia has increased by more than 40%.⁴ Yet, even with all this readily obtainable data, little to no information is available about the parenting status of those in the prison system.

This is despite a number of recent reports on the impact of incarceration on families of prisoners including two recent parliamentary inquiries.⁵ At present, no specific data or information is routinely or systematically collected regarding the parental responsibilities of those entering the prison system.

² Offenders are defined as those parents serving a community based order that may be supervised by a community corrections officer and/or required to perform unpaid community work.

³ ABS, Prisoners in Australia, Cat. No. 4517.0 accessed online www.abs.gov.au 18/5/2005.

⁴ ABS, Prisoners in Australia, Cat. No. 4517.0.

⁵ See Parliament of New South Wales, A Report into Children of Imprisoned Parents, Standing Committee on Social Issues, Legislative Council July 1997 and Legislative Assembly for the ACT, The forgotten victims of crime: families of offenders and their silent sentence, Standing Committee on Community Services and Social Equity, June 2004.

*Children of imprisoned parents represent one of the most marginalised and forgotten groups in the community. **Through no fault of their own** they are suddenly, and often for extensive periods, separated from one or both parents, frequently required to move from their familiar environment and provided with little, if any, specialised or other support and counselling. Children of imprisoned parents often experience a profound sense of loss and abandonment and sometimes erroneously blame themselves for their parent's incarceration.⁶*

In the absence of any accurate statistical information, the actual number of children affected by parental incarceration has been the subject of some conjecture. Over a decade ago, a literature review on children of prisoners undertaken in NSW suggested that *on any one day in New South Wales there are at least 4,000 children of prisoners.*⁷

According to a more recent Australian estimate, around 14,500 children under 16 years of age experienced parental imprisonment in NSW in 2001.⁸ It has been suggested that this figure represents an extremely serious public health issue that is not afforded the priority it warrants in terms of health and welfare resource allocation.⁹

While no dependable statistics exist about the numbers of parents in prison, it is generally accepted that between 60% and 85% of prisoners are parents.¹⁰

Quantifying the number of children affected by their mother or father's incarceration is important because it helps to determine the level of emotional and financial burden on both the children and community, and as such, it can enable the development of appropriate public policy responses.

REPORT STRUCTURE

This report is divided into five main sections. The first section provides a background to the project including key aims, principles, methodology and policy context. It also provides an overview of recent literature on issues affecting children and families of prisoners.

Section two of the report provides a detailed summary of the key findings of the parents in prison survey.

⁶ Parliament of New South Wales, A Report into Children of Imprisoned Parents, Standing Committee on Social Issues, Legislative Council, July 1997:3, (emphasis added).

⁷ Larman, G & Aungles, A. Children of Prisoners and Their Outside Carers: The Invisible Population. Accessed on line 23/1/2005 www.aic.gov.au/publications/proceedings/16/Larman.html

⁸ Quilty et al, Children of prisoners: a growing public health problem. *Australian and New Zealand Journal of Public Health*, Vol. 28, No. 4 2004.

⁹ Legislative Assembly for the ACT, Standing Committee on Community Services and Social Equity. The forgotten victims of crime: families of offenders and their silent sentence, June 2004:14.

¹⁰ As cited by Healy et al, Families affected by the imprisonment of a parent: Towards restorative practices. *Children Australia* Vol. 26, No. 1 2001.

The third section concentrates on those issues identified by the carers of children affected by parental incarceration. This section highlights the significant emotional and financial burden often placed on grandparents when a parent is incarcerated.

The fourth section contains two case studies drawn from real-life, which highlight some of the diverse experiences of children who have a parent in prison.

The fifth and final section contains an action plan that reflects the key findings of the project's consultations, surveys, case-studies and the available literature on this topic. It represents an important starting point to improve outcomes for children affected by parental incarceration.

AIMS

The original four broad aims of this project were to:

- Establish and implement both cross-agency and centralised data collection processes that build an evidence base for policy development and service delivery for children of offenders and prisoners;
- Establish routine, cross-agency data exchange processes on children of offenders and prisoners issues;
- Prepare an Action Plan for Justice Cabinet Committee approval that identifies priority service delivery needs, guides data collection, policy development and service delivery for children of offenders and prisoners with the aim of improving outcomes for these children and their families; and
- Explore options for ongoing monitoring/research of project outcomes.

As the work of the project progressed, it was necessary to revise the capacity of the project to deliver on the original stated aims, particularly the implementation of data collection processes. Nevertheless, in keeping with the original aims, the project focused on the development of an action plan that identifies priority areas and outlines mechanisms for the monitoring, reporting and evaluation of these priorities.

PRINCIPLES

To assist both the project and development of an action plan, the project team and Steering Committee were guided by the principles of the United Nations Convention on the Rights of the Child to which Australia is a signatory.¹¹ Additionally, the Steering Committee agreed that the project should work towards outcomes that:

- Ensure the best interests of children;

¹¹ See www.unicef.org/crc/crc.htm

- Recognise that children have a need and a right to maintain a meaningful and ongoing relationship with their mother or father, to the extent that both parties agree and only if it is in the best interests of the child;
- Recognise the particular needs of Aboriginal children and their families and the additional negative impact on them when a parent is incarcerated;
- Focus on 'working in partnership with' rather than 'doing to' families whose lives are affected by the imprisonment of a parent;
- Respect culture, gender and race; and
- Build an evidence base for policy development and service delivery for children of offenders and prisoners.

METHODOLOGY

Due to the statistical shortfalls in obtaining reliable information on parents in the prison system, it was considered necessary to supplement the current limited data with information obtained through other methods such as surveys, case studies and focus group discussions. Provided below is a summary of the main components of the methodology used in this project:

- Extensive consultation including focus group discussions with key stakeholders involved in the delivery of services to children and offenders;
- Establishment of two working groups: Data working group and Aboriginal consultation working party;
- Facilitation of specific focus groups with Aboriginal women and women who had exited prison;
- Establishment of a steering committee to oversee the project with representation from a broad range of government and non-government agencies;
- Conduct of a literature review on existing research on the impact of parent's incarceration on children; and
- Development of two survey questionnaires: a parents in prison survey and a carers of children survey, in order to gauge the number of children affected by parental incarceration.

SCOPE OF THE PROJECT

This project examined the issue of children of prisoners in accordance with the project's stated aims. This report, therefore, places emphasis on children, rather than on the offending behaviour of their parents.

In compiling this report, the Steering Committee was mindful that significant harm can be caused by an individual's offending behaviour. This harm extends from the primary victim of the crime to

the family of the victim. It also extends to the family of the offender who, through no fault of their own, may suffer significant condemnation through their association.

The Steering Committee, therefore, does not seek to excuse the crimes committed by those in the prison system. It acknowledges the often devastating and enduring consequences criminal behaviour can have on the lives of those directly affected by it. Rather, it seeks to highlight the struggles and difficulties experienced by children because of their parent's imprisonment.

POLICY CONTEXT

This project is linked to other work within Government including the:

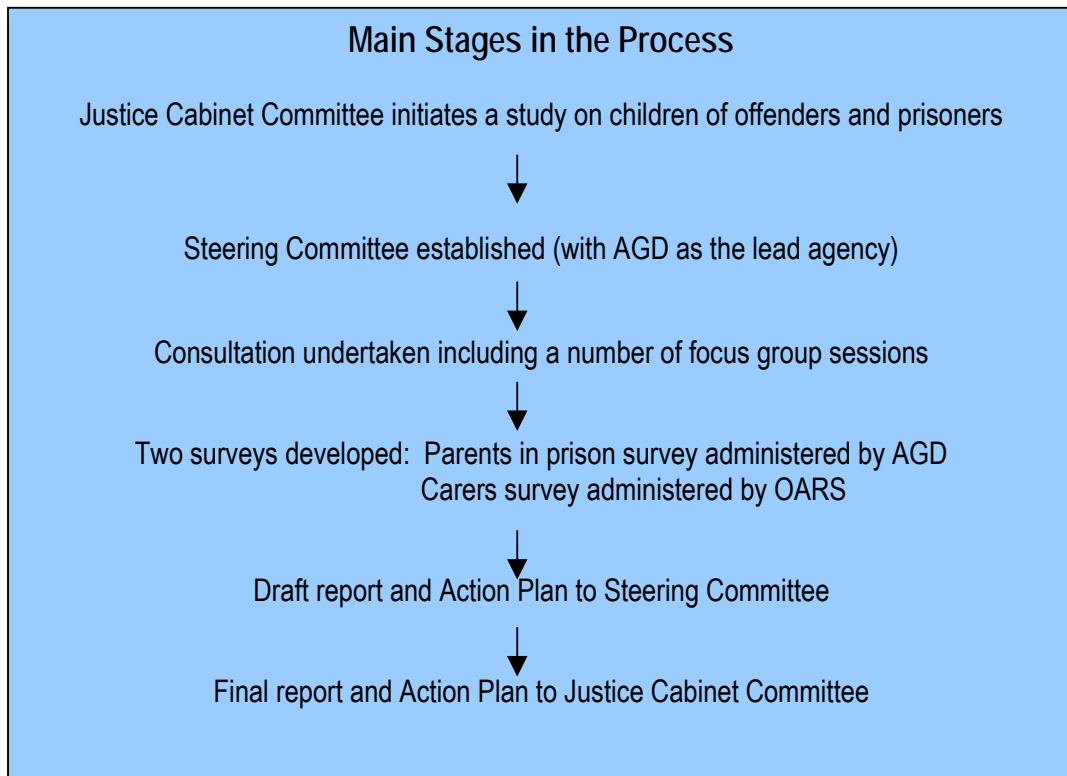
- *Keeping Them Safe* - the South Australian Government's Child Protection Reform Agenda;
- Government initiatives in Social Inclusion;
- *Aboriginal Justice Strategic Directions 2004-2006*; and
- Justice Portfolio Strategic Plan.

STAKEHOLDERS

The project was overseen by a Steering Committee comprised of the following members:

Name	Organisation
John Tomaino, Sally Ryan, Sue Markotić	Justice Strategy Division, Attorney General's Department
Donnie Martin	Courts Administration Authority
Nia Mazarakis, Michael Brownjohn,	Department for Correctional Services
Mark Mackie, Peter May, Gaynor Hallows	
April Lawrie-Smith	Aboriginal Justice, Strategy and Community Development Unit, Justice Strategy Division, Attorney General's Department
Joy Wundersitz	Office of Crime Statistics and Research, Justice Strategy Division, Attorney General's Department
Bernie McGinnes, Fiona Curnow	Children Youth and Family Services, Department for Families and Communities
Janine Harvey	Department of Education and Children's Services
Ronnie Mann, Liz O'Keefe, Ari Papadelos, Leigh Garrett	Offenders Aid and Rehabilitation Services
Shirl Chartrand	Department of Aboriginal Affairs and Reconciliation
Frank Lampard	Aboriginal Prisoner and Offender Support Services
Nick Robilliard	Department of Health
Bruce James-Martin, Nicole Middleton	South Australia Police

In summary, the main stages in the project process are as outlined below:



SUMMARY OF PREVIOUS STUDIES

Over the years a number of reports have been written on the subject of parental incarceration. Presented below is a summary of some of the most recent key reports:

- In 1997 the NSW Parliament Standing Committee on Social Issues released *A Report into Children of Imprisoned Parents*. The report contained 97 recommendations covering a broad range of themes such as the need for: improved data collection, the establishment of a network of Children of Prisoners Officers throughout the State, a review of all the visiting arrangements in the state's correctional facilities, the provision of child friendly and appropriate visiting areas, the development of strategies to assist families to visit prisoners that are some distance away from their home. This report also espoused the view that prison should be a last resort for parents of dependent children when all other appropriate sentencing options have been exhausted.
- Released in 1998, *Who's Minding the Kids?* was prepared by the Social Policy Research Group of the University of South Australia. This report highlights the implications for children, and the adults who care for them, when their mothers enter prison. The study used qualitative methodology including a combination of focus groups and interviews. A total of 24 women participated in the interviews. Eleven primary carers were also interviewed. In addition, permission was granted to interview eight prisoners' children. With only a few exceptions, the results found that the majority of children were cared for by their maternal grandmothers. The research made a number of recommendations and called for a support worker position to be established to work with carers of children affected by parental incarceration.
- The report *Taken In: When Women with Dependent Children are Taken into Custody: Implications for Justice and Welfare* prepared in 2000 by the Women's Legal Service (SA) follows on from the earlier project *Who's Minding the Kids*. The research was conducted in two stages and involved consultations with key criminal justice and welfare agencies along with female prisoners located at the Adelaide Women's prison and Port Augusta prison. The report presents a feminist critique of the way women are recognised in the criminal justice system by examining rates of arrest, the court process and rates of imprisonment. It includes 21 recommendations covering a range of areas including the need for improved data collection, the provision of training for police officers to better deal with women with dependent children and the development of more innovative approaches to allow women and children to remain together during imprisonment.
- In 2000, the Victorian Association for the Care and Rehabilitation of Offenders (VACRO) released its report *Doing it Hard – A Study of the Needs of Children and Families of Prisoners in Victoria*, which examined the needs of children and families of prisoners in Victoria. The work was the culmination of a literature review and an extensive study conducted across six prisons and involving 111 interviews of prisoners as well as 80 carers of children who were interviewed when visiting prisoners.
- *Crisis Accommodation and Support Needs of Women Exiting Custody* 2001, prepared by DHS, focused on quantifying the number of women exiting prison who are homeless

or at risk of homelessness; identifying housing outcomes for women leaving custody; documenting the views of these women in relation to accommodation; and mapping current processes that have implications for housing outcomes. The report highlighted the far-reaching consequences of imprisonment including debt accumulation, loss of housing and possessions, and the difficulties women face in rebuilding their lives and integrating back into the community following release.

- In 2001 the Commission for Children and Young people and the Aboriginal and Torres Strait Islander Advisory Board released a *Discussion paper on the impact on Aboriginal & Torres Strait Islander children when their fathers are incarcerated*. The paper was developed as a starting point for further discussion about the impact of imprisonment of Aboriginal men and their children and highlighted issues to be considered in the development of effective parenting programs for these men.
- *Supporting Women Exiting Prison and their Children on the Outside: Coordinated Care and Early Intervention Approaches* was prepared by DHS in 2002. The project aimed to develop a sustainable model of collaborative and coordinated care that contributed to improved access to health and other human services for women exiting prison, for their children and families whilst women are in prison, and post release. The report focused on the key target population with a known high-risk profile for complex needs related to health and justice. A range of strategies are described for action by Justice and Human Services portfolios.
- In 2003, the Australian Government Department of Family and Community Services conducted a literature review to identify issues affecting children and families of prisoners, *Families of prisoners: literature review on issues and difficulties*.
- In June 2004, the ACT Legislative Assembly Standing Committee on Community Services and Social Equity, tabled its inquiry *The forgotten victims of crime: families of offenders and their silent sentence*. The inquiry examined issues affecting the families of offenders and made a total of 42 recommendations including the need for improved data collection processes to determine the parenting status of those in custody, the funding of a family support worker position and the creation of 'child friendly' prison visiting areas.
- In October 2004, a West Australian report entitled *Severed Connections: An exploration of the impact of imprisonment on women's familial and social connectedness*, was published. The report explored the experiences of women in prison and their connections with their children, families and broader community. A number of recommendations were put forward including the need for: secure half-way houses to be established to enable women nearing release to serve out their prison sentence and improved screening systems to be developed to identify women at risk of suicide or self-harm.

Despite these numerous reports and the many recommendations put forward it appears that little definitive action has been taken in South Australia to improve services for those affected by parental incarceration. The failure to appropriately address this issue to date will undoubtedly have significant future social and economic implications.

The common themes that emerge from the recent reports often relate to the negative consequences that parental incarceration has on children. Children of imprisoned parents often experience low self-esteem, poor relationships with peers, and feelings of anxiety, shame, grief, social isolation, and guilt. According to research, a diverse range of emotional difficulties and behavioural patterns may also manifest such as:

- Depression
- Self-harm
- Drug and alcohol misuse
- Eating disorders
- Truancy; and
- Feelings of rejection and abandonment.¹²

Children of imprisoned parents have a much greater likelihood of coming into contact with the criminal justice system. One American study found that children of prisoners are themselves up to six times more likely to become incarcerated.¹³

A number of studies have shown that prisoners' children are more likely to be very young. A recent Western Australian study found that more than one-third of children affected by maternal incarceration were less than six years of age.¹⁴

The literature also raises the significant long-term social and economic implications if appropriate support is not made available to young children. This finding is consistent with the government's framework for early childhood services in South Australia, *Every Chance for Every Child*, which recognises the importance of investing in the early years of a child's development and the long-term benefits this yields both socially and economically. The framework cites research which indicates that *for every \$1 invested in early childhood and parent support programs, \$7 could be saved in later life: in health, and criminal justice systems.*¹⁵

¹² Adapted from Australian Government Department of Family and Community Services, *Families of prisoners: literature review on issues and difficulties*, Rosemary Woodward, September 2003.

¹³ As cited in Australian Government Department of Family and Community Services, *Families of prisoners: literature review on issues and difficulties*, Rosemary Woodward, September 2003.

¹⁴ Study undertaken by the WA Justice Department in 2002 as cited in Australian Government Department of Family and Community Services, *Families of prisoners: literature review on issues and difficulties*, Rosemary Woodward, September 2003:5.

¹⁵ Research undertaken by the Rand Corporation, as cited by Department of Human Services. *Every Chance for Every Child – Making the Years Count, A Framework for Early Childhood Services in South Australia 2003-2007*, October 2003:3.

CURRENT SUPPORT SERVICES AND INITIATIVES

It is not the intention of this report to suggest that there are no services for children who have a parent in prison. Indeed it is acknowledged that DCS has made some positive efforts to support parents in prison. However, of the few services or initiatives that do exist, most are either limited in scope or have precarious funding arrangements where long-term service sustainability is not assured.

Current DCS policy allows children up to 3 years of age to reside with their imprisoned mothers in the Adelaide Women's Prison's Living Skills Unit. This Unit has a parenting section, consisting of two separate units that can accommodate up to four women with babies or toddlers. Each mother or pregnant prisoner must apply to the Department for permission to have the child with her.

There is also provision in the Living Skills Unit for older children up to the age of twelve years to have longer visits with their mother. The mainstream prison does not usually hold children, although in special circumstances they have been permitted. There are currently no provisions for children to reside with their incarcerated fathers.

General provisions that range across all institutions include special visits for children in alternative care, usually facilitated and supervised by CYFS, and regular visits whereby both children and adults can visit a prisoner. The DCS Volunteer Unit often provides transport for children to facilitate visits.

Parents in the Adelaide Women's Prison and Mobilong also have access to the *Good Beginnings* parenting program. This pilot program provides emotional and practical support to parents in prison and assists them to recognise the importance of their parenting role as a means of making positive changes in their own lives and those of their children. A recent evaluation of the program, using a range of indicators, concluded that the program has positive outcomes for both children and parents/carers. It recommended that the program be retained beyond the current pilot period and that consideration be given to extending it to all prisons across the State.¹⁶ However, funding for this program is due to cease at the end of June 30, 2005.

Services such as OARS and APOSS, often with limited resources, provide important support to prisoners and their families.

¹⁶ King, D. National Evaluation of the Prisoners and their Families Program, Australian Government Attorney-General's Department, Canberra, November 2004.

SECTION TWO: PARENTS IN PRISON SURVEY

BACKGROUND TO THE SURVEY

As mentioned, one of the key aspects of the project was the development of two separate surveys: parents in prison survey and carers of children who have a parent in prison survey.¹⁷ The Attorney General's Department administered the former survey, while the Offenders Aid and Rehabilitation Services, a non-government agency specifically established to provide support to prisoners and their families, administered the latter.¹⁸

The parents in prison survey was extensive, containing a total of 74 questions and covering a range of areas including participants' cultural background, marital status, accommodation prior to imprisonment and the frequency and type of contact with their children. Issues related specifically to their children such as schooling, current care arrangements, housing and health status were also covered.

METHODOLOGY

One of the initial difficulties faced by the project team was how to identify the number of parents currently in the prison system. To address this difficulty, a one-page prison census form was distributed across all prisons in the week beginning 17 January 2005 to ascertain the current numbers of parents in the prison system.¹⁹ During this week, DCS had a total of 1532 prisoners in custody across the state's nine prisons.²⁰ Of this total 89 (5.8%) were women, one-quarter (24.7% or n=22) of whom identified as Aboriginal.

Prison staff were contacted and asked to distribute the census form to each prisoner. Overall, around one-third of prisoners from each prison responded to the survey (n=435). Of this total, most were parents and expressed an interest in participating in the survey (83.2% or n=362). A sample of prisoners to be interviewed was generated from the information obtained from the prison census forms (a total sample of 120). The fluid nature of the prison population became evident over the period of interviews, with prisoners nominated in the sample either being transferred to another institution, or released. Where possible those who had been moved were interviewed at the new location. Given the changing nature of the prison system, the total number of parents actually surveyed from the original sample was 106.

A pilot of the survey was undertaken as part of the project preparation and amended slightly as deemed necessary. Ethics approval for the project and survey was obtained through the DCS Research Committee.

¹⁷ For the sake of document brevity, the surveys are not included as attachments. Electronic copies are available from the Justice Strategy Division if required.

¹⁸ The findings and methodology of the carers survey are discussed later in this report.

¹⁹ Refer to Attachment 1.

²⁰ Information obtained from Mike Reynolds, Information & Research Consultant, DCS via email on 3 May 2005.

CONDUCT AND LOCATION OF INTERVIEWS

To ensure greater consistency, one interviewer administered the surveys over a period of three months commencing on 17 January 2005 and concluding on 15 April 2005. Participation in the study was voluntary. All participants were advised that all information contained would be treated in strict confidence. Nonetheless, as part of the *Children's Protection Act 1993*, participants were also told that should any information be gathered during the interview process which might indicate that a child was at risk, the interviewer would immediately report the matter to the Child Abuse Report Line.

In general, the researcher had little difficulty in gaining access to the parents who agreed to take part in the study. The interviewer was given professional visitor status to enter each of the seven designated prisons to administer the questionnaire. Arrangements for the visit to each prison were handled internally through a network of prison staff already known to the project team, comprising of a mixture of social workers, unit managers, and program managers. The interviewer then negotiated directly with each nominated person to arrange times, dates, and locations for the interviews, as well as picking up local information about routines, procedures, and any constraints relevant to each site.

It was necessary for the interviewer to be flexible in handling the timing of the interviews as each prison was unique in the way it managed the movement of prisoners.

The location of the interviews was quite varied and included:

- Interview rooms near control points and under visual surveillance;
- Conference rooms;
- Teleconferencing rooms;
- Visitors' Centre; and
- Non-contact areas.

What follows is a summary of the interviewer's broad impressions about the survey process:

In general, most interviewees engaged with the questionnaire quickly after the initial introduction to the process, and even in those instances where the initial encounter became a longer conversation, much of what was said provided answers later in the survey.

It was certainly true, as had been suggested by many prison officers along the way, that the prisoners were quite willing to talk about their children, and for many of them the thought of, and care they have for their children is one of the main things which sustains them through the experience of imprisonment.

It was also true for some that thinking of their children opened up deep feelings of loss and sadness, even to the point of tears, and the interviewer ensured that appropriate follow-up through the prison was provided.

The questionnaire also provided for follow-up if needed from internal prison support services such as case officers and social workers, and also external services such as OARS and APOSS.

The completion of the interviews took around 30 minutes, and the results were then coded and inserted into a Microsoft Excel spreadsheet template. For quality assurance purposes, both the survey coding and data entry were double-checked. Statistical analysis was undertaken using SPSS+.

STUDY LIMITATIONS

Although not the intention of this study, the majority of those interviewed were male. In general, women, especially Aboriginal women, were reluctant to participate in the study.

Given the personal and sensitive nature of the research it was felt that for women the subject matter may be too difficult hence their reluctance to participate. To address this limitation, OARS arranged for the project team to meet with a group of former female prisoners who run a support group that assists women to reintegrate into the community following release from prison.

The project team was concerned that because the researcher administering the survey was male, this may pose an additional barrier to women's participation. After discussion, however, this concern was not deemed a significant impediment. The former female prisoners told the project team that they felt many of the women in prison would prefer a male researcher because of the perception that a female researcher would judge them more harshly.

Instead they felt that the subject matter was too painful for many women to discuss. From their own experiences, they felt that the separation from their children was one of the foremost punishments of their imprisonment.

As a result of this discussion, and the influence these women had with current female prisoners, a few more women were encouraged to participate. Nevertheless, the overall number still remained low (n=16) with only two Aboriginal women agreeing to participate.

The project team acknowledges that the information gathered is not necessarily representative of all parents in prison. Where there are significant disparities between the information obtained from Aboriginal prisoners compared to the rest of the prison population, these findings are highlighted.

KEY FINDINGS

Table 1 provides the final breakdown of the population characteristics of the survey sample.

Table 1: Population Characteristics of Sample

Prison	Aboriginal		Non-Aboriginal		Total	
	No. Parents	No. Children	No. Parents	No. Children	No. Parents	No. Children
Mobilong	15	35	14	25	29	60
Mt Gambier	2	4	5	14	7	18
Pre-Release Centre	2	7	6	14	8	21
Pt Augusta	7	26	8	13	15	39
Remand	4	8	8	12	12	20
Women's	-	-	14	33	14	33
Yatala	7	27	14	38	21	65
Total	37	107	69	149	106	256

Of the 106 parents in prison who were surveyed there were 90 males and 16 females (only 2 being Aboriginal women). Other background information is as follows:

- Over three-quarters of those surveyed were the biological parent of their child(ren). The other one-quarter was made up of those who identified as the step-parent or kinship member.
- Over one-third of those who participated were Aboriginal (n=37). With only a few exceptions, the remainder identified their ethnicity as Australian (n=66).
- About half of those surveyed were serving a sentence (n=51). Of the remainder, the bulk consisted of those on remand (n=37) and the other either having dual status or pre-release status (n=18). The data analysis found no significant disparities between those prisoners who were sentenced and those on remand.
- Around half the parents surveyed were living with their children prior to incarceration, the other half of the sample indicated their children were living with the other biological parent.
- The total 106 parents surveyed had a total number of 256 children between them.
- The average number of children per prisoner was 2.4, with the highest number of children recorded for any one parent being 8.
- Around one-quarter of the children in the survey were under four years of age. Half of the children in the study were aged seven years or under.
- There were slightly more girls (n=138) than boys (n=117) or 54% and 46% respectively.

The child's experience

The survey results indicate that 7% of the children affected by parental incarceration were under the care of the state (n=18). Of this number, most were placed into care at the time of their parent's incarceration (n=13).

When asked whether their children experienced: any behavioural problems, had moved to a different school, were bullied or bullied others, suffered learning difficulties or were truant from school, nearly one-quarter of parents indicated that they did not know.

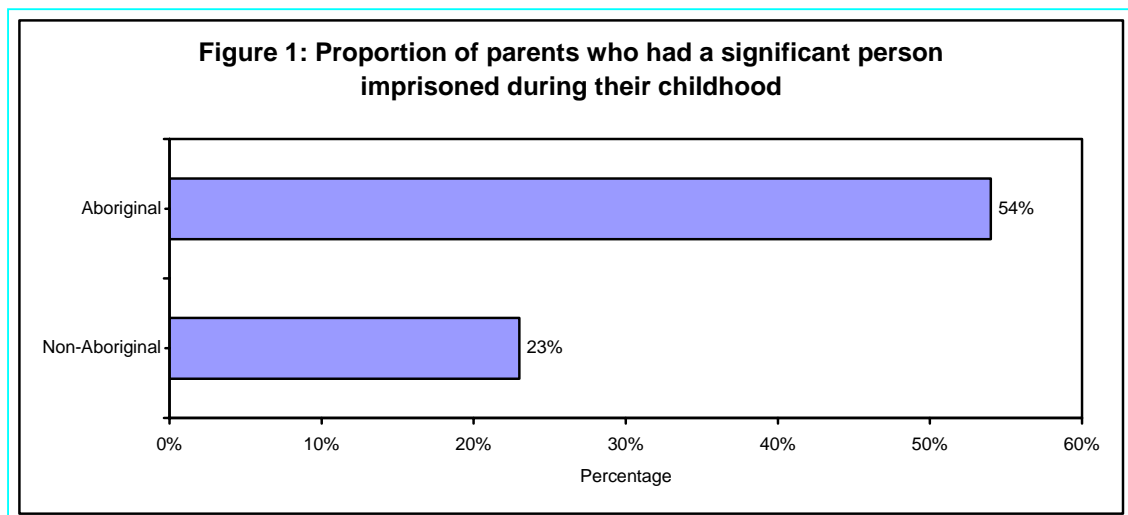
Of the three-quarters who indicated they did know how their children were coping since their incarceration, the results revealed that:

- 13% of children had exhibited behavioural problems;
- 8% were teased or bullied by others;
- 5% bullied other children;
- 15% suffered from learning difficulties; and
- 6% were not attending school on a regular basis.

In contrast, 21% of children had shown some improvement in their behaviour and 24% had shown an improvement in their schooling.

Intergenerational Offending

All 106 parents surveyed were asked whether, during their childhood, anybody significant in their lives had been imprisoned. Nearly one-third identified at least one person. Figure 1 shows the breakdown of Aboriginal vs. non-Aboriginal parents who identified that someone significant in their lives had been imprisoned.



As can be seen from Figure 1, the proportion of parents who had at least one significant person imprisoned during their childhood was significant. Over half the Aboriginal parents who were

interviewed had at least one of their parents (in some cases both parents) imprisoned during their childhood, while nearly one-quarter of non-Aboriginal prisoners reported the same.

The parents surveyed were also asked whether their children currently have any other significant person imprisoned. According to the results, around 25% (n=37) of non-Aboriginal children also had another significant person in prison apart from the parent surveyed. For Aboriginal children, around 20% currently had more than one significant family member imprisoned (n=19).

These findings, although disturbing, are entirely consistent with previous studies, which conclude that children of incarcerated parents are at much higher risk of offending behaviour and entering the prison system. For Aboriginal children, their risk is even greater:

Aboriginal people's incarceration is intergenerational. It is not uncommon for generations of the same family to have experienced incarceration and for parents and their children to be incarcerated at the same time.²¹

The issue of intergenerational offending was also raised during the project team's focus group discussion with Aboriginal women at the Adelaide Women's Prison. A number of them commented that they were taught from a young age that it is *no big deal* to enter prison.

What the child is told

Although a significant proportion of respondents in the *Doing it Hard* study indicated that they did not disclose the truth about their absence to their children, instead telling them that they were on holidays or working interstate, the overwhelming majority of parents in our study indicated that their children did know they were in prison.

According to the information obtained during the study, over two-thirds of children were told that their mother or father was in prison. Nevertheless, according to the survey results, 16% of children were worried that others may find out about their parent's imprisonment (n=41). Of those few children who had not been told, the survey found that many were considered too young to understand. Some parents in prison reported that their partners do not want their child to know so there is some tendency to explain the absence by suggesting the parent is *away working*. In one instance, the child was told their father was dead.

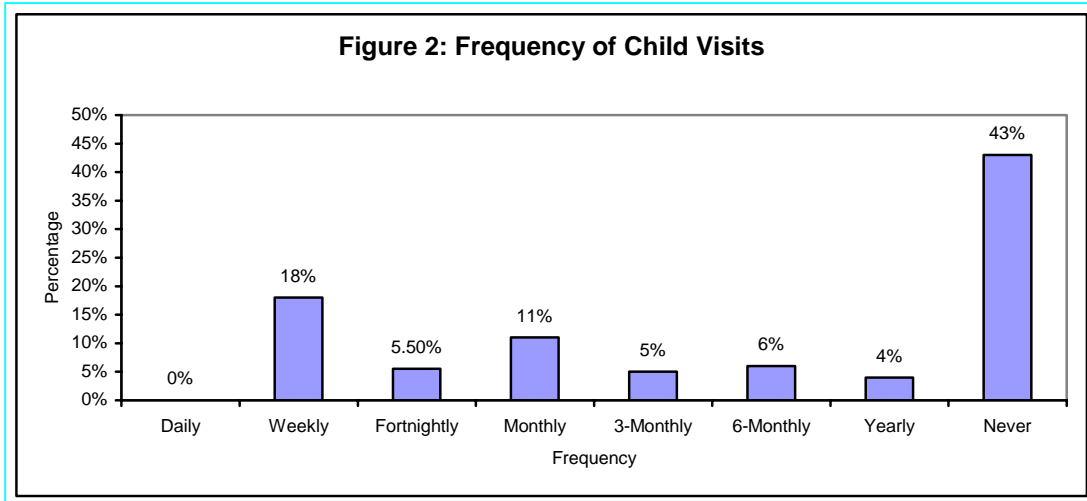
Prison Visits

Since their admission, 34% of parents in prison reported having at least monthly visits from their children.

Of those parents in prison who reported that they never had their children visit (43%), many reported relationship difficulties with their former partner as the primary reason for having no prison visits from their children (20%). Other significant reasons identified were: prison accessibility, prison environment and the shame and embarrassment experienced by the prisoner who did not

²¹ Parliament of New South Wales, Legislative Council Standing Committee on Social Issues: A Report into Children of Imprisoned Parents July 1997:42.

want their child to see them in prison. Participants frequently cited the long distance and travel costs involved as significant impediments to prison visits.



One of the recurring themes that emerged from both surveys was the significant difficulty experienced by children when visiting their parent in prison. In general, most of those who participated felt that the prison environment was not conducive to the emotional well-being of the child. The physical environment was often described as *unfriendly* to children with little to no availability of play equipment, toys or games for children to interact with their parents.

Specific mention was made from some of the survey respondents from Mobilong prison where the Good Beginnings parenting program operates. *Having a Dad's day here is really good....it is a stark contrast to normal visiting – lots to do on Dad's day but normal visiting is boring for kids.*

The following is a sample of some the reasons given by parents in prison for not having their children:

Since divorce doesn't want me to see them.

She lives too far from prison. It costs too much.

Saying goodbye after the visit causes too much emotional upset.

I don't want them to come to prison.

They live interstate, it costs too much.

Her mother won't let her visit or have contact with me.

Has cut me off completely.

New boyfriend has changed the situation.

Distance from Adelaide has made situation more difficult. Losing contact little by little.

In addition, the qualitative information gathered from the parents and carers indicated that many respondents felt the custodial officers upset children during prison visits. The words *intimidating* and *disrespectful* were frequently used to describe custodial officers:

Guards treated us as if we are guilty by association.

[They] are not helpful.

[They] made us feel worthless.

When asked what might help their relationship with their children, many parents indicated that they wanted more visits and easier access and support for their children who are a long distance away from the prison.

Having few or no prison visits, however, does not necessarily imply that parents have no contact with their children.

As shown in Figure 3, 68% of those surveyed revealed that they have at least monthly phone contact with their children. In contrast, 25% indicated that they had no telephone contact with their children.

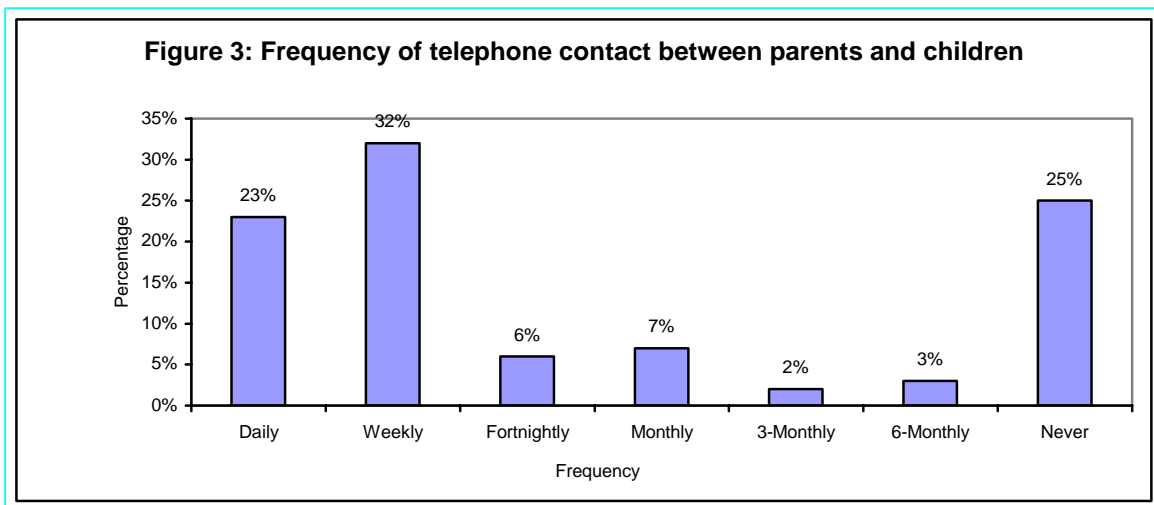
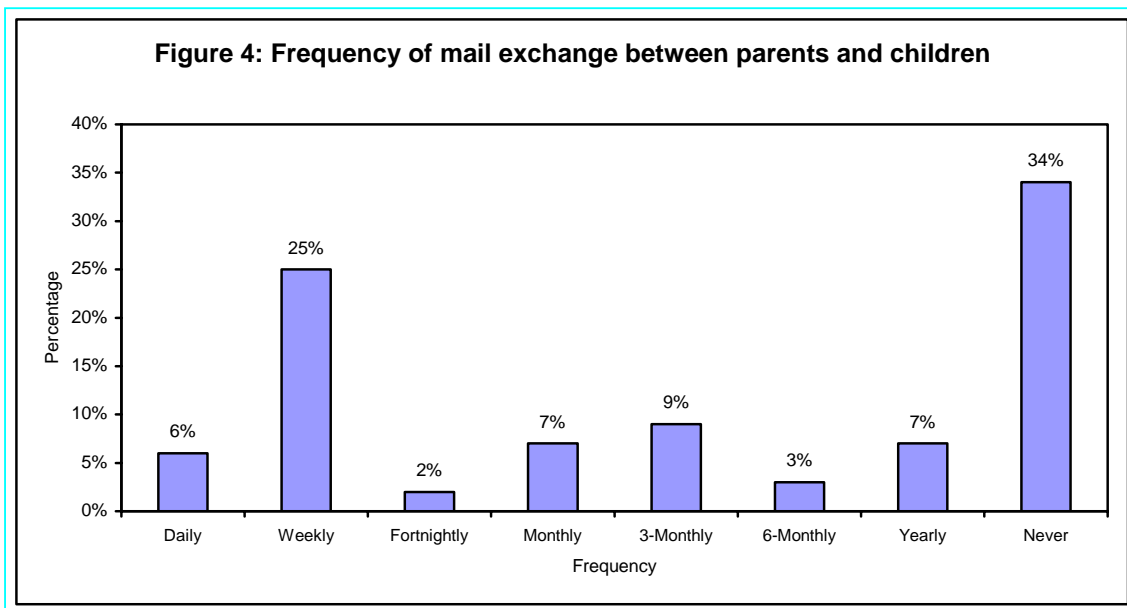
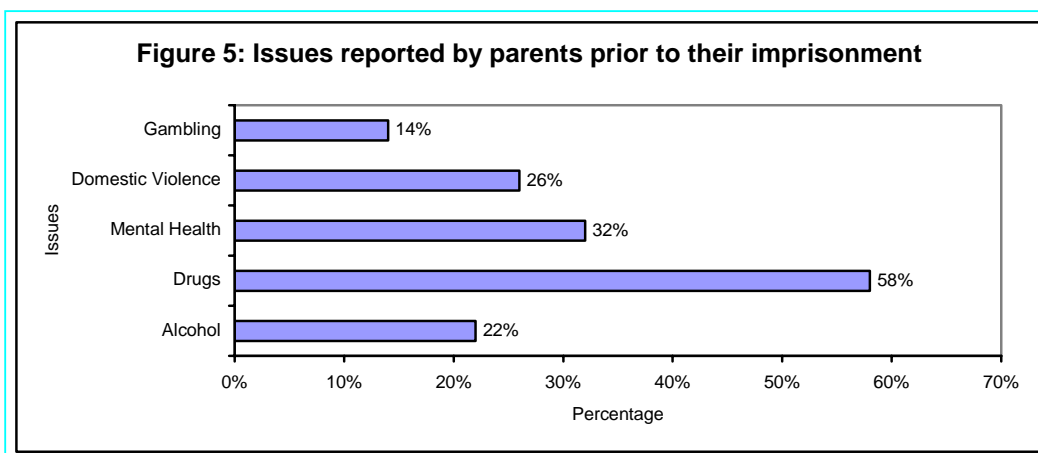


Figure 4 shows that 40% of parents surveyed indicated that they either received letters from, or sent letters to, their children at least monthly. Over one-third (34%) indicated that no mail was exchanged with their children.



Social Problems

Figure 5 indicates the percentage of parents who reported experiencing significant personal difficulties prior to their imprisonment.



Drugs were identified as the most significant social problem with over half the sample recording this as a problem prior to their imprisonment. The parents in prison most commonly identified amphetamines as part of their drug history.

This finding is consistent with the latest information gathered by the DUMA project. This project, which is nationally coordinated by the Australian Institute of Criminology, measures drug use among people recently apprehended by police at designated locations around Australia. In South Australia urine samples from detainees are obtained voluntarily from the Adelaide City watchhouse and the Elizabeth police station cells. Figures released by DUMA in April 2005 show that more than one-third of all detainees interviewed tested positive to amphetamines, indicating use within two

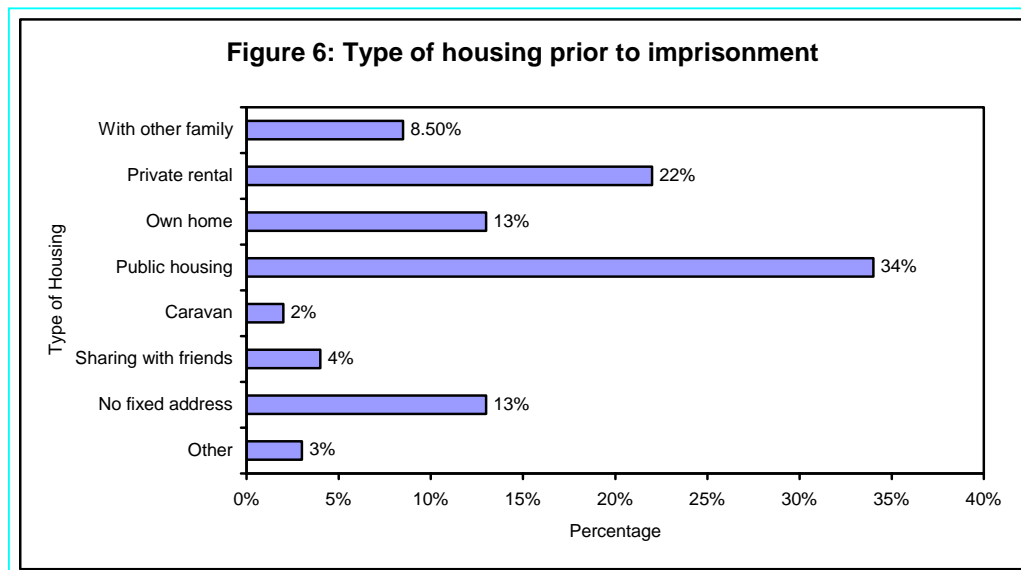
to four days prior to arrest. In addition, nearly three-quarters indicated that they had used amphetamines at some point while over one-half reported that they had used the drug in the past 12 months.²²

Nearly one third of parents interviewed reported indications of a mental health problem. Over a quarter identified domestic violence as an issue. When asked whether they believed the problems they identified contributed to their offending behaviour and imprisonment, over half the sample (58%) responded in the affirmative.

When asked whether they had any treatment for the problems they identified, less than half indicated that they received any form of help. For the remainder who indicated that they had received (or were receiving) treatment, around 70% were receiving treatment through a prison treatment program.²³

Housing Type

Survey participants were asked about the type of housing in which they lived prior to imprisonment. Over one-third indicated that they were living in public housing, either SA Housing Trust or Aboriginal Housing, prior to their imprisonment.



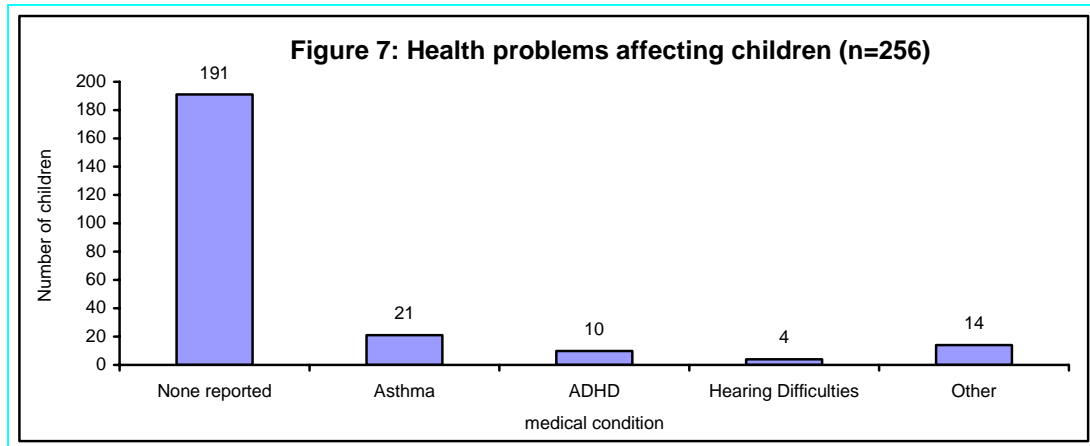
Thirteen per cent reported that they were living in their own home; the same percentage that indicated they had no fixed address prior to incarceration. When asked where they hope to live upon their release from prison, less than one-third said they would continue to live in the same living arrangements post release.

²² DUMA Bulletin, Amphetamine Use Amongst Police Detainees, April 2005.

²³ DCS provides a number of prison programs that target such issues as substance abuse anger management, domestic violence and victim awareness.

Health problems

The respondents were asked if they knew whether their children had been diagnosed with any medical conditions.



As shown in Figure 7, of those who were aware, asthma and Attention-Deficit/Hyperactivity Disorder (ADHD) were the two most commonly reported medical conditions affecting their children (n=21 or 8%) and (n=10 or 4%) respectively.

The information gathered from the survey about medical conditions affecting children of prisoners is not necessarily inconsistent with that found in the general population and should therefore be treated with some caution. For example, asthma²⁴ is the most frequently reported long-term medical condition for children aged 0-14 years with 13% of children in that age group diagnosed with the condition in recent years.²⁵

Accurate information on the prevalence of ADHD²⁶ is difficult to obtain due to the use of different methodological tools. Nevertheless, Australian studies have reported prevalence rates of between 2.3% and 6% of school-aged children.²⁷

Medical conditions included in the 'other' category in Figure 7 ranged from eczema, speech disorders and kidney problems.

²⁴ Asthma is generally defined as a chronic inflammatory disorder of the airways that causes recurrent bouts of wheezing, coughing, breathlessness and chest tightness, see Australian Bureau of Statistics, Asthma in Australia: A Snapshot, Cat. No. 4819.0.55.001 www.abs.gov.au accessed online 14/5/05.

²⁵ Australian Bureau of Statistics, Cat. No. 4819.0.55.001.

²⁶ In general terms, ADHD is defined as a chronic condition characterized by a range of emotional and behavioural symptoms such as inattentiveness and impulsivity.

²⁷ National Health & Medical Research Council, Attention Deficit Hyperactivity Disorder, NHMRC publications, Canberra, 1997.

Criminal justice system processes

The survey also asked whether anything would have helped their children at:

- The time of arrest;
- During the court process; and
- At the time of their imprisonment.

The following qualitative information provides a sample of the type of experiences encountered at the different points along the criminal justice system continuum:

Time of Arrest

A number of respondents felt strongly that police officers were not sensitive to the presence of children at the time of arrest.

The way the police interviewed the children was tactless and uncalled for.

The behaviour of the police was aggressive and overbearing and could have been handled much better.

Police handling of my arrest led to the kids being very distressed.

Police came and didn't explain what was happening.

It would have helped if I could have talked to them to say what was happening rather than being whisked away.

It was very abrupt, without warning, one minute I was there, the next minute I was gone – fortunately someone was available to look after the children.

Court process

Specific mention was made about the lack of knowledge about the court process and the negative impact of media coverage of the court process:

Straight from court to prison and kids left alone in court.

Children could not touch him or do anything. They saw him being led out by the guards.

Too much media attention in court made it very difficult for the kids.

No one to assist at the sentencing. Family were left to cope the best they could. Nobody prepared for the length of sentence. Dealing with shock.

Time of imprisonment

A number of respondents referred to the limited capacity to speak to their children before being taken into custody:

Need time to speak to each other to prepare for what is to come and say goodbye.

They had no idea what was happening.

No opportunity to let the kids know where I was and what was happening.

No one to assist at the sentencing. Family were left to cope the best they could. Nobody prepared for the length of sentence.

Gender

As mentioned, this study only had a small number of women wishing to participate, making any comprehensive analysis of their specific responses difficult. Nevertheless, much of the available literature on parental incarceration focuses on mothers and their experiences of being separated from their children.

One of the most unmistakable features of available crime statistics, including prison population data, is that it is almost exclusively male. Men are 14 times more likely than women to be in prison.²⁸ Nevertheless the rate at which females are incarcerated has significantly increased and surpassed the rate of growth of the male prison population. Over the past decade, the female prison population has more than doubled compared with a 40% increase in the male prison population.²⁹

As at June 30 2004, males comprised 94% of the South Australian 1484 prisoner population.³⁰ During this period, there were a total of 85 women held in custody.

Anecdotally it has been reported that the great majority of women held in custody, around 85%, are mothers. This figure is supported in the literature and in an earlier study conducted by DCS in 2000.

It has been suggested that the specific needs of women in the criminal justice system have been largely over-looked and policy-makers, to a large extent, have dealt with women in prison as *correctional afterthoughts*.³¹

²⁸ ABS, Prisoners in Australia, Cat. No. 4517.0 accessed online www.abs.gov.au 18/5/2005.

²⁹ ABS, Prisoners in Australia, Cat. No. 4517.0 accessed online www.abs.gov.au 18/5/2005.

³⁰ Department for Correctional Services, Annual Report 2003-2004:127.

³¹ Chesney-Lind, M. Women in prison: from partial justice to vengeful equity. *Corrections Today*, 1998 Vol. 60(7):66-73.

Research shows that a typical female prisoner is likely to have a significant history of sexual and physical abuse. While it is acknowledged that male prisoners may have also experienced past histories of victimization affecting their experience, skill and understanding of parenting, gender differences can not be ignored. Many studies have found that female prisoners are far more likely than men to be drug dependent and experience greater levels of mental health problems. Women are more often the sole caregivers of their children and the primary source of financial and emotional support. Given this, the impact of maternal incarceration on a child can be even more profound:

Women are less likely to have their children being cared for by a co-parent or other family member. The children are less likely to be in the continuous stable care of one household. Women are more likely to have their children separated and cared for by different carers, less likely to have the children brought on regular visits by another family member, and less likely to have letters and telephone calls from their children.³²

Evidence suggests, that upon release from prison, women are much more likely to return to a fragmented family than are male prisoners.³³

The specific needs of women have not been fully examined as part of the parents in prison survey. Nevertheless, the relatively low number of incarcerated women should be seen as an encouraging sign, and one in which more innovative and creative solutions can be applied to addressing the impact of maternal incarceration.

Aboriginal women

It has been well documented that Aboriginal people are significantly over-represented in the prison system. The reasons for the high rate of Aboriginal incarceration are complex and inextricably linked to *discrimination, poverty and disadvantage and the destruction of Aboriginal culture since European settlement.*³⁴

Only two Aboriginal women responded to the prison census form and expressed an interest in participating in the study. These two women had a total of 13 children between them.

The project team was concerned about this low response rate given that Aboriginal women are over-represented in the prison system to a larger extent than are Aboriginal men. On average, Aboriginal women constitute around 23% of the total female prison population in SA. As at July 4, 2005, 21 of the total 88 women incarcerated at the Adelaide Women's Prison were Aboriginal, representing 24% of the total female prison population.³⁵

³² Larman, G. and Aungles, A. Children of prisoners and their outside carers: the invisible population, 2001:266, accessed online, www.aic.gov.au/publications/proceedings/16/Larman.pdf 18/4/05.

³³ Larman, G and Aungles, A, 2001.

³⁴ Parliament of New South Wales, Legislative Council, Standing Committee on Social Issues: A Report into Children of Imprisoned Parents July 1997:42.

³⁵ Information obtained via email from the Aboriginal Services Unit, DCS.

The past legacy of Aboriginal children being forcibly removed from their families, coupled with the resultant distrust of government agencies, may help to explain why Aboriginal women were reluctant to participate in the survey. It was also recognised that the use of a questionnaire as a research tool may have been another barrier to Aboriginal women's participation.

Because of this, the project team, in conjunction with APOSS and DCS, met with the Aboriginal women at Northfield Women's Prison to discuss the project. Although no Aboriginal women indicated their interest in participating in the survey, they spoke openly about some of their struggles as mothers and gave ideas on what they thought would help them maintain their relationships with their children.

Many of the women talked about their families having no transport or living too far away from the prison, making prison visits impossible. In some cases the women's families were living interstate compounding this difficulty. The women also revealed how they have seen other family members imprisoned and how from a young age they developed familiarity with the prison experience. One woman stated that she felt that placing a mother in custody and preventing her from being with her children was akin to *child abuse*.

When asked what might help them to maintain a relationship with their children most felt that assistance with bus fares and telephone costs would be helpful. They also felt that the creation of child-friendly environments (including such activities as art sessions and face painting) and better links with families were needed to prevent tensions occurring post-release.

SECTION THREE: CARERS SURVEY

BACKGROUND AND METHODOLOGY

One interviewer from OARS administered a total of 28 surveys to carers of children whose parent(s) were incarcerated. Of this total, one survey was terminated before being fully completed as the carer became distressed during the interview. This part of the project was conducted over a period of eight months with the interviewer administering the survey at the carer's home. Matching of data from the parents in prison survey and the carers survey was not undertaken, although there were 4 matches that did occur during the course of the project. Given this low number, no further analysis of this information was considered necessary.

To encourage participation, flyers were distributed across all prisons as well as agencies which were considered likely contact points for carers of children who have a parent in prison such as health services and Children, Youth and Family Services. A number of Aboriginal services including Nunkawarrin Yunti, Aboriginal Prisoners and Offenders Support Services and Aboriginal Family Support Services were also included. An information session was also held with the Grannies Group to encourage further participation.

What follows is a summary of the interviewer's broad impressions about the survey process:

Respondents to the carer's research survey were generally eager to participate, following reassurance of the strict confidentiality of the research. Many stated that they hoped their responses would make a "real difference" and be of benefit to the lives of the children in their care.

The interview settings were mostly located in the homes of the participants. The time frames for the interviews ranged from around one to three hours. Many of the respondents indicated that they found the survey had provided an opportunity to articulate issues which up until the interview, had remained suppressed.

The research questions provided the respondents with the opportunity to reflect on such major issues as the stigmatization, alienation, grief and loss experienced by the children. In the opinion of the participants, these aforementioned issues have significantly contributed to what carers have described as the general unhappiness, insecurity, anger and challenging behaviour of the children.

Grandparents in particular, expressed on numerous occasions throughout the interview, a sincere desire and deep hope, that the grandchildren in their care, would not follow their parent/parents detrimental criminal pathways.

KEY FINDINGS

Given the relatively small number of participants, the analysis of the quantitative data is mostly at a descriptive level.

- Most of the care-givers were other family members; particularly a biological parent (i.e. the child's mother) or one or both grandparents; (n=17 to n=10 respectively).
- It is worth noting that over one-third of those who participated in the survey were grandparents. According to the ABS, there has been an upward trend in grandparents looking after their grandchildren with 22,500 grandparent-headed households recorded in Australia.³⁶ The burden placed upon them at a time in their lives when many considered their caring work over was a recurring theme:

That my husband and I who are in our eightieth year should be putting our feet up - reading and all the things we used to do, cinema, dining, days away etc.

I did not think I would be rearing another child at this age.

- A number of the grandparents interviewed were greatly concerned about the welfare of the children in their care should they end up frail or infirm. One carer was so worried about the children in her care in the event of her death that she often felt debilitated by her anxiety.
- The majority of carers were women.
- Some carers reported that the children in their care exhibited a range of emotional and behavioural problems subsequent to the imprisonment of the child's mother or father. Some of the typical comments given by the carers interviewed included:

Children feel less secure now that their father is in prison.

The kids have already had it tough but having their mother imprisoned has made it even worse and has been very traumatic.

[The child] has not properly dealt with grief and loss.

Second child has low esteem now.

Children are left traumatised.

Child has started lying, has become clingy, and sometimes disconnected from reality.

He has started having problems at school.

³⁶ Australian Bureau of Statistics, Family Characteristics, Australia, Cat. No. 4442.0.

- Conversely, a number of carers reported an improvement in the child's emotional wellbeing since their parent's incarceration. This latter response was largely the result of the child being removed from what the carer considered to be a dysfunctional home environment (i.e. one in which the child may have been exposed to family violence or alcohol and drug abuse). One carer made the following comment: *The child feels safe and comfortable and has now begun to ask to have friends stay over. Doing well at school.*
- It is important to acknowledge that the extent to which a child may be deleteriously affected by parental incarceration depends upon a number of factors including the strength and cohesion of the family unit prior to incarceration. For some children, parental incarceration may not be as problematic and may even prove constructive to their long-term wellbeing. This latter point was perhaps most compellingly made when a survey respondent provided the interviewer with a child's handwritten note addressed to the family solicitor who was prosecuting the child's father for sexual abuse:

I hope that you know me and my
~~Brother~~ Brother [NAME WITHHELD] want to stay
 with our Nana for the rest
 of our lives we don't want
 to live with our mother or My
 Dad or [NAME WITHHELD] Dad ever we wish
 to not see them ever again
 for the rest of our lives

your Sincerely

[Names withheld]

The above statement demonstrates that there are instances in which parental incarceration can remove children from a serious risk of harm. Nevertheless there is ample evidence to suggest that parental imprisonment is more often a traumatic life event that compounds rather than lessens the struggles of affected children.

What the child is told about their incarcerated parent

- According to the carers surveyed, most of the children, irrespective of their ages, were told of their mother or father's imprisonment. Despite this, it did not necessarily translate into the child disclosing this information to others. A number of carers believed that the children in their care were concerned about other people finding out about this situation and this placed a significant burden on the child. According to the carers surveyed, some of the

typical responses of children who were reluctant to tell others about their parents incarceration included *my mum is sick and she does not live with me and Daddy is away working.*

Carers Experience

The following points highlight particular areas of concern identified by the carers who took part in the survey:

- The majority of carers were in receipt of some type of Centrelink payment. Most reported financial difficulties as a result of the imprisonment of a family member, especially in terms of the cost of visiting and making phone calls:

We have managed to struggle by. ...No holidays, very few social outings have enabled us to survive.

I have used my savings.

- A number of carers stated that they did not feel adequately prepared for the likelihood of their family member being imprisoned. For those who were expecting their family member to be released, some felt anxious and ill-prepared to cope with this transition.
- A range of emotions were described by carers including anxiety, guilt and grief. Some reported feeling stigmatised because of the crime committed by their family member:

[We] were all sentenced together

- Self-blame was a recurring theme:

Where did we go wrong?

- A number also reported a lack of knowledge about the criminal justice system. The need for information to be given at all stages of the process was highlighted by a number of carers as essential to giving families a sense of control over a very stressful situation.
- Several carers expressed concern about the lack of support they received from government agencies specifically CYFS and Centrelink.
- Specific mention was made about long waiting times to access appropriate support.
- Many carers described prison visiting rooms as *unfriendly, intimidating, and frightening*, making prison visits difficult. According to a number of carers, unsympathetic prison guards often compounded this difficulty. Respondents also made specific mention about instances in which family members visiting the prison environment were subjected to strip searches. The parents who were surveyed also raised the issue of children being searched for contraband substances. Some of those interviewed indicated that their children were searched during prison visits (n=19).

- Qualitative information gathered from the carers included the following:

Nobody tells you how to go to prison for a visit and every prison is different.

It was horrible - my son was scared because he did not like other people looking at him when he was getting undressed.

Searched and touched at Yatala. Officers upset the children.

Following the search the little kids frisked each other.

They made me feel like a criminal when they searched me... I even began to dress differently.

The searching of children, particularly strip searching, is an extremely contentious issue. According to section 85B of the *Correctional Services Act 1982*, the manager of a correctional institution may cause *any person* who enters the institution to be detained and searched for the presence of items prohibited by the Regulations, if there are reasonable grounds for suspecting that the person is in possession of such an item without the permission of the manager.

The application of the broad reference to *any person* creates ambiguity in that a child is, quite obviously, a *person*. Therefore, s85B provides authority for a search of a child, provided that reasonable grounds of suspicion exist that the child (person) may be in possession of a prohibited item.

Nevertheless, DCS employees are not delegated with any authority to conduct a strip search of any visitor; this must be carried out by SAPOL officers. DCS employees only have the power to conduct limited contact searching, which includes pat searching of visitors and the use of Passive Alert Dogs (PAD) in order to detect items prohibited under the Regulations.

According to DCS policy, employees intending to carry out a limited contact (pat) search of a child under such circumstances, must first obtain the permission of the child's parent or guardian, who must be present for the duration of the search. An employee of the same gender as the child must carry out the search, and another employee must remain present for the duration of the search. All pat searches are reported as a Type 2 Incident: Detention and Search of Visitor, which obligates employees to report all details of the search. If the child's parent or guardian does not provide permission for the child to be searched, both the child and the accompanying adult must be refused entry.³⁷

³⁷ Information provided by DCS via email 22/7/2005. According to the Department, it is presently working in collaboration with CYFS to develop specific guidelines for children visiting prisons.

SECTION FOUR: CASE STUDIES

It has been generally accepted that *studies from the perspective of the prisoners' children are very rare and that most studies have relied on self-reporting by caregivers or the incarcerated parents, with no direct contact with children.*³⁸

There are certainly significant challenges in obtaining children's own accounts of their experiences as evidenced by the 1998 South Australian study *Who's Minding the Kids?* The study made an attempt to interview children directly and was given permission by caregivers to interview eight children affected by parental incarceration. Of the eight children interviewed the study reports:

*Three of the boys became agitated during the interview and asked to finish early, two girls were visibly very distressed but wanted to continue and one child asked to terminate the interview.*³⁹

Regrettably, one of the limitations of this project is the lack of direct input from children who have a parent in prison. Funding and ethical constraints are the main reasons why the project team did not pursue direct contact with children. The project team was mindful of the ethical implications of interviewing children and the potentially exploitative nature of raising traumatic events with a child during a one-off interview conducted over 30-60 minutes. In addition, many carers of children who were surveyed expressed an unwillingness to further expose children in their care to questions concerning parental incarceration.

As a means of balancing the ethical considerations with the need to have a 'child's voice' as part of the study, the use of case studies was considered an effective tool. Presented overleaf are two case studies, drawn from real-life, which highlight some of the key issues pertinent to children who have a parent in prison.

The case studies are recent ones and have also been used in this document to present a human dimension, which statistical information does not always successfully convey.

³⁸ Australian Government Department of Family and Community Services, *Families of prisoners: literature review on issues and difficulties*, Rosemary Woodward, September 2003:47.

³⁹ Gursansky D. et al, *Who's Minding the Kids?...developing coordinated services for children whose mothers are imprisoned*, A report prepared by the Social Policy Research Group, University of SA, August 1998:36.

Jethro's Story

Jethro is an eight-year-old Aboriginal boy who is presently living with his maternal grandmother. His mother has been in and out of prison since his birth and is presently serving a prison sentence for drug related offences.

*Jethro's grandmother says she has been caring for him since **day one** because his home environment was characterised by violence and substance abuse. Drug taking was an entrenched part of Jethro's parents' lives who often stole to support their heroin habits. When Jethro was six, his father died from a drug overdose.*

*Jethro moved school three times while living with his mother but has now settled into a new school near his grandmother's house and seems to be doing reasonably well. He has made a few friends and according to his grandmother, **he's far happier now than he's ever been**. Jethro's grandmother has a number of health problems including hypertension and diabetes. She worries about her capacity to care for Jethro should her health continue to deteriorate. She has deliberately disconnected herself from other family members who she says are **mostly a bad influence** and feels that they will not provide Jethro with the positive role model he needs.*

*Although reliant upon social security payments, and living in public housing, Jethro's grandmother managed to save some money and recently bought him a second-hand bike, which she says, has **lifted his spirits**.*

Even though Jethro has visited his mother on occasions during her imprisonment, he has done so reluctantly. Jethro's grandmother does not believe that seeing his mother is in his best interests. She says that CYFS has forced Jethro to try to reconnect with his mother during her imprisonment. Jethro has told his grandmother that he never wants to see his mum ever again, and sometimes gets scared that he will be forced to live with his mother when she is released from prison.

Jethro's grandmother believes that her grandson has shown remarkable resilience to the difficulties he has encountered. However, she worries incessantly about his emotional and physical well-being. She feels that she had previously failed in her parenting responsibilities with her own daughter and as a consequence is frightened that she may not be able to give Jethro the love and care he needs. She is afraid that he too may fall victim to heroin.

The Chapman Children

Samantha, David, Rebecca and Timothy are siblings who live with their paternal grandparents since their father was imprisoned nearly twelve months ago. Samantha is the youngest child who has just turned three years of age; Timothy is the eldest at 14 years of age; Rebecca and Timothy are seven and nine years old respectively. Their grandparents are both aged in their mid 60's.

*Their mother, with whom they have a close relationship, has been unable to take care of them since their father's imprisonment. She suffers from a depressive illness and finds it difficult to cope with four children. She has, at times, had them living with her but has not been able to sustain this in any meaningful way. The children have adapted to the intermittent care given by their mother but whenever things become too difficult Rebecca has become accustomed to phoning her grandmother to **come and get us nana**.*

Since moving to their grandparents home, David, Rebecca and Timothy needed to move schools. Although they have made some new friends, they miss their old school friends. The children are doing reasonably well academically but their grandparents have noticed that Timothy's school grades have suffered since his father's imprisonment.

*The children's grandmother gave up her part-time job when the children moved in, but their grandfather is still in the workforce. He is reasonably fit and says he now needs to put off any plans of early retirement given the difficulties facing his family. After going through what they termed a **bureaucratic nightmare**, they now receive family allowance payments from Centrelink. They are grateful for the added emotional support they receive from their daughter who has often acted as a surrogate mother for the children. Without this additional extended family support they say their coping mechanisms would have been seriously compromised.*

*The children have a good relationship with their father who they try to visit on a regular basis. Their grandparents do their best to make sure the children see their father as often as they can. At times, this has proven to be difficult because of the distance they need to travel and the associated costs involved. The younger children have been told that **daddy has done something naughty** and that is why he is not with them.*

The children's father was employed prior to his imprisonment but due to an accumulation of debts decided to become involved in illegal drug activities, which resulted in a three-year prison sentence with a non-parole period of 18 months. He is hopeful he will receive parole and plans to live with his parents and children when he is released.

SECTION FIVE: KEY FINDINGS & CONCLUSION

WHAT HAS THE INFORMATION TOLD US?

A number of key themes and concerns have clearly emerged from the consultations, surveys, case-studies and literature including the need for:

- Research and data collection on the parenting responsibilities of offenders and prisoners to ensure effective policies and strategies are developed for affected children.
- Greater awareness of the impact of parental incarceration on children by all those involved in the key contact points along the criminal justice system.
- More understanding in the community to help reduce the shame and stigma often experienced by children affected by parental incarceration.
- The creation of appropriate prison visiting environments that are child-friendly, non-intimidating and conducive to the safety and emotional well-being of children.
- Building more opportunities for children of imprisoned parents to communicate and support one another, where appropriate.
- Appropriately trained prison staff to recognize, and be more responsive to, the needs of children during prison visits.
- Recognition of the importance of families as a key rehabilitative resource.
- Greater understanding of the financial and emotional burden placed upon carers of children affected by parental incarceration.
- The expansion of parenting programs to enable parents in prison to develop the necessary skills to take care of their children during their imprisonment and upon their release.
- Availability of, and access to, a range of support services appropriate to the needs of all children of prisoners.
- Improved coordination between relevant service providers and better links to occur at both the broad strategic level as well as the operational level.
- Better pre-release and post-release planning to maximize the opportunity for successful reintegration.

CONCLUSION

This report has documented overwhelming evidence to support the position that children of prisoners require attention. As has been evidenced in this review, the needs of children of prisoners have been largely ignored in public policy development. Nevertheless, one of the consequences of the ever-increasing prison population is that it brings with it an increase in the numbers of children affected by that incarceration.

If children of prisoners are to be given the opportunity to reach their full potential, then improvements in service provision and support services must be pursued. Failure to do so would continue to place them at great risk of also entering the prison system in later life. The findings have shown that a significant number of children affected by parental incarceration are very young; one-quarter were less than four years of age and one-half were less than seven years of age. As already stated, evidence suggests that the early years of a child's life are critically important and will have a significant impact on their future health, development and well-being.

Identifying gaps in service delivery and program provision for children of prisoners is an important first step in improving their emotional and social wellbeing. Equally important is the need to recognise that any improvement cannot be done without transcending the confines of the criminal justice system.

Throughout the duration of this project, the Steering Committee has been mindful of the need to promote collaborative working partnerships with other agencies such as health, education and housing, as a means of improving programs and services to children affected by their parent's imprisonment.

Given the focus on, and current reforms to child protection services, this is a timely opportunity to tackle the complex issues affecting children of prisoners. There is potential to better coordinate the contributions of the different agencies both government and non-government, and in doing so work towards improved service provision to children affected by incarceration and significantly reduce their risk of coming into contact with the criminal justice system.

The issues identified should not be viewed as insurmountable, and nor should children affected by incarceration be considered as having little prospect of achieving positive outcomes.

We need to view children not only as vulnerable or as victims, but also as resilient human beings who will respond to opportunities to break a cycle of abuse and disadvantage.⁴⁰

⁴⁰ SA Government, Keeping Them Safe: The South Australian Government's Child Protection Reform Program, pages unnumbered.

ACTION PLAN

This Action Plan is not intended as a definitive plan for addressing the complex needs of children affected by parental incarceration. It represents an important starting point to improve outcomes for children affected by parental incarceration. As such, it is intended to provide a further opportunity to strengthen partnerships between the government and non-government sectors and set priorities to enable a more coordinated response to address the service needs of children affected when a parent(s) is incarcerated.

It is anticipated that collaboration between key stakeholders will enable further detail to be developed together with a clear and agreed process of implementation. It is hoped that by doing so, a more socially inclusive policy response will be achieved.

Although it is envisaged that while some of the suggested strategies may be able to be implemented with minimal cost, using existing resources, others will require an allocation of funding. As documented throughout this report, investing additional financial resources in the short-term has the potential to significantly reduce costs in the long-term and greatly enhance the capacity of children to reach their full potential.

Aims

- To recognise children of prisoners as an important group with specific needs.
- To minimise the personal, social and economic harm of parental incarceration on children and their families.
- To provide children affected by parental incarceration the opportunity to reach their full potential.

The Action Plan is underpinned by a number of principles, which are consistent with the government's Children's Protection *Keeping Them Safe* agenda:

Principles

- Every child has a right to be safe from harm.
- The child's wellbeing and best interests are to be the paramount considerations.
- Recognition of families as instrumental to the successful rehabilitation of those in the prison system.
- Children must be treated in a sensitive and appropriate way during their parent's contact with all key points along the criminal justice continuum.
- Recognition be given to the gendered nature of parenting.

- Recognition be given to cultural differences in parenting.
- Recognition that addressing the needs of children affected by parental incarceration is the responsibility of a number of government and non-government agencies and, as such, a real and measurable demonstration of collaboration is required.

Key Action Areas

The Action Plan identifies six key action areas under which a number of suggested strategies are presented:

- *Evidenced-based Policy & Planning*
- *Better Coordination & Collaboration*
- *Creating a more responsive system*
- *Strengthening Family Connections*
- *Promoting Successful Family Reunification*
- *Community Awareness*

Monitoring, Reporting & Evaluation

The Children of Offenders and Prisoners Steering Committee will monitor the implementation of this Action Plan. The Steering Committee, through the Justice Strategy Division, will report annually to the JCC on the progress of implementation.

ACTION PLAN

Key Themes	Suggested Strategies	Rationale	Lead Agencies	Priority Status
Evidenced-based policy and planning	1. Explore data collection processes that identify the parenting responsibilities of those in custody or serving community-based orders.	Quantifying the number of children affected by parental incarceration will enable the development of appropriate public policy responses.	DCS	High
	2. Conduct further research on the impact on children who are affected by a parent(s) on community-based sanctions including Home Detention and Parole.	To date, little is known about children affected by a parent(s) serving a community-based sanctions. Further research will enable more appropriate policy responses.	JSD	Medium
	3. Conduct further research on the specific needs of Aboriginal children.	Aboriginal children are at greater risk of coming into contact with the criminal justice system. Specific measures need to be identified and implemented to provide them with necessary the support.	JSD	Medium

Key Themes	Suggested Strategies	Rationale	Lead Agencies	Priority Status
Creating a more responsive system	4. Review current court input processes such as pre-sentence reports and social background reports to ensure the implications of parental incarceration on any children are known to the court in determining sentence for an offence, pursuant to Section 10 (1) (n) of the Criminal Law (Sentencing) Act 1988.	Research indicates that parental incarceration can profoundly affect a child's social, emotional and behavioural development. Courts should have available information about the full range of possible implications on affected children to better inform the sentencing process.	DCS	Medium
	5. Review protocols regarding the care and treatment of children during all stages of the criminal justice process including: <ul style="list-style-type: none"> ➤ At the time of arrest; ➤ During the court process; ➤ At the time of parental imprisonment. 	A more appropriate response including better coordination between criminal justice agencies, will help to decrease any further traumatisation to children.	JSD	High

Key Themes	Suggested Strategies	Rationale	Lead Agencies	Priority Status
	6. Research, evaluate and recommend a training program for prison staff to improve their understanding of the impact of parental incarceration on children and ensure they are more responsive to their needs. Training to be expanded to other relevant Justice portfolio staff such as police officers and courts staff.	Prison staff need to be equipped with the necessary skills to work more effectively with families and children affected by parental incarceration.	DCS	Medium
Strengthening Family Connections	7. Consider the inclusion of a parent education program as part of the suite of programs offered by DCS.	Improving prisoners' parenting skills will help them better connect with their children both during their imprisonment and after their release from prison.	DCS	High
	8. Examine the option of funding parenting programs such as Good Beginnings across all prisons in the State.	As above	DCS	High

Key Themes	Suggested Strategies	Rationale	Lead Agencies	Priority Status
	<p>9. Undertake consultation with a range of stakeholders including SAPOL, CAA, OARS, APOSS, CYFS, parents in prison, carers and correctional services staff to determine ways to better support children when they are visiting their parents, taking into account the physical environment and prison access.</p>	<p>Evidence suggests that visits between imprisoned parents and their children are mutually beneficial and can reduce the trauma felt by separated parents and their children. Minimising any barriers that may impede these visits is therefore critically important.</p>	DCS	High
	<p>10. Explore age-specific activities for children to allow them to more appropriately interact with their imprisoned parent(s).</p>	<p>Prisons are often intimidating environments for children. Parents and children need to be able to have quality interaction during prison visits to enable parent-child bonding and lessen the stress experienced by children.</p>	DCS	Medium

Key Themes	Suggested Strategies	Rationale	Lead Agencies	Priority Status
	11. Undertake further work to develop specific initiatives to better support carers of children affected by parental incarceration, particularly taking into account the specific needs of grandparents.	Carers of children who have a parent in prison experience significant emotional and financial difficulties. Grandparents often take on the bulk of caring work. Providing appropriate and accessible support services to carers will benefit the entire family unit.	JSD	Medium
Better Coordination & Collaboration	12. Consider the development of a shared information protocol to facilitate the exchange of information between relevant agencies such as housing, health, employment, education and welfare services for the purpose of ensuring children affected by parental incarceration are provided with a comprehensive support system.	A more integrated approach will ensure those children who require support will receive it in a timely and appropriate way.	JSD	High

Key Themes	Suggested Strategies	Rationale	Lead Agencies	Priority Status
Promoting Successful Family Reunification	13. Ensure that DCS Throughcare processes optimise positive family reunification and reintegration into the community by working in conjunction with all relevant agencies such as housing, health, employment and education.	Research shows that maintaining links between prisoners and their families helps to reduce the rate of recidivism.	DCS	High
Community Awareness	14. Disseminate the findings of the Children of Prisoners project to all government & non-government agencies involved in the direct or indirect service provision to children.	Greater understanding of the specific issues for children affected by parental incarceration will help to reduce the shame and stigma they experience.	JSD	High

APPENDICES

ATTACHMENT 1 PRISON CENSUS FORM

Children of Offenders and Prisoner Project Prison Census Form

What is this project about?

OARS, APOSS and a range of government services have joined together to survey parents in prison.

What's in it for me?

The surveys will help us better understand the needs of families who have a parent in prison. We want to improve services for you and your children.

What do I have to do?

We would appreciate if you could answer the following six questions:

1. Your full name.....

2. Your ID Number.....

3. Are you: Sentenced? On Remand? Dual Status?

4. Are you Aboriginal? Yes No

5. (a) Do you have kids? Yes No

(Please tick YES, even if you're NOT the natural (biological) parent, or if you haven't seen your kids in ages, or if they live interstate)

(b) If Yes, how many kids do you have responsibility for?.....

6. If you have kids, or responsibility for kids, we may contact you to ask you more questions using our survey. You do not have to meet with us if you don't want to. Are you happy to participate in a survey? Yes No

What happens from here?

If you agree to meet the researcher, we'll arrange a time in the coming weeks to ask you the survey questions. We will answer any questions you might have about the project and double-check that you're happy to help. Any answers you provide will be kept *strictly confidential*. You will not be identified in any way.