

NEXT GENERATION ON THE OUTSIDE

Better outcomes for vulnerable
families in contact with Australian
criminal justice systems

Priorities for action October 2011

Next Generation on the Outside represents VACRO's ongoing commitment to dedicated research and service delivery to produce better outcomes for families and children of individuals involved in the criminal justice system.

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DOCUMENT PURPOSE

This paper proposes a framework for joint work that will improve responses to the needs of children and families of offenders in Australia. Priorities for action are identified throughout. Each action forms part of a coordinated approach to strengthening policies and planning that will ultimately lead to the delivery of better justice and community service responses.

Drawing on national and international research findings and policy frameworks, the document provides a beginning point that can inform strategies throughout Australia. Since this work is grounded in VACRO's extensive experience working with children and families of offenders in Victoria, it is envisaged that different jurisdictions will require flexibility and may need to tailor recommendations to fit local conditions. This is particularly important where Indigenous communities are involved in developing solutions in response to local conditions.

Terminology

Children means persons under 18 years of age.

Dependent children means children in the care of an adult who has sole or joint responsibility for their care.

Family is defined broadly to include biological parents and children, primary carers and relatives such as grandparents and siblings. In this context, family may include blended family and networks of adults with caring responsibilities such as foster parents or ex-partners of parents. Cultural understandings of family may include other close relationships involving shared history and experience, or significant roles traditionally associated with family within Indigenous communities.

Note: It is important to acknowledge that for some families experiencing violence, sexual assault or offences against children, removal of a parent as a result of criminal justice interventions will be in the best interests of the child. Planning for children's care and stability should always include consideration of whether maintaining contact is in the best interests of the child and family.

STRENGTHENING FAMILIES IN CONTACT WITH CRIMINAL JUSTICE SYSTEMS IS A SHARED RESPONSIBILITY THAT PRODUCES BENEFITS FOR THE WHOLE COMMUNITY.

Healthy children are stable and well

Promote children's growth, well being and healthy development to improve life chances

- › Ensure access to local services that have the skills and resources to respond to needs of the child
- › Intervene early to manage increased exposure to risk and prevent harm
- › Focus all planning and assessment on children's need for safety, stability and development

Stronger families support all family members

Sustain and maintain healthy relationships to strengthen families

- › Ensure that all adult services, including criminal justice system services, take families into account
- › Engage vulnerable parents, carers and children in support through local primary care and education systems
- › Include and support all family members - do not exclude those completing a sentence

Safer communities include everyone

Reduce the social burden of criminal activity and loss of confidence in public safety

- › Improve service ability to address multiple forms of disadvantage through joined up services
- › Reduce long term costs of reactive crisis interventions
- › Reduce the economic and social costs of crime and victimisation

EXECUTIVE SUMMARY

Every year, large numbers of Australian children are adversely affected by parental contact with the criminal justice system. An estimated 4.3% of all children and 20.1% of Indigenous children¹ will be affected by parental incarceration in their lifetime. A growing number of families is affected each year and yet little attention is paid to planning a coordinated service response in spite of the significant long term costs to the community of failing to act.

Families of offenders experience significant social disadvantage and exclusion. Children of offenders are at heightened risk of experiencing parental drug and alcohol abuse, family violence, mental illness, poverty, housing instability, child abuse and social isolation.² Growing up in a family with parental offending and contact with criminal justice systems can have profound adverse effects on life chances of children, compromising their future health and development, disrupting education, family relationships, social engagement and community cohesion. Children of convicted parents go on to offend at higher rates than their peers.

Despite their complex and varied needs for information and support, children and families of offenders are virtually invisible. No reliable data is collected about children and families of offenders. They do not fall within the core business of any single government department. As a result, no sound planning or coordinated service responses occur across criminal justice and human service organisations.³ This leads to the unintentional victimisation⁴ and exclusion of an unknown number of children as a result of parental contact with criminal justice systems across Australia. As with other forms of disadvantage, Indigenous families are disproportionately affected.

Parental contact with criminal justice systems could instead present an opportunity to intervene early and provide access to support for families at a series of critical transition points. Coordinated action is required in the planning and delivery of justice and community service initiatives to address, 'the antecedents of antisocial and criminal behaviour, to reduce the individual and social burdens of crime in the immediate and longer term' (Ward, 2009:8).

1 Quilty, Levy, Howard, Barratt and Butler, 2004.

2 For a summary of such issues, see Ward, 2009:5-6.

3 Research is currently underway in Victoria and NSW, *The impact of incarceration on children's care: a strategic framework for good care planning*, Monash University, Criminal Justice Research Consortium, ARC Linkage Project. The results will provide data and inform care planning processes.

4 Hannon, 2006.

This report provides a framework for coordinated action by government and non-government organisations to provide continuity of care and better access to services that will produce short and long term benefits for children, their families and their communities.

- › Responses to the needs of children and their families require improvement at each stage of contact with the criminal justice system process through arrest, trial, sentence and reintegration.
- › Children's services are critical but adult systems must equally respond to the needs of families if the life chances of particularly vulnerable children are to improve.
- › Communication and coordination between stakeholders in different disciplines must be strengthened, across the government and non-government sectors, and between different levels of government. Involvement is required from police, legal services, correctional services and broader family and community services, such as health, education and human services.
- › The current lack of data and barriers to information sharing inhibit the planning necessary for a comprehensive and coordinated response and must be addressed to produce better outcomes for vulnerable families.

EVIDENCE

Children with a parent in prison

In responding to the devastating impact of crime on victims and the broader community, the criminal justice system can have a counterproductive and destructive effect on a large number of disadvantaged families across Australia. The numbers entering the criminal justice system in Australia continue to grow:⁵

- › 620,438 adults were charged with an offence and appeared in Australian criminal courts in 2009 – 2010.⁶
- › Total prisoner numbers increased 37% over the decade to 2010, from 21,714 to 29,700;
- › One in four Australian prisoners (7,584) is Aboriginal or Torres Strait Islander;
- › Since 2000, the number of female prisoners in Australia has increased by 60% to 2,200.

As the numbers of adults entering the criminal justice system grows, so do the numbers of children affected. While various estimates exist, the true number of children affected by parental contact with the criminal justice system is unknown. An estimated 67,500 children had a parent appearing as a defendant at the Magistrates' Court of Victoria in only one year.⁷ It is thought that around one in twenty Australian children may be affected by having a parent in prison.⁸ For Indigenous children, this is likely to be one in five. Data on parenting responsibilities of prisoners is collected in some jurisdictions but not reported. Unpublished data (Victorian Department of Justice, 2009) suggests that 58% of prisoners are parents but the age and number of children is unknown. This suggests that across Australia, approximately 17,200 prisoners are parents.

Most children of prisoners have a father in prison, as 92% of the prison population is male. This will mean varying degrees of disruption to living arrangements and family relationships. However, with the rapid increase in numbers of women given custodial sentences over the last decade, growing numbers of children across Australia will be affected by incarceration of a primary or sole carer resulting in serious disruption to care arrangements affecting their social and emotional development.

5 Unless noted, figures cited are from ABS, 4517 Prisoners in Australia, 2010, <http://www.abs.gov.au/ausstats/abs@.nsf/Products/902DD677C4113895CA2577F3000F08F0?opendocument>

6 ABS 4513 Criminal Courts, Australia, 2009 – 10, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4513.0/>

7 Ward, 2009:28.

8 For discussion of estimates, see Tudball (2000), Woodward (2003) and Quilty et al (2004).

Intergenerational cycles

Parental incarceration is a predictor of future offending behaviour. A UK study found that 65% of boys with a convicted parent go on to offend later in life.⁹ Australian studies also suggest strong correlations:

- In 2000, around 40% of adult prisoners in Victoria had a family history of imprisonment.¹⁰
- 33% of adult prisoners in South Australia had a family history of imprisonment;¹¹
- 54% of Indigenous prisoners had a significant other in prison in their lifetime.¹²

Knowing that children of offenders already experience multiple forms of disadvantage in childhood (see p10), it is no surprise that many repeat the adult experience of their parents. International experience suggests that intergenerational offending may depend as much on a child's negative experience of parental imprisonment and the resulting increase in exposure to risk factors as it does on the experience of parental offending. Breaking cycles of offending¹³ means tackling the disadvantage that feeds the process and intervening to minimise and mitigate the harm caused to children through parental contact with criminal justice systems. This requires careful planning and an organised service response attached to criminal justice systems that have historically focused on individual adults and not on families.

CLOSING THE GAP: Indigenous Australians and Criminal Justice

7,584 prisoners identified as Aboriginal and Torres Strait Islander at 30 June 2010. Between 2000 and 2010, imprisonment rates for ATSI Australians increased from 1,248 to 1,892 prisoners per 100,000 while the comparable rate for non-Indigenous adult prisoners increased from 130 to 134 per 100,000. Aboriginal people are 14 times more likely to be incarcerated than non-Indigenous people.

This level of contact with the criminal justice system both reflects and compounds pre-existing disadvantage for ATSI communities with poor access to services. This has serious consequences for the next generation of Indigenous children and families and requires an urgent response.¹⁴

9 Social Exclusion Unit, 2002.

10 Tudball, 2000:32.

11 Children of Prisoners Project Steering Committee, 2005.

12 Children of Prisoners Project Steering Committee, 2005.

13 Murray, Janson and Farrington, 2007.

14 See Steering Committee for the Review of Government Service Provision, 2011.

Why act now?

Australia has ratified the United Nations Convention on the Rights of the Child (UNCROC) that sets out a series of obligations to protect children and prevent harm, guided by the principle of best interests. UNCROC acknowledges the primary role of the family in caring and protecting children, but assigns the State the role of assisting and intervening to protect children from abuse or neglect and safeguarding a broad range of children's rights, including the right to development and the right to know and be cared for by parents. The ordinary functioning of criminal justice systems in Australia can have unintentional but profound adverse effects on families and children at the level of individual development, family cohesion and social relationships. Tackling each of these with a coordinated program of initiatives enhances the rights of children and reduces the individual and social costs of crime that are ultimately borne by the broader community.

The costs for individual development

Children of offenders often experience, 'combined traumas of parental arrest, parent-child separation, loss of family income, changes in childcare arrangements [and] caregivers' own distress'.¹⁵ Many experience low self-esteem and feelings of anxiety, shame, abandonment, grief and guilt. These experiences can lead to depression, self-harm, drug use, eating disorders and other behavioural difficulties.¹⁶ There is increasing recognition that normal brain development of children can be harmed by violence, instability and disruption to care relationships: children of prisoners frequently experience such circumstances.¹⁷ Changes in living arrangements or schooling heighten difficulties forming and maintaining social relationships. Any learning difficulties are compounded by disrupted educational pathways that limit children's future prospects of educational engagement and employment.

The costs for family strength and relationships

Rates of criminal conviction frequently appear with clusters of social disadvantage within Australian communities.¹⁸ Many families of offenders live in areas where job prospects, education and socio-economic resources are limited and chronic illness and disability are more common. A family member's contact with the criminal justice system can compound disadvantage and social exclusion that already impact on many children and families.

15 Murray 2007:56.

16 See Dennison, Foley and Stewart, 2005. Further research is underway investigating the effects on children's development: *What about the children?* Dennison, S., Griffith University, in progress.

17 La Vigne, Davies and Brazzell, 2008.

18 Vinson, 2004.

A criminal conviction can then exacerbate the situation as social networks deteriorate and stigma and media attention may force families to retreat from community or school life. Incarceration of a family member can leave families with a reduced income and added financial stress of supporting a prisoner by financing phone calls, legal costs and visits to prison over long distances. Families may have no choice but to relocate, unable to meet rental or mortgage repayments. Without support, a breakdown in relationships is common. Changes in children's care can mean major life adjustments for other parents, grandparents or other family, such as young carers. Each may experience feelings of inadequacy and grief about losing a family member and their own freedom.

The costs for the criminal justice system

The negative costs for individual and family resilience impact on Australia's justice system. Children of offenders are at risk of developing hostile or anti-social attitudes toward law enforcement or authority figures and feel disconnected from the general community. They are at greater risk of developing mental health problems and engaging in criminal activity as adults compared to other children.¹⁹ Maintaining strong family relationships and stable living conditions are key protective factors in preventing recidivism of offenders on release from prison but many families lack access to the resources and support needed to do this effectively. In spite of this, acknowledgement of and support for family relationships is not considered a core responsibility of most law enforcement or correctional systems in Australia.

The costs for communities

Failure to provide early, targeted support to children and families of offenders adversely affects the broader community. In the long term, reactive crisis interventions and tertiary welfare and health services incur large economic costs. Without early intervention and support, children of offenders may be displaced from their families and taken into state care, at a high social cost to the community. Higher rates of unmet mental health needs, unstable housing and abuse of alcohol and other drugs can also lead to higher levels of crime and threats to public safety, causing breakdown in the social fabric of disadvantaged communities with inadequate access to justice, health or welfare services. The financial costs of trials, supervision of offenders and keeping growing numbers of people in prison is high.²⁰ This is on top of the incalculable costs borne by victims of crime.

19 Murray 2007.

20 In 2009–10 the cost to the Victorian Government was almost \$88,000 per prisoner per year. For further discussion, see Gelb, 2011:2.

THROUGH CARE AND PLANNING

1 ARREST

Risks to children increase when a parent or caregiver is arrested.

Tension and potential for violence at the point of arrest can be a source of trauma for children and family members who may unexpectedly witness the event. Family members may be victims or co-offenders. Alternatively, they may not be aware of the nature of the alleged offence or the likely legal implications. Families of those arrested are not considered the core business of policing in the course of an arrest. As a result, family members are unlikely to receive information about where the family member will be taken, what will happen next or how they might seek information and support.

The experience of real or perceived violence, compounded by a lack of opportunity to say goodbye or understand what is happening can lead children to develop long term post-traumatic stress or anxiety disorders, fearing for the safety of a family member. This can contribute to future emotional and behavioural problems, including anxiety and depression, hostility and disrespect for law enforcement officers and authority figures who may come to be seen as 'the enemy' in a life-long battle.

Current protocols exist in some jurisdictions to provide guidance for police on responses to children at risk of abuse or neglect or in family violence interventions. However, most law enforcement agencies offer minimal guidance or training for police to ensure the safety of children when a parent or carer is arrested. Questions of care and safety apply to dependent children who are present and may be traumatised or placed in inappropriate care or remain at a police station for a lengthy time while the adult is questioned.²¹ Dependent children who are not present at the time of arrest, perhaps during school hours, may not be identified by police. As a result, children may wait at school or return home unattended and with no care arrangements, placing them at unacceptable risk.

Priorities for action

Develop a model protocol to guide police and local agencies, drawing on the expertise of law enforcement, children's services and welfare services.

Protocols should:

- 1.1 Minimise trauma during arrest when children are present;
- 1.2 Provide an opportunity for any person taken into custody to identify caring responsibilities for dependent children;
- 1.3 Ensure an appropriate person may be contacted and interim care arrangements put in place for any dependent children who may or may not be present at the time of arrest;
- 1.4 Liaise with family and community services where formal care arrangements or intervention are required;
- 1.5 Refer family members to basic information about criminal justice processes, such as arrest, bail and remand;
- 1.6 Refer vulnerable families to specialist services for information, support or assistance.

Implementation of protocols requires training for police on the impact of their work on children and families. Strong networks of communication and protocols for information sharing and referral should then be established with local community welfare and children's services that may be called upon for support. A local partnership approach is needed to support a sensitive and integrated response. Indigenous and CALD services should be consulted to develop appropriate local responses.

2 TRIAL

The lives of many family members are altered by a court appearance.

Families of defendants have not traditionally been considered the core business of the courts or the judiciary. However, they comprise a group of court users with significant support needs. Their lives may be dramatically altered as a result of decisions made by the court. A court hearing is likely to be a significant time of stress and confusion for families of defendants, as it may be for victims and witnesses. While most courts offer some form of generalist or volunteer-based support service interacting with court users on an ad hoc basis, there are currently no services that specifically target families and children of defendants.

Families of defendants have limited access to information about the court process and possible outcomes of the hearing. They may struggle to understand proceedings. Families of diverse cultural backgrounds may face language or cultural barriers at court. There is little information available to families about sentence outcomes and the next stage of options for contact, visiting arrangements or telephone contact in remand systems or prison systems once a sentence is decided.

A custodial sentence has significant repercussions for a defendant's children and family. These include loss of income and potential changes in housing, employment, childcare, schooling and transport arrangements. Due to the immediate stress of court proceedings, long-term consequences are often overlooked by family members until a later time when the court hearing has ended and some form of crisis emerges. By this time, opportunities for referral and support are sparse, pressures are mounting and vulnerable families may be difficult to reach or engage. Intervening early at the point of contact with the court system has the potential to prevent the development of a whole series of crises such as loss of housing or the breakdown of family caring arrangements. Any support made available at this stage will improve opportunities for stability in living arrangements for children whose lives and relationships are already at significant risk of disruption and breakdown.

Priorities for action

Develop an information, support and referral system that permits collaboration between correctional, legal and human service systems to improve outcomes for families of offenders.²² Such a system needs to:

- 2.1 Routinely identify family responsibilities of adult defendants appearing before the courts;
- 2.2 Provide family members with accessible information about criminal justice processes (bail, remand and sentencing) and issues specific to families of defendants;
- 2.3 Provide assisted referral and linkage for vulnerable families to community support services in their local area including mental health, substance abuse, employment, parenting support, housing, child support and income support services;
- 2.4 Utilise parental incarceration as a 'trigger' to consider secure sharing of information across criminal justice and human service agencies to ensure that needs assessment and care-planning occurs for dependent children;
- 2.5 Following on from establishment of the above systems, engage judges, legal practitioners and court administrators in considering family-focused decision-making, including options such as pre-sentence reporting on family impact of sentence.

Implementation requires development of sensitive information sharing protocols, consent and referral processes. Training and professional development may be needed for legal and human service professionals to ensure good understanding of needs of the client group. A partnership approach between correctional, legal and human service agencies is needed to ensure strong service linkages can be developed. Indigenous and CALD services should be included in developing appropriate local responses and service connections.

22 A detailed model of service has been designed to assist families of defendants appearing before the Melbourne Magistrates' Court. See Ward, 2009.

3 COMMUNITY CORRECTIONS

Corrections Orders can affect the whole family.

Families are important stakeholders in managing and ensuring successful completion of a correctional Order whether it is a Community Based Order or a custodial sentence. Where Correctional services focus only on the offender, family needs are not considered and can be adversely affected by Order conditions such as restrictions on movement or activity that may disrupt family roles and responsibilities. Such an Order may result in loss of income or disruptions to childcare and transport arrangements that penalise the whole family and place pressure on fragile relationships. Where an Order impacts on obligations of other family members, such as work commitments, it may even compromise the stability of housing, unintentionally punishing the whole family and destabilising children's security and long term opportunities for development and education.

Recognising that relationships with family and children are a key motivating factor in rehabilitation, supportive family networks can play an important role. Where families can be successfully engaged and supported by community correctional services, a natural support system can remain in place on completion of an Order, with better prospects of reducing reoffending beyond the period of the correctional intervention.

With the agreement of the person completing the Order, family members can be considered partners in the Order completion process and may be engaged in case management or case conferencing, using a strengths based, family focused approach. Involving families and providing support and advice at the earliest opportunity is essential to family and child safety, minimising harm and building resilience in disadvantaged communities. This is an ideal time to improve access to voluntary services and learning opportunities, such as parent education programs, support groups for children and linkages to other local community services and opportunities. A dedicated family worker in each Community Corrections location could facilitate effective referral and linkages to appropriate local services, protecting families and children from negative consequences and providing support.

Parents and carers should not be penalised for their caring responsibilities. Order requirements that do not take key family responsibilities into account are more likely to result in a breach and may lead to a custodial sentence, with further serious consequences for the whole family. Where parents or carers have limited capacity to meet reporting requirements or community work obligations because of family responsibilities, some flexibility and assistance should be considered.

Priorities for action

Families can be considered as potential partners to support completion of Orders. It is necessary to include family in any planning, to ensure access to support is available if they are at risk of being adversely affected.

- 3.1 Identify family responsibilities upon commencement of a Community Corrections Order and ensure that these responsibilities are taken into account when planning and supervising an Order;
- 3.2 Review family strengths and build sources of support into case planning, with strength-based goals that include family;
- 3.3 Consider family involvement in case management or conferencing to plan for the range of issues that impact on the whole family;
- 3.4 Place a dedicated family worker in each CCS location to facilitate effective referrals and access to a range of services that may assist the family to cope with any additional demands placed on them as a result of the Order.

Adopting a family strengths approach may require training and professional development and consideration of reduced case loads for Community Corrections Officers. A local partnership approach would also assist to engage human service agency participation in collaborative service networks and ensure strong service linkages and professional development. Both approaches should be informed by an awareness of cultural diversity and should include Indigenous and other local community advisors.

4 CUSTODY

Parental incarceration compounds pre-existing disadvantage for most children.

Custodial sentences increase stress on families and children of offenders who are already more likely to be exposed to risk factors such as parental drug and alcohol abuse, family violence, mental illness, poverty, housing instability, child abuse and social isolation. On top of this, separation poses substantial challenges to relationships. There is a need to identify the family responsibilities of offenders, recognise the positive role of most families throughout a custodial sentence and consider ways in which the sentence affects families. Links between parental imprisonment and poor outcomes for children point to an urgent need to mitigate negative effects and coordinate appropriate supports for families to reduce the risks to children's short term development and long term opportunities in life.

Strong parent-child relationships and ongoing, positive supported contact can protect children from some of these negative effects. Since the caregiver's role is critical in facilitating and maintaining the parent-child relationship, addressing caregiver needs - including information, financial support and access to counselling and respite - also directly benefits children separated from a parent.²³

Prisoners with stronger family contact and support are less likely to reoffend on release²⁴ and more likely to have accommodation. Yet the location of many prisons and lack of transport and accommodation make prison visits costly, time-consuming and difficult to schedule around family routines. Extended waiting periods, last-minute cancellations and lack of information about prison transfers exacerbate pressures. Lack of appropriate visiting areas and protocols for interacting with children in a security-focused prison environment can result in trauma and a reluctance to visit, making contact difficult to maintain. Phone calls from prison are costly, access is limited and calls may be restricted, which can cause great distress to children expecting to hear from a parent.

23 Dennison, Foley and Stewart, 2005.

24 King, 2005.

Priorities for action

Strengthening family relationships can produce positive results for offenders and their families. Change is needed to support families and protect children from harm in both the short and long term. Children's best interests remain paramount in any decision making.

- 4.1 Place a family support worker in each prison to liaise between prisoners, families and Corrections, provide information and referral and facilitate better communication to meet the needs of all parties, with a focus on carer support;
- 4.2 Identify family responsibilities on reception into the prison system to plan and facilitate appropriate contact, information and advice for incarcerated parents as part of sentence management;
- 4.3 Develop specific responses for offenders with dependent children, including consideration of prison placement, special visits, family friendly activities, cultural practices and enhanced access to phone calls/video visits;
- 4.4 Provide prisoners with access to a range of family focused programs (parenting, family violence, relationships) and information (child support payments, child protection and family law);
- 4.5 Provide families with current information on practicalities such as transport, life in prison, visits, security requirements and grievance processes;
- 4.6 Develop protocols for safe, child-friendly family visits that reduce the trauma for children maintaining contact;
- 4.7 Ensure that caregivers and children are well supported in the community and can access emotional, practical and financial supports as needed.

Education and training for Corrections staff can support approaches that strengthen family relationships without compromising security or safety. Professional development for workers in health, education and family services would also improve the responses of community organisations and local services by increasing their capacity to respond to the support needs of families and children during a period of incarceration. Approaches should always be informed by an awareness of cultural diversity.

5 CHILDREN IN CUSTODY

A small number of children and babies reside with a parent in custody.

When the criminal justice system determines that a parent should be jailed, there may be serious, life-long implications for babies and small children whose development and growth cannot be delayed because of a prison sentence. Total or sudden separation that interrupts or harms the social or emotional development of an infant is a manifestly unjust outcome for that child. As a result, a delicate balance is needed to manage the requirements of a sentence and minimise the resulting harm done to any infant children, ensuring that they have the best opportunities for growth and development that are available in the circumstances. In some instances, maintaining a stable relationship with a primary carer – usually the mother – will mean that it is in the best interests of the child to live in a custodial setting.

Each year, a small number of women give birth in custody. In many states and territories, women can care for their infant children for a number of years in prison. While prison may seem an unsuitable place for a child to live, issues taken into account include the importance of the infant having the opportunity to develop bonds of attachment, and the age or stage of development of the child, including educational and social needs. Decisions are made on a case by case basis and require consultation with human services, with input from child development specialists and other family members. While the interests and wishes of parents are important, decisions can only be made according to a determination of what will meet the child's needs and be in the best interests of the child.

Having infants and children in prison places a great responsibility on the correctional facility to provide a safe and healthy environment for children and opportunities for normal development, including social group contact and early learning opportunities. Mothers may require parenting support. Maintaining contact with other family group members requires a more open and flexible visiting policy incorporating special visits, such as overnight visits from older siblings or other family group members.

It is often thought that children who reach school age can no longer be properly accommodated within the prison environment. In such circumstances, a great deal of planning and preparation of both mother and child is required for the difficult process of separation. When a decision is made that it is no longer in the interests of their child to remain with them, women require high levels of care and sustained support to manage this period of grief and loss.

Priorities for action

Numbers of women in custody have risen dramatically in recent years. Greater attention should now be directed to long term planning for custodial system responses to the growing numbers of infants and children likely to be affected.

- 5.1 Work is needed to ensure robust, consistent and just decision-making processes are in place to respond to the increased numbers of women sentenced to prison, where that sentence has implications for an infant or child in their care;
- 5.2 Care is needed in constructing and maintaining a suitable environment within the small number of women's prison facilities, given that the environment is a factor in deciding whether it is in the best interests of a child to remain in their mother's care;
- 5.3 Consideration should be given to the design and development of purpose built, secure facilities that would allow children to remain with their mothers beyond school age;
- 5.4 Special conditions – visits and excursions – and flexibility are required to maintain strong contact and support relationships with other family group members;
- 5.5 Any mothers separated from children in their care require intensive support.

Training is required for custodial officers to ensure that the needs and best interests of the child are always considered paramount and the demands of the criminal justice system (sentence management, security, punishment and rehabilitation) must be carefully balanced against prevention of harm to a child. Collaboration with human services, education, health and community service professionals will produce a more integrated, holistic response to the needs of mothers, their infant children and other family group members in the community. Cultural and language considerations will be relevant to the range of responses required.

6 REINTEGRATION

Families can play a crucial role in transition from prison to community.

Going home to family is something that many prisoners desire and anticipate but the reality can be difficult and challenging. Reintegration or transition ideally includes pre-release planning and post-release support. Throughcare planning as part of sentence management inevitably focuses on the offender as they negotiate multiple, complex issues to plan a transition back to life in the community. Having already been through various degrees of disruption and distress, families' needs and risks may intensify when ex-offenders return and an array of complex issues emerge during reintegration. Demands are placed on family to provide housing, financial, social and emotional support through a period of adjustment that many are ill-equipped to manage.

[Families] felt ignored at the start of the imprisonment process, subjected to excessive surveillance during custodial terms, and exploited as rescuers at the end phase of imprisonment...[T]heir capacity to assist was ignored until release was imminent. It was then that they were essentially left to pick up the pieces and, by this time, many felt that the problems had escalated beyond their control given the effects of prison life (Goulding, 2004:44).

Cumulative effects over time mean that families who were not at risk earlier in their contact with the criminal justice system may become at risk during transition. Some families have concerns about safety of children and/or the well being of the ex-offender on release. Changes in relationships and roles can lead to difficulties including the ex-offender in parenting decisions or living arrangements. While some are eager to welcome the family member home, others are pressured to provide housing and need time to forgive, overcome stigma, build trust and close relationships. Children may have grown up and no longer accept the authority of a returning parent. Interim carers may experience grief and loss when children reunite with a parent who resumes the role of primary carer. Complex psychological issues may affect family members with minimal access to appropriately trained support services.

Strong family support and positive contact is associated with successful reintegration and reduced recidivism, suggesting that families are an important resource. However, policy responses have tended to expect families to facilitate reintegration with minimal support, with a focus on, 'how children can contribute to the prisoner's rehabilitation, rather than how they are coping, or whether their rights, as children, are upheld'.²⁵

Priorities for action

Good preparation and access to support and information for families and children should continue through transition and reintegration.

- 6.1 Throughout sentence management, identify family members who may be involved as partners in reintegration; include them in pre-release planning and consider them in parole decisions, including the setting of Order conditions;
- 6.2 Provide information about release or parole in advance and assist families to prepare their own reintegration support plans, ensuring that they can access appropriate supports in the community;
- 6.3 Ensure that the safety and well being of children within the family is paramount and that their protection and support needs are met through the period of change;
- 6.4 Ensure families have good access and referrals to community support services in their local area (mental health, alcohol and other drugs, family violence, material aid) during the period of reintegration;
- 6.5 Include family support elements in any planning for community based transitional case management services for ex-offenders on release.

Training and professional development for health, education or community service agencies can improve understanding of the challenges facing families and ex-offenders who may require access to key services and supports in their local area as part of reintegration. Where reintegration into local community has a cultural dimension, local Indigenous and community advisors should be consulted.

SYSTEMS PLANNING

In addition to the priorities for action identified to support throughcare planning at different points of contact with local criminal justice systems, a further set of priorities for action underpin a higher level of coordinated action and systems planning across different levels of government, across jurisdictions and across disciplinary boundaries.

There is no current collaboration between government departments to ensure that children and families of offenders receive the support they need. Data collection is urgently needed to inform an organised process of research, policy development and collaborative planning on the basis of evidence. Following from this, policy implementation and targeted service provision will require coordination by an advisory group or State level task force to ensure that sound implementation of programs and services occurs. A monitoring role would also assist to track progress over time against the objectives identified. All of this requires strong leadership and a long term commitment to providing the resources necessary to sustain the level of work that will ultimately produce better outcomes for the next generation of Australian children.

7.1 Data and research

- 7.1.1 Data collection is needed at both national and State levels to identify families and children affected by contact with criminal justice systems and to provide evidence for the targeted service planning necessary to meet their needs.
- 7.1.2 Research is needed to review the unmet needs of families, to clarify service objectives and define measures of progress in responding to the needs of particularly vulnerable families.
- 7.1.3 Research has commenced in a number of important areas (see footnotes 3 and 16) but is still needed to refine best practice in areas such as development of arrest protocols, involving families in Order completion, family friendly visits, reintegration planning and decision making with a focus on strengths based approaches.
- 7.1.4 Research is needed to learn about the most effective means of intervening early to protect children against increased exposure to risk factors and reduce the impact on children of their exposure to multiple risk factors that co-occur with parental offending.

7.2 Policy frameworks and local service design

- 7.2.1 Policy work is needed to coordinate a response to multiple risk factors for families through joined up services. Service linkages must ensure that families and children can access appropriate support and referral from any point in a flexible service system that includes income support, housing, health, disability services, material aid, welfare and education services.
- 7.2.2 Adults with family responsibilities must be identified at local levels of contact with criminal justice agencies to maximise opportunities for information, early referral and support for family members.
- 7.2.3 In order to plan for stability and continuity of care for children over longer periods of contact with criminal justice and human service systems, sensitive information sharing protocols and collaboration is needed.
- 7.2.4 Government and non-government organisations must collaborate to provide joined up services for those individuals who are subject to a correctional intervention and for family members who are not clients of correctional services but are nevertheless affected and require access to support.

7.3 Leadership and implementation

- 7.3.1 High level advisory groups (COAG) or interagency, cross departmental taskforces (State level) are needed to facilitate the necessary data collection, research, policy development and service planning to coordinate justice, human service, health, housing and education responses.
- 7.3.2 A leadership role such as that of a Children's Services Commissioner²⁶ is required to oversee the gradual implementation of an approach that sees criminal justice systems across Australia taking families into account and reports on the outcomes for vulnerable families.
- 7.3.3 The complexity of integrated approaches requires a long term commitment to collaborative work and resources must be available to sustain the work over time.

7.4 Diversity and flexibility

- 7.4.1 Indigenous specific task forces are needed to review and direct responses for local populations that remain disadvantaged and lack access to appropriate, culturally sensitive service systems. Local community involvement is critical to success in reducing the impact on the next generation of ATSI children.
- 7.4.2 New and emerging communities in Australia have different needs throughout their contact with the criminal justice system. The response to these needs requires sensitivity and respect for culture as well as attention to practical matters such as translations of relevant information.

7.5 Professional responses: development and training

- 7.5.1 School teachers and community workers should be provided with the skills and resources to offer coordinated and non-stigmatising support to children who have a parent on a corrections Order or in prison with the intention of maintaining and strengthening children's engagement in education.
- 7.5.2 Professional development and training should be provided for police, legal practitioners, court administrators, judicial officers, correctional supervisors and custodial officers in order to raise awareness of the purpose and importance of meeting the needs of families and children of offenders across the criminal justice pathway.
- 7.5.3 Secondary consultation and professional development is also needed in community-based family and children's services as well as specialist health and welfare providers who encounter this group of children and families in the course of their work. Such training will strengthen access to local primary care health, housing and support services and will reduce costs associated with reactive crisis interventions.

SUMMARY: A COMPREHENSIVE AND INTEGRATED APPROACH TO FAMILY THROUGH-CARE

A through-care approach to families requires planning for changing needs at critical transition points. This relies on an approach that engages families, identifies needs and provides access to information and responsive services. Data is needed to facilitate collaborative service planning between criminal justice agencies and community service agencies. All of this work must be underpinned by professional development and training to ensure good understanding of the challenges facing families of all cultural backgrounds.

Arrest	<ul style="list-style-type: none">› Develop family-focused arrest protocols to minimise trauma and risk to children› Identify caring responsibilities and interim care arrangements during arrest and questioning› Provide information and referral for family members› Develop local level partnerships and referral pathways into family and community services
Trial	<ul style="list-style-type: none">› Identify defendants' caring responsibilities and consider care planning arrangements for children› Provide contact point for child and family support at court, including information about criminal justice processes such as bail, remand and sentencing› Develop partnerships for assisted referral and linkage into local family and community services› Consider developing mechanisms for family focused decision making
Sentence	<ul style="list-style-type: none">› Consider family relationships and responsibilities on commencement of an Order or custodial sentence and take them into account in planning, management and supervision of the Order or sentence› Place a family worker in Community Corrections and prison settings to provide information, referral and access to a range of support services and resources to assist families to cope with any additional demands placed on them› Facilitate and support appropriate contact throughout a custodial sentence by considering prison placement, safe and child-friendly visits, phone calls and activities› Provide access to family focused programs, learning opportunities and information for parents in prison› Child and family support services at prisons (information, counselling, responsive services)› Construct and maintain suitable environments and enhance conditions for children living in prison› Provide intensive support for mothers separated from their infant children
Release	<ul style="list-style-type: none">› Involve family in release planning and parole decisions, and provide information on reintegration› Ensure good access to support services in the community for all family members during reintegration
Systems Planning	<ul style="list-style-type: none">› Coordinate data collection, research, policy frameworks, information sharing and collaboration in service design› Ensure strong leadership, coordination of implementation and monitoring of short term and long term outcomes› Support diversity, local flexibility, and opportunities for professional development and training

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