

In the Best Interests of the Child: Strategies for Recognizing and Supporting Canada's At-Risk Population of Children with Incarcerated Parents



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Executive Summary

Children whose parents are incarcerated have been acknowledged internationally as a vulnerable population facing serious challenges. In 2011, the United Nations Committee on the Rights of the Child convened a Day of General Discussion on Children with Incarcerated Parents during which it was stressed that the best interests of children must be considered throughout the criminal justice system processing of their parent (Robertson, 2012). Although Canada is a party to the United Nations *Convention on the Rights of the Child*, children of criminally incarcerated parents are an invisible population in Canada. As official statistics do not appear to be consistently collected in Canada, the size of this at-risk population is currently unknown. However, given an increasing rate of pre-trial detention and incarceration of women, Aboriginal people, and foreign-born persons in Canada (Babooram, 2008; Sapers, 2013), many of whom are parents, the size of the affected population of children is likely growing. This report is the result of a project assessing the available policies, programs, and practices concerning children with incarcerated parents. The information collected for this report was largely collated from literature reviews, as well as consultations conducted with government and non-governmental agencies across Canada. In addition, feedback gathered from a day-long expert working group on children with incarcerated parents conducted by the UFV Centre for Safety Schools and Communities in December 2013 was integrated into the final report.

Incarceration does not affect all families equally and yet children in families already at a cumulative disadvantage due to other factors are likely to face significant challenges when a primary caregiver family member is incarcerated. Regardless, many families are negatively affected from the moment a parent, especially a primary caregiver of a child under the age of eighteen years, is arrested until and even after a parent's release from imprisonment.¹ Over the course of their separation,² children are at risk for emotional problems, such as depression or feelings of shame, embarrassment, loneliness, isolation, confusion, sadness, abandonment, anger, and guilt, as well as intentional physical and/or emotional distancing from the current caregiver or incarcerated parent; physiological problems, such as sleep problems, eating problems, or developmental regressions; and behavioural problems, such as delinquency or criminal behaviour, substance use, aggression, and substituting older delinquent peers and/or street gangs as pseudo-families (Blanchard, 2004; Block & Potthast, 1998; Cunningham & Baker, 2003; Johnston, 1995; Jose-Kampfner, 1995; Murray & Farrington, 2005, 2008; Poehlmann, 2005b; Wilbur et al., 2007).

The welfare and safety of children affected by parental incarceration are serious concerns, as many children face residential disruption when a parent is held in custody, particularly when that parent is their primary caregiver. Unfortunately, given a lack of official protocols following the arrest and incarceration of a primary caregiver, and other critical knowledge gaps, Canada lacks data on where and under what

¹ Throughout this report the terms 'imprisonment' and 'incarceration' are used interchangeably to encompass the detention or custody of a criminally accused or convicted adult parent whether on remand or as a sentenced admission. Although there is a distinction in Canada in the nomenclature used for federal and provincial correctional institutions, the report uses the term 'prison' to broadly encompass both provincial/territorial and federal correctional facilities.

² Separation due to a parents' imprisonment differs from other forms of separation due, for example, to divorce, death, and/or a parent's illness because of the social stigma that is associated with criminal involvement.

conditions children reside following the incarceration of a parent. Thus, it is unknown how many incarcerated parents were primary or sole caregivers at the time of their incarceration, what care arrangements followed their incarceration, including informal placement with extended family, as well as formal foster care agreements, or when and how these caregiving decisions were made. Yet, this information is vital for delivering needed supportive services as informal placements may result in families struggling financially to care for and supervise the child(ren). Equally important, many such children placed formally into foster care face their own challenges to successful development, including involuntary permanent placement and termination of their parents' parental rights (Adalist-Estrin, 2006; Bayes, 2007; Cunningham & Baker, 2003; Huebner & Gustafson, 2007; Murray & Farrington, 2005; Phillips et al., 2006; Poehlmann, 2005a; Provincial Advocate for Children & Youth, 2012; Representative for Children and Youth, 2009).

The degree and nature of children's psychosocial struggles resulting from parental incarceration likely depends on a multiplicity of factors, including their relationship with the parent who is incarcerated, as well as their age at the time of separation and their ability to understand and cope with the situation (Cunningham & Baker, 2003; Johnston, 2006; Murray & Farrington, 2006; Poehlmann, 2005a). Infants may be deprived of the physical and psychological benefits of breastfeeding, including the development of a secure infant-parent bond, whereas pre-school children may experience developmental regressions and may express their emotions through aggressive behaviours (Cunningham & Baker, 2003). For primary school children, separation from a parent may result in a disrupted relationship to that parent, a child acting out in school or withdrawing from teachers, externalizing behaviours, such as aggression or conflict with authority, and poor coping strategies, such as withdrawal from others and suppression of emotions (Cunningham & Baker, 2003, 2004). Both primary school children and adolescents, or their caregivers, may attempt to cover up their parent's incarceration from peers and other adults given their need to fit in and avoid being labelled or otherwise stigmatised and socially excluded, which can be a challenge when trying to identify children in need of supportive services (Cunningham & Baker, 2003). In addition, adolescents may express their emotional and psychological trauma by engaging in minor crimes and delinquency, participating in inappropriate sexual activity, harming themselves, acting aggressively towards others, or engaging in substance use/abuse (Cunningham & Baker, 2003, 2004). They may also choose to terminate their relationship with their incarcerated parent due to anger or frustration (Cunningham & Baker, 2003).

In most cases of parent-child separation due to criminal incarceration, it is vitally important for both the child and their incarcerated parent that their relationship be supported as regular visitation may strengthen the child-parent relationship, which facilitates child resiliency and the re-integration of the offender into the family once released from custody. Regular visitation also potentially reduces reoffending (Bales & Mears, 2008; Derkzen, Gobeil, & Gileno, 2009; Fishman, 1983; Trice & Brewster, 2004). Despite the availability of visiting programs in provincial and federal Canadian institutions, communication between an incarcerated parent and their child often is relatively infrequent due to issues including the costs and logistics of transportation, institutional security levels, and practices that do not consider the best interests of the child, including minimally intrusive searches when possible, child-friendly settings, visiting times that are considerate of school hours, and allowances for physical contact (Blanchard, 2004; Derkzen & Taylor, 2013; Withers & Folsom, 2007). Further, many children find visiting their incarcerated parent frightening, stressful, and, at times, humiliating, given possibly intrusive security checks, long waits, visits behind glass, lack of access to food or toilets, and travelling, often significant distances, for a visit

only to be turned away due to a security flag, inappropriate dress, or an institutional/inmate incident, resulting in either the incarcerated parent or the child's current caregiver restricting visitation to avoid traumatizing the child (Bayes, 2011; Hairston, 2007; Martynowicz, 2011; Nesmith & Ruhland, 2008; Poehlmann, Dallaire, Loper, & Shear, 2010).

While children may express their troubled emotions through educational problems, including poor attendance, poor academic performance, and acting out in school that may lead to suspension or their dropping out (Hairston, 2007; Trice & Brewster, 2004), as there is no systematic process in place to identify school children affected by parental incarceration, teachers are often unaware that their student is struggling for this reason and do not activate supportive services. Furthermore, there is virtually no systematic Canadian curriculum for teacher and early childhood educator's professional development programs focusing on the specific risks and needs faced by children affected by parental incarceration. Thus, even if teachers were aware that a student was affected by parental incarceration, they are likely unaware of how to best support them.

Although methodologically strong research is lacking in this area, especially for Canada, a number of studies generally suggest that children with one or both parents incarcerated face increased risks for antisocial or other delinquent behaviours, and future involvement with the criminal justice system (Aaron & Dallaire, 2010; Farrington, 2004; Farrington, Joliffe, Loeber, Stouthamer-Loeber, & Kalb, 2001; Huebner & Gustafson, 2007; Murray & Farrington, 2005; Murray, Janson, & Farrington, 2007; Thornberry, Freeman-Gallant, Lizotte, Krohn, & Smith, 2003; Trice & Brewster, 2004; Withers & Folsom, 2007). However, there is a need for more empirically rigorous research that explores the potential effects of various factors, including age at separation, the nature of the parent-child relationship prior to separation including whether an incarcerated parent was the primary and/or residential caregiver at the time of incarceration, informal and formal (foster care) caregiving placements, and involvement in programming following separation.

The incarceration of a parent often triggers a series of emotional, psychological, physical, and behavioural concerns for children. Ideally, supportive programs and services should activate immediately upon the arrest and/or remand of a parent to custody, and should continue through the duration of their remanded or sentenced incarceration and into post-release. These programs should include arrest protocols, pre-trial detention protocols, sentencing protocols, correctional intake or placement protocols, correctional/social service/education notification systems that activate supportive services, visitation supports (such as transportation assistance, family housing, child and family friendly visiting, mother-baby units), debriefing prior to and following visitation, counselling services, mentorship programs for children, support groups for children and families, support from the child's education system, parenting education for incarcerated parents, financial supports for current caregivers, supports for children and their incarcerated parents during release and re-integration into the family and community, and specific training for criminal justice and child welfare professionals, particularly social workers and child and youth care workers, who are likely to come into contact with the children of incarcerated parents. Unfortunately, very few of these interventions are provided in British Columbia or more generally across Canada.

A limited number of programs and services are currently operating in British Columbia and Canada for children with incarcerated parents. While the Correctional Service of Canada operates several forms of visitation programs, virtually all other services for children and families affected by incarceration are

currently offered by non-profit agencies. Unfortunately, these organizations typically struggle to obtain sufficient funding resulting in programs being inconsistently available across the country or being short-lived or not subjected to evaluation. While Canada is arguably falling short of its international legal obligations, significantly more attention has been accorded internationally to this population with several countries having developed a variety of policies, programs and practices designed to provide services to this at-risk group of children. A cursory review of policies, programs, and services offered elsewhere, in particular in the United States and in the United Kingdom, suggest some successful strategies that British Columbia, in particular, and Canada, more generally, may wish to consider adopting or adapting, especially if Canada intends to live up to the rights of the child as emphasized in the United Nations *Convention on the Rights of the Child*, to which it is party.

In reviewing the situation of children with incarcerated parents in Canada, it is clear that more effort is needed regarding basic information collection, as well as the development and evaluation of supportive programming for this group of children who are at an elevated risk for a number of potential negative outcomes. It is clear from this brief scoping review that policies concerning the rights and wellbeing of children with incarcerated parents are conspicuously absent in British Columbia. The most apparent gaps appear to exist around government policies that specifically reference the best interests of children of incarcerated parents to ensure that they are placed in safe and development-promoting caregiving situations following their parents arrest/incarceration, information sharing protocols to ensure support systems are activated as soon as a parent comes into contact with the criminal justice system, training to assist support providers in knowing how to best help and promote the resilience of children of incarcerated parents, and sentencing policies that seek to reduce the use of incarceration for primary caregivers and instead utilize community sanctions when it is in the best interests of a child. Further, a variety of good programming practices exist outside of Canada that could benefit this population and reduce their risk of psychosocial problems and enhance their resilience over the life course, such as mentoring programs, visitation support, parenting programs, and education of professionals providing supporting services to children, including educators, criminal justice practitioners and social workers. Of course, prior to any policy review, revision, enhancement, or development, it is essential that rigorous empirical research be undertaken to inform policy needs.

To ensure an integrated and evidence-based approach to reducing risk and increasing resilience among children with incarcerated parents, Canada should seriously consider the creation of a National Child Rights Advocate or Commissioner responsible for overseeing all issues relating to children with incarcerated parents, including acting as an advocate by representing their best interests in the development and reformation of policies and practices affecting them. This practice would be in line with the recommendations made by major child rights non-governmental organizations in relation to Canada's commitments under the United Nations *Convention on the Rights of the Child*. Other important recommendations made by this report include the development of information sharing protocols; better protocols for placement decision-making; the vital importance of awareness, education and training for those who work with children affected by parental criminal justice system involvement; the development of remand and sentencing protocols; enhancements for prison communications and visitation with parents; the development of additional supportive programming; and the importance of primary data collection and research.

Table of Contents

| | |
|--|----|
| Acknowledgments..... | i |
| Executive Summary | ii |
| Introduction..... | 1 |
| Children with Incarcerated Parents in the International Context | 1 |
| Profile of Children with an Incarcerated Parent..... | 3 |
| Child Welfare and Protection Issues..... | 4 |
| Developmental Challenges | 7 |
| The Relationship between Incarcerated Parent and Child | 9 |
| Educational Challenges..... | 10 |
| The Effects of Stigma | 10 |
| The Risk for Future Criminal Justice System Contact..... | 11 |
| Children with Incarcerated Mothers | 13 |
| The Canadian Position on Children with Incarcerated Parents..... | 15 |
| The Size of the Problem..... | 15 |
| Contact with Incarcerated Parents..... | 17 |
| The Expertise of Support Workers..... | 18 |
| Programs and Services for Children with Incarcerated Parents..... | 18 |
| Canada | 19 |
| The United States of America..... | 26 |
| The United Kingdom | 30 |
| International | 34 |
| Australia..... | 35 |
| Summary of Programs and Services Supporting Children with Incarcerated Families | 36 |
| Recommendations for Identifying and Supporting Children With Incarcerated Parents in Canada..... | 37 |
| Information Sharing Protocols | 38 |
| Better Protocols for Placement Decision Making..... | 39 |
| Awareness, Education and Training | 40 |
| Sentencing..... | 42 |
| Maintaining Communication and Visitation..... | 43 |

| | |
|--------------------------------------|----|
| Supportive Programs..... | 44 |
| Data Collection | 46 |
| Research..... | 47 |
| National Child Rights Advocate | 49 |
| Conclusion | 50 |
| References..... | 51 |

Introduction

In contrast with many other economically developed nations, children with incarcerated parents represent a near invisible segment of Canadian society. Children whose primary or sole caregiver has been incarcerated are likely to face many challenges, including a lack of communication with their parent, possible displacement from the family home into a home of extended family or government care, and a lack of proper caregiving, all of which increase their risk of developing negative psychosocial outcomes, including emotional, psychological, and behavioural difficulties. These experiences and outcomes may increase their personal risk of future involvement with the criminal justice system, either as a youth or as an adult. Despite these issues and their long-term implications for children, their families, and our communities, Canada has consistently failed to provide supportive services for this at-risk population. Instead, children with incarcerated parents often ‘fall through the cracks’ of the child welfare, educational, and mental health systems. Further, it is not even known how many children in Canada are currently affected by the incarceration of their parent, as official statistics have never been routinely collected or published. This document provides a review of the limited information available regarding children with incarcerated parents in Canada and, given the limited depth of understanding in Canada, also summarizes what is known about this at-risk population from literature published in other countries. This review and the recommended practices are enhanced by summaries of consultations by the research team with a variety of professionals whose work involves children and youth, including educators, criminal justice system practitioners, and the voluntary sector. Feedback on a draft version of this report gathered during a day-long expert working group on children with incarcerated parents conducted by the UFV Centre for Safety Schools and Communities in December 2013 was also integrated into the final report. However, a recognized limitation of this literature review is that it does not incorporate the voices of affected children and their parents, which should be a key research priority moving forward in designing responsive and evidence-based policies.

Children with Incarcerated Parents in the International Context

Under Article 1 of the United Nations *Convention on the Rights of the Child*, children are defined internationally as individuals under the age of 18 years (United Nations General Assembly, 1989). Usually, children are considered minors who are under the care of a responsible adult. Although not officially recognized by Canada as an at-risk population, children whose parents are incarcerated have been acknowledged internationally as a particularly vulnerable group facing serious challenges (United Nations General Assembly, 2014). In 2011, the United Nations Committee on the Rights of the Child convened a Day of General Discussion on Children with Incarcerated Parents, one of only 20 such days since 1992, which, in addition to raising awareness about the rights of children affected by parental incarceration put forward a number of low cost, easy to implement recommendations for States to consider.³ During these discussions it was stressed that the best interests of children must be considered

³Available:

<http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2011/DGD2011ReportAndRecommendations.pdf>

throughout the criminal justice system processing of their parent (Robertson, 2012). Although policies and practices regarding children with incarcerated parents vary worldwide, it has been consistently documented that this subgroup of children are often adversely affected by the incarceration of their parent and that their best interests are generally not considered in criminal justice decisions made about their parents, leading to a possible violation of children's rights (Robertson, 2012).

There are several articles within the United Nations *Convention on the Rights of the Child*, to which Canada is a party, that clearly establish a legal framework for criminal justice policies to consider the needs and interests of children when making decisions about their parent(s) (Boudin, 2011).⁴ These include, but are not limited to: Article 2, the right not to be discriminated against based on their parent(s') status; Article 3(1), the need to consider the best interests of the child as a primary consideration in all actions concerning children; Article 6, the right to life, survival and development; Article 7(1), the right to know and be cared for by parents; Article 8(1), the right to an identity and family ties; Article 9(3), the right to maintain personal relations and direct contact with both parents on a regular basis, except if it is not in the child's best interests and Article 9(4) the right to information about the whereabouts of an incarcerated parent; Article 12, the right to be heard in decisions that affect them; Article 16, the right to privacy and family life; Article 18(1), the right to parental involvement in their child's upbringing and development; Article 19(1), the right to be protected from physical or psychological harm or violence; and Article 20(1), the right to special protection and assistance from the State when temporarily or permanently deprived of their family environment. Further, the *Declaration on the Rights of the Child* provides that a child "shall, wherever possible, grow up in the care and under the responsibility of his parents, and ... a child of tender years shall not, save in exceptional circumstances, be separated from his mother" (Article 6). While a parent's criminal behaviour may be considered such an exceptional circumstance, the fact that the majority of female crime in Canada is non-violent and non-serious (i.e. theft) and that most women sentenced to incarceration in Canada serve provincial sentences⁵, generally for non-violent offences, suggests that alternative approaches minimizing the separation of mother and child should be considered, such as the use of alternative community-based sentences (Bayes, 2008a, 2011; Cunningham and Baker, 2004).

Of note, this policy is also encouraged in Rule 9 of the *UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders* (i.e. the Bangkok Rules), and Article 30 of the *African Charter on the Rights and Welfare of the Child*, where pretrial or sentencing decisions made for a child's primary caretaker, especially when that child is young, should avoid the use of custodial sentences, except when needed to respond to serious or violent offences. Thus, non-custodial measures are advocated for in all other appropriate situations where the primary caregiver is in contact with the

⁴ The discussion of applicable international legal norms and standards in this section is intended to be illustrative rather than exhaustive of some of the main child rights provisions in relation to children affected by parental incarceration. In the Canadian context, for example, in view of the high rates of incarceration of indigenous persons, many of whom are parents, it is likely that provisions of the *UN Declaration on the Rights of Indigenous Peoples* may also apply in relation to the right of indigenous families and communities "to retain shared responsibility for the upbringing... and well-being of their children, consistent with the rights of the child" (preamble).

⁵ A provincial custody sentence is a term of imprisonment that does not exceed two years less one day.

criminal justice system. Likewise, in relation to preventing family separation, the *UN Guidelines for the Alternative Care of Children* stress that the best interests of the child be considered and that non-custodial remand and sentences be used in appropriate cases when a child's sole or main caregiver is to be deprived of their liberty. States are also encouraged to take the best interests of the child into account when deciding to remove children born in or residing with a parent in prison, and that children remaining in custody with a parent benefit from 'adequate care and protection' (Guideline 48). In terms of promoting family reintegration, these same *Guidelines* stress that States should pay special attention to ensuring that children in alternative care due to parental incarceration are able to maintain contact with their parents and 'receive any necessary counseling and support' in relation to maintaining such contact (Guideline 82).

In some situations, parental incarceration is a benefit to the child, such as in cases of physical or sexual abuse; however, more often than not, children will be adversely affected by the disrupted relationship with their parent and the corresponding stigma and social exclusion that often surrounds contact with the criminal justice system. The specific negative outcomes will vary depending on several important factors, including the age of the child at the time of the incarceration, whether the incarcerated parent was the primary caregiver, the child's relationship with their parent prior to their incarceration, residential and educational disruptions experienced as a result of their parent's incarceration, and the length of their parent's incarceration.

Profile of Children with an Incarcerated Parent

Families are negatively affected from the moment a caregiver of a minor is arrested until and even after their release from imprisonment. Children may witness the arrest of their parent, which can result in trauma and confusion (International Association of Chiefs of Police, 2014; Martynowicz, 2011). When a parent is arrested, it may cause immediate residential disruption, particularly if that parent is the sole caregiver for the child and a suitable caregiver must be quickly found. Yet, even if another parent remains at home, families still face potential residential disruption, given the potential loss of income, and many are confused about the rights afforded themselves and their loved ones. This confusion continues throughout the criminal justice process, as families may believe the offender is likely to come home soon either because they were innocent of the crime or because they believe the seriousness of the offence should not warrant detention. Throughout this process, families face potential stigmatization and social exclusion by their community, which may result in keeping their loved one's criminal justice involvement a secret, placing added pressure or stresses on the children. Once a family member has been sentenced to custody, disruptions to important family relationships may occur, preventing children from being in regular contact with their parent, which can make it extremely difficult for successful reintegration into the family post-sentence. In fact, children may experience feelings of guilt when their parent is released from custody as they have grown accustomed to life without them and may not actually want their parent to come home.

Over the course of their separation, children are at risk for emotional problems, such as depression or feelings of shame, embarrassment, loneliness, isolation, confusion, sadness, abandonment, and guilt, as well as intentional physical and/or emotional distancing from the current caregiver or incarcerated parent; physiological problems, such as sleep problems, eating problems, or developmental regressions; and behavioural problems, such as delinquency or criminal behaviour, substance use, aggression, and

substituting older delinquent peers and/or street gangs as pseudo-families (Blanchard, 2004; Block & Potthast, 1998; Cunningham & Baker, 2003; Johnston, 1995; Jose Kampfner, 1995; Murray & Farrington, 2005, 2008; Poehlmann, 2005b; Saunders & McArthur, 2013; Wilbur, Marani, Appugliese, et al., 2007). Given the wide range of possible negative outcomes, it is essential that caregivers be aware of the risks, be able to recognize when a child under their supervision is experiencing them, and be knowledgeable about and able to access supportive services to mitigate this risk.

At the time of their parent's incarceration, many children, especially those of incarcerated women who are likely to be sole caregivers, as well as those already facing cumulative disadvantage as a result of other factors, including class and ethnicity were already living in situations characterized by poverty, family conflict, parental substance use/abuse, mental health issues, and/or physical, sexual, and psychological abuse and neglect, much of which may reflect intergenerational problems characterizing their parents', and particularly their mother's, upbringing (Barrett, Allenby, & Taylor, 2010; Blanchard, 2004; Cunningham & Baker, 2003, 2004; Folsom, 2012; Novero, Booker, Loper, & Warren, 2011; Parke and Clarke-Stewart, 2003; Phillips, Erkanli, Keeler, Costello, & Angold, 2006). However, when studying how these experiences may contribute to future delinquent, antisocial, and criminal behaviours, these previous risk factors may lead to a selection effect in research where a pre-existing difference between groups (i.e. those with an incarcerated parent versus those without) contributes towards an observed outcome (i.e. future delinquency and criminal justice system contact) (Murray, 2005; Murray & Farrington, 2006). In other words, it is possible that the increased risk for antisocial behaviours among children with parents in conflict with the criminal justice system was pre-existing prior to their parent's incarceration, rather than resulting from it. Yet, several studies have supported that, even after controlling for pre-existing risk factors known to contribute to such negative future outcomes, such as low income and/or poverty, familial substance abuse, parental mental health issues, gender, family conflict, dysfunctional parenting styles, prenatal exposure to alcohol or cocaine, school-aged exposure to violence, and childhood separation from a parent due to other reasons, including divorce, death, and hospitalization, children with incarcerated parents continue to be exposed to increased levels of risk for both internalizing (e.g. depression, anxiety) and externalizing (e.g. delinquency and criminal justice system contact) behaviours (Dallaire & Wilson, 2010; Huebner & Gustafson, 2007; Murray & Farrington, 2005, 2008; Phillips et al., 2006; Wilbur et al., 2007). More generally, children experiencing the incarceration of their parent face a range of social and economic challenges that increase their risk for negative psychosocial outcomes. These challenges include residential instability, social stigma, challenges to maintaining their relationship with their incarcerated parent(s), and situational challenges, such as poverty.

Child Welfare and Protection Issues

The challenges children face once a parent is incarcerated are influenced by a variety of factors, one of the most important being which parent is incarcerated. Financially, a father's incarceration may leave a mother struggling to provide for her child(ren) either on one income or on government assistance. Unfortunately, historically, in British Columbia, social assistance levels have typically been insufficient to support the basic needs of a family, leaving families led by single mothers to struggle under conditions of poverty (Bayes, 2007). In contrast, whereas mothers frequently retain caregiving responsibilities when a father is incarcerated, when a mother is incarcerated, those responsibilities are often turned over to members of their family other than the father (e.g. grandparents) or the government through the use of the foster care system (Cunningham & Baker, 2003). Although foster parents who have taken a child in under

a formal agreement benefit financially for caring for that child, family members are more likely to take the child(ren) into their home informally, meaning that they do not qualify for government-provided financial supports (Phillips et al., 2006).

Unfortunately, even though formal placements into foster care mean these temporary caregivers are provided with financial compensation, previous reports by child's rights advocates suggested that children who have experienced foster care are more likely to face life-long struggles (Provincial Advocate for Children & Youth, 2012; Representative for Children and Youth, 2009). Although foster care may be warranted because of the lack of safe placement alternatives, children may be placed in separate homes from their siblings, may experience several moves between homes, which also threatens their educational success, may struggle to develop an emotional connection with their foster parent(s) or feel connected to them, and may develop mental health issues, such as depression or post-traumatic stress disorder (Bruskas, 2008; Cunningham & Baker, 2003; Provincial Advocate for Children & Youth, 2012). As a result, less than half of children in the foster care system graduate from high school and, as adults, they are more likely to live in poverty, experience homelessness, struggle with mental health issues, and become involved in the criminal justice system (Provincial Advocate for Children & Youth, 2012; Representative for Children and Youth, 2009). While these challenges are not unique to children with incarcerated parents, they are at an increased risk of being placed in foster care due to their unique family circumstances, particularly when it is the mother who is incarcerated (Eljdupovic-Guzina, 1999; Vis-Dunbar, 2008; Withers & Folsom, 2007). Further, in addition to the challenges typically experienced by being in care, these children must also face the additional stigma of being in care due to their parent's criminal activity.

Even when the child remains at home, families are likely to struggle financially due to the lost income of the incarcerated parent (Saunders & McArthur, 2013; The Pew Charitable Trusts, 2010). Prior research by Isaacs, Sawhill, and Haskins (2008) concluded that education and parental income are particularly influential factors on a child's future economic mobility. Yet, in their report on the effects of incarceration on economic mobility, the Pew Charitable Trust cited a previous research finding by Johnson (2009) that during a father's incarceration, the average family income is nearly a quarter (22%) lower than the year prior to his incarceration. This prior research also concluded that on average, a family's income remains 15% lower in the year following the father's release from prison than in the year prior to his incarceration (Johnson, 2009 as cited in The Pew Charitable Trusts, 2010). This latter finding is important to acknowledge as although it suggests families continue to face challenges to their economic stability even after the father's release, very little research to date focuses on families after the release of a parent from prison.

Given the disruption to family income, the remaining parent may need to work to support the family, which may result in reduced supervision of the children and decreased quality of caregiving (Adalist-Estrin, 2006; Huebner and Gustafson, 2007; Murray & Farrington, 2005; Poehlmann, 2005a). Yet, quality caregiving is particularly important considering that many children struggle emotionally and psychologically following the incarceration of a parent. They may be traumatized from witnessing the arrest of their parent and/or from a lack of communication following a parent's arrest and/or sentencing, and they may be subjected to ongoing social stigma from their community (Folsom, 2012; Murray & Farrington, 2008; Phillips et al., 2006; Saunders & McArthur, 2013). However, these fearful and anxious

feelings may be suppressed or go unnoticed by caregivers, resulting in a range of dysfunctional coping strategies and negative outcomes.

Unfortunately, extended family members may themselves not only be struggling financially, but face additional risk factors affecting their quality of parenting, such as being unemployed, on social assistance, having poor health, having a low education, and being a single parent (Poehlmann, 2005a). Importantly, when the home environment that a child is placed in is responsive, stimulating, and safe, these risks are mediated and children can develop successfully. In effect, regardless of whether the remaining caregiver is a biological parent or an extended family member, it is important to closely monitor children placed at-risk due to their parent's incarceration to ensure they are located in a safe and nurturing home environment (Poehlmann, 2005a). However, many caregiving agreements are likely made informally. For instance, in Cunningham and Baker's (2003) study with 40 provincially incarcerated mothers in Ontario, the Children's Aid Society was only involved in approximately half of the child placement decisions. One reason for this is the quickness with which mothers had to arrange caregiving for their children, as they did so at the point of their arrest. This practice may result in the child(ren) being left informally with a neighbour, friend, or relative (Cunningham & Baker, 2003; International Association of Chiefs of Police, 2014). Another significant factor in the decision to formally place a child in care is the fear of potentially facing termination of parental rights. While the length of time a child may spend in foster care varies across the provinces/territories, all have a maximum amount of cumulative time a child may be in temporary care before a permanent placement is made. A parent who is arrested and detained in an institution prior to a finding of guilt is typically unaware of how long they will face detention. Further, repeated entries to detention increase the risk a child will be moved into permanent care with another caregiver. Thus, caregiving parents who are arrested may be hesitant to involve children's services.

In British Columbia, the Ministry of Child and Family Development is only required to become involved when there is no identified caregiver available. Potentially, this could result in parents choosing inappropriate caregivers due to fear of involving the Ministry and risking loss of parental rights. Further, when this decision is made at the point of arrest, it leaves the assessment of a caregiver's suitability up to the police. Importantly, a key recommendation recently made at the international level is that parents who are detained or imprisoned be provided time to make adequate care arrangements (International Association of Chiefs of Police, 2014). While the International Association of Chiefs of Police (2014) recently recommended that police agencies first investigate whether children may be present in the home prior to making an arrest and, when possible, delay making the arrest until the child(ren) is absent, there do not appear to be any standard protocols in British Columbia in place regarding this practice.⁶ Further, there do not appear to be any protocols in place regarding practices in assessing the suitability of an available caregiver, or standards of what a 'suitable' caregiver looks like to police. Thus, police are often assessing suitability of the proposed caregiver with limited information (International Association of Chiefs of Police, 2014). Short of notifying MCFD when there are no suitable caregivers available, police practices when dealing with the children of an arrested parent will likely vary on a case to case basis (Martynowicz, 2011).

⁶ This was communicated to us by one police agency during our consultations.

While there are available programs to place a child in the home of a family member while their parent is incarcerated, no research has been conducted to determine how familiar parents are with such programs. In effect, it is unclear who notifies parents about these programs, at what point in their criminal justice system contact they are notified, their uptake of such programs, and reasons for declining uptake. Further, other than Cunningham and Baker's findings published over a decade ago, there is no available research on what typically happens at the point of arrest in terms of provision of caretaking for dependent children and whether parents are given time to make adequate arrangements for caregiving. Further, if police are satisfied that there is a caregiver available, MCFD is generally not notified and no follow up is initiated to check on the child's wellbeing. It would appear then that an outstanding issue placing children at risk is that when their caregiving parent is arrested informal arrangements may be made for their care, which may pose threats to their wellbeing as there is no formal oversight of the adequacy and safety of their placement.

Given the lack of official protocols following the arrest and detention of a primary caregiver, Canada lacks data on where children reside following the incarceration of a parent and their wellbeing in that caregiving situation. Thus, it is unknown how many incarcerated parents were primary or sole caregivers at the time of their detention or imprisonment and what care agreements followed their incarceration, including informal placement with extended family, as well as formal foster care arrangements. Given this lack of data, the nature and extent of developmental, as well as emotional, psychological, and physical challenges children face following their parent's incarceration is unclear in Canada and needs to be ascertained.

Developmental Challenges

When children are separated from their primary caregiver, they are likely to experience both psychological and emotional trauma. However, the degree and effect of this trauma likely depends on their age and their ability to understand and cope with the situation, as well as the length of the separation and the nature and strength of the parent-child relationship prior to the separation (Cunningham & Baker, 2003; Johnston, 2006; Murray & Farrington, 2006; Poehlmann, 2005a; Saunders & McArthur, 2013). Although some programs allow for infants to remain with their incarcerated mothers, infants whose mothers are incarcerated usually do not experience the physical and emotional health benefits of breastfeeding (Cunningham & Baker, 2004). This is critical as breastfeeding is significant for the development of a secure infant-parent bond. Interrupting or breaking the attachment period can have life-long negative implications. Moreover, if a consistent caregiver with whom the infant can form a strong attachment is not provided, the infant may experience significant psychological distress, resulting in withdrawal from others (Cunningham & Baker, 2003). In addition, supporting the parent-child relationship is difficult at this stage as infants cannot talk to their parents by phone, read or write letters with their parents, or make a connection with their parent using technology, such as video conferencing. Thus, the development of a relationship between an infant and their incarcerated parent will depend on the ability of the current caregiver to bring the infant regularly for visits at the correctional institution.

Toddlers, preschoolers, and other young children may experience developmental regressions following separation from their primary caregiver, including relapses in the use of language and loss of skills related to toilet training, separation anxiety, and may express their negative emotions through aggressive

behaviours (Cunningham & Baker, 2003). One reason for this is the lack of stability provided in their caregiving situation. Young children develop best when provided with stability and routine; however, due to residential disruptions as a result of their parent(s) incarceration, these children may move between childcare and/or preschool facilities, which disrupts their attachment to peers and supportive adults, such as teachers. They also experience disruptions in their usual caregiving routines, such as those related to meals, naps, and activities (Cunningham & Baker, 2003, 2004). Although young children can maintain communication with their incarcerated parent by phone, visitation for children at this age is particularly difficult. Young children may be traumatized by the experience of visiting their parent in custody as they may be too young to understand the nature and purpose of the various security processes that are required, including possibly being searched, sniffed by dogs, or exposed to ion scanners. More importantly, a young child will not be able to comprehend why they can see, but not touch, their parent. Situations where the parent is behind glass or shackled to a table can be especially damaging for young children. Similarly, although they may enjoy seeing their parent, they are likely too young to understand why their parent does not come with them when they leave. Unfortunately, the traumatic consequences of a visit may result in a lack of visitation, either by request of the incarcerated parent or by a decision of the current caregiver, which may negatively affect the relationship between child and incarcerated parent (Cunningham & Baker, 2003, 2004).

Although primary school children are better able to cognitively grasp the reason for their parent's absence, separation from a parent may result in a disrupted relationship to that parent, a child acting out in school or withdrawing from teachers, externalizing behaviours, such as aggression or conflict with authority, and poor coping strategies, such as withdrawal from others and suppression of emotions (Cunningham & Baker, 2003, 2004). Furthermore, given that it is important to "fit in" at this age, primary school children may suppress their emotions in order to hide their secret of having a parent who is incarcerated and to avoid being stigmatized by peers and teachers (Cunningham & Baker, 2003, 2004). The secrecy is significant because these children are at a developmental age where they will experience a wide range of emotional responses to separation from their parent and could benefit from discussing their emotions with others. For instance, although better able to comprehend that their parent is in prison, a young child may experience high levels of shame, anxiety, and fear as they may associate negative images of prison with their parent's current situation. Rather than expressing these concerns to caregivers or other adults close to them, such as teachers, they may repress these fears, resulting in disruptions to sleeping or problems staying focused in school. Although children may understand that their parent is in prison because they did something wrong, the child may rationalize this by blaming the legal system, which can contribute to negative future attitudes towards the law (Cunningham & Baker, 2003; International Association of Chiefs of Police, 2014).

Adolescence is already a turbulent developmental period characterized by fluctuating emotions, changing hormones, leaps in physical development, and a desire to exert independence from adults. Rather than being confused by their parent's incarceration, adolescents may be more likely to react to separation from their parent(s) with anger and a decision to terminate the relationship. Although adolescents are in a better position than younger children to cognitively understand the security processes involved in prison visitation with their parent, an unfortunate common consequence of separation at this age is intentional withdrawal from the relationship through refusal to communicate with or visit the incarcerated parent (Cunningham & Baker, 2003; Saunders & McArthur, 2013). Furthermore, as peer opinions are often

more important at this stage than at any other developmental stage, adolescents are likely to keep their parent's incarceration a secret, which unfortunately includes those who could provide needed support, such as teachers. Instead of reaching out for support, adolescents are more likely to express their emotional and psychological trauma through other high risk behaviours, such as engaging in minor crimes and delinquency, participating in inappropriate sexual activity, self-harm, acting aggressively towards others, or engaging in substance use/abuse (Cunningham & Baker, 2003, 2004). In addition, adolescents who experience parental incarceration may take on adult responsibilities, such as caregiving for younger siblings and/or a non-incarcerated parent, or dropping out of school in order to work (Adalist-Estrin, 2006; Cunningham & Baker, 2003, 2004; Nesmith & Ruhland, 2008; Saunders & McArthur, 2013).

Although all children are likely to experience some degree of emotional and psychological trauma as a result of being separated from their parent(s) by incarceration, their reactions to this potentially traumatizing experience varies according to the developmental period in which it occurs. Although the limited information available in the small Canadian study conducted over a decade ago by Cunningham and Baker (2003) suggested that over one-third (37 per cent) are children under five years old, the paucity of Canadian research on children whose parents have been incarcerated means that the average age of children separated from their parents as a result of incarceration in Canada is generally unknown. Yet, this information is vital for the design of developmentally appropriate programming and services to better support this vulnerable group of children. More Canadian research that documents the proportion of differently aged children who are separated from their parents, how their methods of coping vary by developmental stage, and the short and long-term effects of separation on development is needed.

The Relationship between Incarcerated Parent and Child

In most cases of parent-child separation due to incarceration, it is vitally important for both the child and their incarcerated parent to be supported in their relationship. Regular visitation may strengthen the relationship, which facilitates re-integration of the offender into the family once released from custody, and potentially reduces reoffending (Bales & Mears, 2008; Derksen, Gobeil, & Gileno, 2009; Fishman, 1983; Trice & Brewster, 2004). It should be acknowledged that, in some cases, visitation could actually traumatize a child, given the complex security processes involved and the institutional rules governing issues like having physical contact with a parent (Martynowicz, 2011). This may depend upon the age of the child at the time of visitation and their ability to understand these processes (Cunningham & Baker, 2003). Moreover, in cases where the child was victimized by the parent or witnessed their parent victimizing the other parent, it may be in the best interests of the child to prevent contact. However, in many cases, children express a desire to maintain a relationship with their parent, even if they feel angry or hurt (Nesmith & Ruhland, 2008; Saunders & McArthur, 2013). Importantly, caregivers were often the gatekeepers of the relationship between the child and their incarcerated parent as they are responsible for approving the visits and may be required to provide transportation to and from the institution (Nesmith & Ruhland; Saunders & McArthur, 2013). Moreover, caregivers also affect the nature of the relationship between the child and their incarcerated parent by the way they communicate about the incarcerated parent. For example, by refusing to talk about the parent or criticizing them for their actions, they may deter children from actively seeking out ways to connect with their incarcerated parent, and may also damage their own relationship with the child.

Educational Challenges

Education can be a protective factor for children whose parents are in conflict with the law (Saunders & McArthur, 2013; The Pew Charitable Trusts, 2010). Yet, children with incarcerated parents face challenges related to their schooling for several reasons. As there is no systematic process in place to identify school children affected by parental incarceration, teachers are likely unaware that their student is struggling for this reason. Teachers are more apt to be taught how to support children affected by death, divorce, or other family issues, including mental health concerns; however, consultations with education programs across Canada conducted for this report indicated that there is virtually no systematic curriculum in teachers' professional development programs focusing on the specific risks faced by children affected by parental incarceration.⁷

In addition, as a result of the non-incarcerated parent having to move or a child being removed from the family home, children may need to change schools to one that is closer to their current residence. Thus, they are entering an unfamiliar school without their usual peer group to help them adjust. As they have not yet established connections to their teachers, they are unlikely to feel comfortable reaching out for support at a time when they are most in need of it. These children may struggle with connecting to their new school, and their resulting educational disengagement increases the risk of behavioural problems, including poor attendance, poor academic performance, and acting out in school that may lead to suspension or their dropping out (Hairston, 2007; Trice & Brewster, 2004).

This risk increases when the child is in foster care. Two recent reports indicated that less than half of foster care children graduated from high school (Provincial Advocate for Children & Youth, 2012; Representative for Children and Youth, 2009). In fact, in British Columbia, children in care are more likely to become involved in the youth criminal justice system (36 per cent) than graduate from high school (25 per cent). Once in formal contact with the youth criminal justice system, the likelihood of graduating drops to 13% (Representative for Children and Youth, 2009).

The Effects of Stigma

While many prisoners in Canada have children, and estimates suggest that being a child with an incarcerated parent is not entirely unusual, much confusion exists about this issue that contributes to negative perceptions and stereotypes regarding the child and their family, both by their community and the legal system. Children may be the direct recipients of stigma and labelling by their peers, or those working or interacting with them on a regular basis, such as teachers, social workers, neighbourhood parents, and criminal justice system professionals, may indirectly label them negatively (Saunders & McArthur, 2013). Family members may be embarrassed by the arrest or incarceration, which may result in their failing to inform the child about their parent's whereabouts or, if they are old enough to understand where their parent is and why they are there, instructing them to keep this information a secret

⁷ Data on file with author.

(Adalist-Estrin, 2006; Hairston, 2007). Either situation is unfortunate. In the former, research suggests that the relationship between the caregiver and the child may actually be strengthened when the caregiver shares this information with the child in an age-appropriate way (Poehlmann, 2005b; Saunders & McArthur, 2013). Regarding the latter, fear of being labelled may cause children with incarcerated parents to suppress their fears and emotions, and this may contribute to preventing them from engaging in useful supportive strategies, such as discussing and sharing their experiences with others in a similar position (Adalist-Estrin, 2006; Nesmith & Ruhland, 2008).

The Risk for Future Criminal Justice System Contact

Although methodologically strong research is lacking, studies generally suggest that children with one or both parents who are incarcerated face increased risks for antisocial or other delinquent behaviours, and future involvement with the criminal justice system (Aaron & Dallaire, 2010; Farrington, 2004; Farrington, Joliffe, Loeber, Stouthamer-Loeber, & Kalb, 2001; Huebner & Gustafson, 2007; Murray & Farrington, 2005; Murray, Janson, & Farrington, 2007; Thornberry, Freeman-Gallant, Lizotte, Krohn, & Smith, 2003; Trice & Brewster, 2004; Withers & Folsom, 2007). While Murray, Farrington, and Sekol's (2012) recent meta-analysis of studies on children with incarcerated parents suggested that the most methodologically sound studies found no long-term effects for poor mental health⁸, educational outcomes, or illicit drug use, they did find an approximately 10% increase in risk for antisocial behaviours, defined as behaviours violating social norms and laws. It is important to note that although over 50 samples representing 7,374 children with incarcerated parents and 37,325 comparison children were included in this meta-analysis, very few of these studies met the methodological criteria for rigorous empirical research. Few studies were conducted using longitudinal data, meaning that antisocial behaviours may have appeared prior to the parent's incarceration rather than as a result of it, often because their incarceration was the end result of an accumulation of other risk factors that their children were exposed to, such as substance abuse, violence in the home, low socioeconomic status, and previous parental criminality (Jones et al., 2013). Furthermore, although the meta-analysis evaluated possible factors that may influence these results, such as the child's age when the parent was incarcerated, which parent was incarcerated, and the child's gender, virtually none of these studies controlled for whether the child had been living with the parent at the time of their arrest. Moreover, most studies examined either paternal incarceration or incarceration of either parent, rather than singling out the effects of maternal incarceration, which some research suggests results in poorer outcomes for children. Finally, none of these studies controlled for whether the child or their family had received supportive services after their parent's incarceration. More research must be done that explores the potential effects of age at separation, compares the effects of primary or sole caregiver versus non-residential parental incarceration, considers the nature of the parent-child relationship prior to separation, examines informal and formal caregiving

⁸ Of note, this meta-analysis did not include a large study published in 2013 by Jones and colleagues that compared the experiences of children with incarcerated parents from four countries. This study, which collected mental health assessments from 730 children and compared them to normative population samples, concluded that "children with imprisoned parents as a group are at a significantly greater risk of suffering mental health difficulties than children who do not have parents in prison" (Jones et al., 2013: 85).

placements that result from incarceration, and contemplates factors involving supportive programming following separation before concluding that parental incarceration has limited effects on a developing child's mental health, educational success, and antisocial behaviour.

In one of the more methodologically strong studies, Murray and Farrington (2005) determined that exposure to parental incarceration before the age of 10 years old had a negative influence on behavioural outcomes through to adult middle age amongst participants in their longitudinal study. Specifically, in their sample of over 400 youth, 71% of boys who had experienced parental incarceration before 10 years of age exhibited antisocial behaviour, including delinquency, violence, drug use, excessive drinking, heavy gambling, unstable employment, and irresponsible sexual activity, by age 32 compared to only one-fifth (19 per cent) of boys who had not been separated from a parent. Importantly, Murray and Farrington (2005) also distinguished between children separated from a parent before the age of 10 years old for a variety of reasons (death, separation/divorce, hospitalization), as well as those never separated from their parents and those whose parents were incarcerated only before their birth. They concluded that children separated due to parental imprisonment were at much higher risk of future criminal justice system involvement than children separated from a parent for other reasons, those never separated, or whose parents were incarcerated before their birth. They speculated that this risk resulted from reduced family income that led to poverty, reduced quality of parental care, and stigmatization towards the family. Huebner and Gustafson (2007) obtained similar results with a sample of over 1,600 young adults. After controlling for typical risk factors, including having a young mother and being brought up in an adverse environment, adults whose mothers had been incarcerated during their childhood were at a higher risk of involvement in the criminal justice system as adults than youth who were separated from their mothers due to other situations.

Less methodologically advanced studies have been conducted in Canada. A 2007 Canadian study estimated that children of federally sentenced fathers were between two and four times more likely than the general population of Canadian children to be in conflict with the law (Withers & Folsom, 2007). This study involved 534 federally incarcerated men in Ontario, slightly over half (53 per cent) of whom were fathers of children under the age of 18 (Withers & Folsom, 2007). In total, these 282 men were fathers to 595 children, nearly one-in-ten of which had a negative contact with the criminal justice system. While this number may seem relatively small, it is important to note that two-thirds (65 per cent) of these children were under the age of 10 years and, therefore, would have had a limited opportunity for being in conflict with the law at the time of the study. Indeed, a separate Canadian study by Cunningham and Baker (2003) with 40 provincially incarcerated women reported that half of their adolescent children had already been in youth custody. This larger estimate may be a result of the heightened risk faced by children with incarcerated mothers, especially given that over half (60 per cent) were the primary or sole caregiver for their children at the time of their incarceration.

Children who previously experienced parental incarceration exhibited significantly more adjustment problems when in prison themselves compared to inmates who had never experienced parental incarceration (Novero et al., 2011). Specifically, second-generation inmates self-reported significantly more anger and prison violence and were significantly more likely to engage in institutional misconduct than first-generation inmates. These adjustment issues were even more prominent for inmates who had experienced maternal incarceration suggesting that children who have experienced the incarceration of their mother are at greater risk of negative future outcomes. Thus, there is arguably a significant societal

interest in carefully examining the effects of incarceration on children and, in particular, the effects of maternal incarceration, in order to prevent the onset of antisocial behaviours, including inter-generational criminality.

Children with Incarcerated Mothers

Children whose mothers have been incarcerated face even more risk of future psychological, behavioural, and social problems when compared to children with incarcerated fathers. According to Trice and Brewster's (2004) small study of 58 youth whose mothers were incarcerated, educational problems were common. Specifically, as compared to their peers, they were four times as likely to be suspended, three times more likely to be chronically absent from classes, nearly four times as likely to fail classes, and over one-third (36 per cent) had dropped out. It should be noted that some research suggests that these troubling behaviours often existed prior to the separation from and incarceration of the mother, although separation from the parent may amplify their expression (e.g. Hissel, Bijleveld, & Kruttschnitt, 2011; Jones et al., 2013). However, very few studies on this issue have been conducted using longitudinal data, which would allow for determination of the age of onset and change in expression of such problems. Yet, although Trice and Brewster's (2004) study was conducted with a small sample of youth, their results implied that at least some of these problem behaviours were affected by the nature of the living situation post-incarceration, suggesting that for some children of incarcerated mothers, problem behaviours may not appear until after the separation and may therefore be dependent upon the nature of the response to the separation from the mother. Specifically, the family environment in which the youth was living had a significant influence on certain outcomes, as youth living in homes with family members, especially those having rules in place, were less likely to exhibit such negative educational issues. In contrast, youth placed in foster care were much more likely to drop out of school (Trice & Brewster, 2004). The nature of the home environment was also an important factor in Poehlmann's (2005) research. In her study with 54 children between 2.5 and 7.5 years old when their mother was incarcerated, nearly two-thirds (63 per cent) exhibited an insecure attachment to their mother and to their other caregivers; however, children were more likely to have a secure attachment if they were older at the time of separation, if they reacted to the separation from their mother with sadness rather than anger, and if there was stability in their caregiving. These latter findings are particularly important in terms of prevention and supports given that children are much more likely to be displaced from the family home following a mother's incarceration than a father's incarceration. These findings are also important in terms of developing evidence-based criminal justice policies emphasizing the use of alternatives to incarceration, especially in relation to sole or primary carers with young children.

Female prisoners are more likely than male prisoners to report being the primary caregiver for their child(ren), and many are also the sole caregiver (Eljdupovic-Guzina, 1999; Withers & Folsom, 2007). Although a recent study using a small sample of children (n=68) in the Netherlands found that a large minority (40%) of children with an incarcerated mother were already living apart from their mother at the

time of her incarceration (Hissel et al., 2011)⁹, given that mothers are typically the primary caregivers, her incarceration can trigger an accumulating array of risk-factors as her children are more likely to be placed in government care (Eljdupovic-Guzina, 1999; Vis-Dunbar, 2008; Withers & Folsom, 2007). Thus, compared to children with an incarcerated father, those with an incarcerated mother are more likely to face short or long-term care placements into foster care, including multiple moves between foster care placements, as well as potential termination of parental rights and adoption or placement into group homes, and possible separation from siblings (Eljdupovic-Guzina, 1999; Jose-Kampfner, 1995; Withers & Folsom, 2007). Even when placed with extended family members, these children continue to face greater emotional and psychological risk due to the uprooting they are likely to experience from their familial home, neighbourhood, and school.

Alarming, in one Canadian study, 83% of 45 provincially incarcerated women reported that when they were arrested, they had no time to arrange appropriate care for their child (Cunningham & Baker, 2004). Some left their children with neighbours or their partner; others called a family member. Equally distressing, nearly one-third of these women did not know whether the current caregiver was actually a safe caregiver. This was also reported by Jose-Kampfner (1995) who found that mothers were more likely to leave their children with someone familiar to them, even if they were not happy with the quality of care that the caregiver would provide. Although Section 27(1)¹⁰ of British Columbia's *Child, Family, and Community Service Act* lays the groundwork for police to take control of a minor when their parent is arrested and when there is no appropriate caregiver, it is not clear how often this occurs. Further, although British Columbia's *Child, Family, and Community Service Act*¹¹ explicitly states that 'children are entitled to be protected from abuse, neglect and harm or threat of harm' (Section 2a), that 'a family is the preferred environment for the care and upbringing of children...' (Section 2b), and that a child needs protection if their 'parent is unable or unwilling to care for the child and has not made adequate provision for the child's care' (Section 13.1[h]), given that no official protocols appear to be in place for supporting children with incarcerated parents, these children are likely placed at unnecessary risk for emotional, if not physical, harm when their primary caregiver is arrested and child care decisions are made without consideration of the child's best interests, including the quality of the home environment or the safety of the child. These preliminary findings are significant in terms of developing evidence-based policies that enable primary and sole carers who are arrested, detained and/or imprisoned sufficient time to make proper care arrangements for their children. Of note, the International Association of Chiefs of Police (2014) recently released a model policy for use by police agencies to minimize harm on dependent children when placing a caregiving parent under arrest.

⁹ This source also cites Mumola's (2000) earlier finding in the United States that "one-third of ... mothers did not have a care-giving role in their children's lives at the time their detention began" (Hissel et al., 2011: 348).

¹⁰ This section states "a police officer may, without a court order, take charge of a child if the police officer has reasonable grounds to believe that the child's health or safety is in immediate danger". Further, Section 14(1) states "a person who has reason to believe that a child needs protection under Section 13 must promptly report the matter to a director or a person designated by the director".

¹¹ Of note, British Columbia also has a *Family Law Act* which acknowledges that the best interests of children must be considered when making decisions regarding their care and which notes that "an agreement or order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being." (Section 37(3)).

While the majority of children in care do not end up in the youth justice system, being placed in care often raises or exacerbates the risk of dropping out from high school, homelessness, mental health issues, and antisocial behaviours (Provincial Advocate for Children & Youth, 2012; Representative for Children and Youth, 2009). At the very least, children who are removed from their home as a result of parental, or more specifically maternal, incarceration are likely to experience residential and familial instability, possible separation from siblings, and uncertainty as to their future. Unfortunately, in Canada generally and in British Columbia specifically, there are very few services in place to help such children. As a result, these children are at an increased risk of being incarcerated from a young age (Bayes, 2007, 2008b, 2011; Cunningham & Baker, 2003; Withers & Folsom, 2007). To avoid increasing criminal justice system costs, British Columbia must introduce evidence-based services and programs designed to support children during these traumatic life experiences and reduce their likelihood of becoming the future population of youth in custody and adults in prison.

The Canadian Position on Children with Incarcerated Parents

The Size of the Problem

Official statistics on the numbers of incarcerated adults with children under the age of 18 have never been routinely collected in Canada, so the true size of this group is currently unknown. However, some estimates have been made by multiplying the average number of children reported by Canadian prisoners by the daily counts in Canadian prisons. Generally, over half of federally incarcerated adults report being parents of children under the age of 18, although the proportion increases for females generally, and Aboriginal women particularly (Barrett et al., 2010; Eljdupovic-Guzina, 1999; Vis-Dunbar, 2008; Withers & Folsom, 2007). Unfortunately, incarceration rates have generally been increasing over the past decade in Canada, particularly for women, implying that the size of this affected population is increasing (Babooram, 2008; Public Safety Canada, 2012; Sapers, 2013; Statistics Canada, 2013).

The majority (62 per cent) of offenders under federal jurisdiction are incarcerated (Public Safety Canada, 2012). In the 2011/2012 reporting year, there were nearly 15,000 incarcerated federal offenders (Public Safety Canada, 2012; Statistics Canada, 2013). Maintaining a prisoner in federal custody incurs significant costs. On average, the yearly cost of incarcerating an offender in a federal institution is \$214,614 for women, and \$111,042 for men. Supervising an offender in the community is substantially cheaper, at approximately \$31,148 a year (Public Safety Canada, 2012). In 2011/2012, slightly more than a third (38%) of federally sentenced offenders were serving their sentence under supervision in the community. Of those in the community, more than one-third (38 per cent) were on full parole while 30% were in the community due to statutory release. Slightly more than one-in-ten (13 per cent) federal offenders under supervision in the community were released on day parole (Public Safety Canada, 2012). Importantly, Zinger (2014) recently observed a shift in confinement patterns for federally sentenced women, noting that while historically more women have served their sentence in the community, this pattern shifted in 2010 to reflect a higher proportion of incarcerated female federal offenders, a trend which has remained stable ever since. Yet, only one-tenth of these women are held in maximum security facilities with most being held in medium (44 per cent) or minimum (35 per cent) facilities (Zinger, 2014).

Although the rate of sentenced offenders in provincial/territorial custody decreased between 2002/2003 and 2008/2009, the percentage of those held in pre-trial detention (remand) increased 55% and since 2005/2006, the number of Canadians incarcerated due to pre-trial detention has exceeded the number of Canadians in custody serving a sentence. Custodial sentences in Canada tend to be quite short. Over half (53 per cent) of custodial sentences for adults are one month or less. Importantly, two-thirds (67 per cent) of convicted women receive a sentence of one month or less, while another one-quarter are given a sentence between one and six months. Only 2% of women convicted of a crime in Canada receive a federal sentence (Public Safety Canada, 2012). However, this is more likely to occur for Aboriginal women, as well as Aboriginal people generally, as they have historically been overrepresented in Canadian correctional institutions and are more likely than non-Aboriginal women to receive a federal prison sentence than community sentence (Barrett, Allenby, & Taylor, 2010; Eljdupovic et al., 2013; *R v. Gladue*, 1999; *R v. Ipeelee*, 2012; Sapers, 2013)¹². For example, in 2012, although Aboriginal people represented approximately 3% of the Canadian population, over one-quarter (27 per cent) of adults in provincial/territorial custody (jails) were Aboriginal, as were one-fifth of those in federal custody (prisons) (Dauvergne, 2012). Over the past five years, the federal offender population has grown by 7%; this growth was primarily driven by an increase in federally incarcerated Aboriginal offenders (46.4 per cent generally and 80 per cent for Aboriginal women specifically), as well as a 75% increase in the proportion of other minority groups (primarily Black and Asian), while the rate of federal incarceration of Caucasian offenders decreased (Sapers, 2013).

Aboriginal women are particularly overrepresented in custody (Babooram, 2008; Sapers, 2013) and they are not only more likely than the rest of the Canadian female population to have children, but also to have a greater number of children (Solicitor General Canada, 1996). Given these increasing incarceration rates, as well as the increasing rate of incarceration for ethnic minorities, especially Black persons, who constitute “one of the fastest growing sub-populations in federal corrections” (Sapers, 2013: 9), it is vital to design and implement targeted and culturally-sensitive interventions to prevent the continuation of the criminal justice cycle. Of note, the increasing size of the foreign-born population may pose another key challenge, given the potential dislocation of children from their parents when their parents are deported following release from prison.

While these statistics provide some insight into the potential size of the population of children separated from their parents due to incarceration, it is important to note that the available data are now several years old, with the most recent published statistics coming from 2011/2012. It is unfortunate that there has not been a more concerted effort to establish the size of the current population of at-risk children due to parental incarceration. Importantly, during their intake process the Correctional Service of Canada collects some information regarding children of inmates as incoming inmates undergo an assessment using the Dynamic Factor Indicator and Analysis Revised interview in which some questions focus on parenting skills (Brown and Motiuk, 2005). Specifically, an indicator regarding parental responsibility notes whether the offender has dependent children, how often they see those children, and who is currently looking after them. Therefore, it appears that there should be currently available data regarding

¹² The reasons for the over-representation of Aboriginal persons are multifaceted and complex. The specific impact of this trend on Aboriginal families and their children should be the focus of future Indigenous-led research.

the number of children separated from a parent as a result of federal incarceration, but that this information has not yet been collated. A further limitation regarding research in this area is that estimates of the size of the affected population have been produced considering only the adult offending population and have disregarded the fact that youth in conflict with the law may themselves be parents of young children. Given the lack of currently available data and the failure to include the population of incarcerated youth in previous research into this issue, it is difficult to assess the size of the current affected population of children separated from their parents as a result of parental incarceration. Yet, as Withers acknowledged, “supporting and engaging the family as a factor in desistance and successful conditional release is crime prevention” (2003:10). Such methods of support may include facilitating visitation and communication among incarcerated parents and their children, greater use of non-custodial sentences for non-violent offenders, and better training for professionals working in related fields.

Contact with Incarcerated Parents

Despite the availability of visiting programs in provincial and federal Canadian institutions, communication between an incarcerated parent and their child is relatively infrequent. Although more than half of fathers (60 per cent) in Withers and Folsom’s (2007) Canadian study were living with their children at the time of their incarceration, three-quarters had not seen their children since their incarceration or had seen them only very infrequently (Withers and Folsom, 2007). Similarly, a recent review of previous research concluded that only one in five incarcerated women visited weekly with her children (Derkzen & Taylor, 2013). Unfortunately, this statistic is similar to Blanchard’s (2004) earlier conclusion using data collected between 1999 and 2000 that prison visiting programs were only utilized by one-quarter of incarcerated mothers and Barrett and colleagues (2010) finding that approximately one-third of federally incarcerated women with children experienced little to no contact with their children during incarceration, while under half had regular (weekly) contact, primarily through phone calls and letters. These issues are significant as research consistently concludes that regular visits with an incarcerated parent, especially when that parent is the mother, can be extremely beneficial to both the parent and child and can reduce the risk of reoffending and future re-admission to custody (Bales & Mears, 2008; Derkzen et al., 2009; Fishman, 1983; Trice & Brewster, 2004).

Visitation is difficult to regularly achieve in Canadian prisons and jails for several reasons (Blanchard, 2004; Cunningham & Baker, 2004; Knudsen, 2011). Although the federal and provincial legislative framework for corrections generally promotes visitation for incarcerated offenders, Canadian legislation does not consider the special needs of minor children. For instance, the 2004 *Correction Act* in British Columbia does not acknowledge the special considerations children should be accorded when visiting their parent(s) in jail, including minimally intrusive searches when possible, child-friendly settings, visiting times that are considerate of school hours, allowances for physical contact between parent and child, and support for travel to and from the institution. As a result, many children find visiting their incarcerated parent frightening, stressful, and, at times, humiliating, given the possibly intrusive security checks, long waits, visits behind glass, lack of access to food or toilets, and travelling for a visit only to be turned away due to a security flag, inappropriate dress, or an institutional/inmate incident (Bayes, 2011; Hairston, 2007; Nesmith & Ruhland, 2008; Poehlmann, Dallaire, Loper, & Shear, 2010). In addition, federal prisons, and those incarcerating females in particular, are often located at a great distance from the

offender's residence making visitation costly and time consuming. Visiting a parent in jail or prison may also mean that the child has to miss school. Furthermore, the ability to visit a parent may be limited by the security level of the institution. This is a particular problem for Aboriginal women as they are more likely to be held in higher security institutions (Wesley, 2012). Given these challenges, either the incarcerated parent or the current caregiver may decide to restrict visitation due to the potential negative psychological after-effects. Moreover, the incarcerated parents themselves may limit or prevent visitation from their children for a variety of reasons, such as the desire to hide their current situation from their children or because they find the visits emotionally upsetting.

The Expertise of Support Workers

Remarkably, although social workers, child and youth care workers, and teachers are among the professions most likely to play a supportive role for this group of at-risk children, they are not systematically notified upon the arrest/incarceration of a parent. While police officers may notify child services upon the arrest of a parent of a minor, this is only specifically mandated under British Columbia's *Child Family and Community Services Act* if the officer believes that the child is at risk of immediate harm. Thus, children may 'fall through the cracks' immediately upon the arrest of their parent, particularly when that parent is the primary caregiver and the child is unofficially placed with what may be inappropriate or even dangerous caregivers (Cunningham & Baker, 2003). Through consultations with British Columbia police officers, community organization workers, and government agency employees, it appears that willingness to share information regarding the arrest or incarceration of a child's parents is restricted due to concerns that this situation will not meet the threshold provided for disclosure of personal information as stated in British Columbia's *Freedom of Information and Protection of Privacy Act* (FOIPPA). Rather, the expectation is that the child or their non-incarcerated parent self-disclose the situation and the need for support.¹³

Unfortunately, even if there were more systematic protocols in place to guide the notification of support workers, such as social workers, child and youth care workers, and teachers, these professionals have received little to no training in this area. In preliminary consultations with related fields, the majority of Canadian colleges and universities responding to an inquiry regarding the extent to which children with incarcerated parents are a discussed topic in their curriculum indicated that this topic was rarely addressed and if addressed, was not usually done systematically or comprehensively but based on the individual expertise and interest of an instructor.¹⁴

Programs and Services for Children with Incarcerated Parents

The incarceration of a parent triggers a series of emotional, psychological, physical, and behavioural concerns for children. Ideally, supportive programs and services should activate immediately upon the

¹³ Data on file with author.

¹⁴ Data on file with author.

arrest and remand of a parent, and should continue through the duration of their incarceration and into post-release. At a minimum, programs and services designed to maintain regular verbal and physical communication between child and incarcerated parents, when in the child's best interests, should be offered, as should debriefing services following visitation. Mentorship programs that help children navigate through these difficult life periods would also be extremely beneficial in lowering tendencies to suppress feelings and fears. Notification systems that activate supportive services, such as professional intervention and mentorship support, should be in place and clear information sharing protocols should guide this notification process. Unfortunately, none of these services or programs is consistently available in British Columbia, and very few of these services and programs are consistently available across Canada. In the following section, several successful currently running programs in and outside of Canada are briefly described.

Canada

A limited number of programs and services are currently operating in Canada for children with incarcerated parents.¹⁵ These programs tend to be run by non-profit agencies, such as the Canadian Families and Corrections Network (CFCN), Elizabeth Fry and John Howard Societies, Prison Fellowship Canada, and F.E.A.T. (Fostering, Empowering, Advocating, Together) for Children of Incarcerated Parents. These programs typically struggle to obtain sufficient funding for programs dedicated towards children with incarcerated parents, resulting in programs being inconsistently available across the country. Some of these programs support visitation or communication between the parent and child, while some more recently developed programs offer reintegration services and support services through group activities.

Research generally supports the positive effect that visitation has on psychosocial outcomes for children of prisoners (Fishman, 1983; Trice & Brewster, 2004; Derkzen et al., 2009; Derkzen & Taylor, 2013), although these benefits may depend on the age of the child and their ability to cope with the possible trauma of visiting their parent at a correctional institution or prison, as well as with the degree of child-friendly policies and practices that are in place (e.g. Fishman, 1983; Poehlmann, 2005b). Unfortunately, as discussed above, in Canada generally and British Columbia in particular, visitation is often difficult to accomplish on a regular basis for reasons including limited access to temporary absence passes and private family visits, the distance of families from the institution, the costs of transportation to the institution, the negative emotional and psychological states or behaviours in children following prison visits, and caregiver unwillingness to take the child to visit the incarcerated parent (Barrett et al., 2010; Jenner, 2009; Knudsen, 2011). To clarify the processes involved, several non-profit agencies, including the CFCN, the Elizabeth Fry Society, and the John Howard Society, provide family members with resource materials explaining the legal system, the prison environment, what to expect when visiting an inmate, and what to expect during reintegration into the community. CFCN also operates Visitor Resource Centres in four prisons where families visiting a prisoner can relax before and after the visit, and be provided with information on what to expect during their visit. While a fifth Centre located at

¹⁵ Data on file with author.

Kingston Penitentiary was recognized as a correctional best practice by the International Corrections and Prisons Association, Kingston Penitentiary was closed in 2013.

While visiting resources and centres can be helpful in providing information to families about what to expect during the visit, these services are not useful if families cannot participate in visits due to reasons including a lack of transportation and a lack of affordable short-term family housing proximate to a correctional institution or prison. Unfortunately, there appear to be virtually no services currently operating in British Columbia that provide assistance with transportation. Although the John Howard Society of the Fraser Valley operated a Family House (Sylvia's House) in the Fraser Valley, which provided short-term residence for up to 10 people during visitation with inmates at federal institutions along with a fenced-off play area for children, this program is no longer operational. Limited services are provided elsewhere in Canada. For instance, F.E.A.T. provides free (for minors) weekly transportation for children and their caregivers to institutions in four areas of Southern Ontario and will also provide assistance in completing the necessary paperwork for visitation (<http://www.feaforchildren.org/>). During the bus ride to the institution, children are provided with refreshments, activities, and toys, including a teddy bear for emotional comfort, and mentors who ride along on the bus to discuss what to expect during the visit. On the bus ride home, the children are encouraged to discuss their experience and resulting feelings with the other children and caregivers, as well as with mentors, and they can draw pictures or write letters to assist in saying goodbye that F.E.A.T. can send back to the incarcerated parent.

While Corrections Canada, which houses inmates who received a prison sentence of two years or more, promotes visitation between an incarcerated inmate and their family, it should be noted that with the exception of the Mother-Child program, they do not operate child-specific programs; rather, these programs are open to participation by children, as well as other family members. One option involves the Private Family Visiting program where children and their non-incarcerated family member(s) can visit with the incarcerated parent for up to 72 hours at a time (e.g. a weekend visit) once every two months (Correctional Service Canada, 2012). The visits occur in a private cottage on the institutional grounds (Barriault, 2010; Knudsen, 2011). Unfortunately, structural issues, such as delays in being approved for these visits, high rates of applications, and other staff responsibilities that lead to staff shortages mean that federal visitation programs, including Private Family Visits, Family Days, and temporary absences through escorted or unescorted absences, appear to be used by less than one-fifth of incarcerated mothers (Barrett et al., 2010). Further, while Canadian federal prisons often provide child-friendly settings for visits, including play areas and toys, and the occasional Family Day, provincial jails typically do not offer such child-friendly services, which not only significantly reduces the quality of the parent-child interaction, but can result in a harmful visiting experience for the child (Bayes, 2011; Knudsen, 2011). These issues are all compounded by the fact that there are few federal prisons available for women in Canada, meaning that incarcerated mothers and in particular, Aboriginal mothers living on reserve territory, are often held at great distance from their children. While there are a larger number of federal prisons for male offenders, Canadian federal corrections has recently seen an increase in inter-regional transfers as a result of growing prison population sizes (Sapers, 2013), which increases the likelihood that an incarcerated parent will be held in a location at a substantial distance from their child(ren).

Although the Mother-Child program, where young children can live in the institution on a full- or part-time basis with their mother, is available in all federal regional institutions housing women, the program is greatly underutilized (Barriault, 2010; Barrett et al., 2010; Shingle, 2014). While a study between 2007

and 2008 with federally incarcerated adult women did not report how many women across the country were able to apply, only ten women had participated in the program (Barrett et al., 2010). Between 2008 and May 2014, only 14 children participated in the program and only eight of those participated full time (Shingle, 2014). As of May 2014, only two children were participating in the program, both on a part-time basis (Shingle, 2014). Importantly, in 2008 the federal government made several changes to the regulations for this program, including what kind of inmate qualified for its use. These changes appear to have made the program even more difficult to access, as it denied participation to women convicted of a serious crime involving violence, children, or a sexual crime, reduced the maximum age of participation for the child from 12 to five years old, and required local Child and Family services to support the inmate's application (LaBoucane-Benson & Van Dietsen, 2013). Given these restrictions, over the past several years the Mother-Child program at the federal level has only been active in one (Joliette) female penitentiary (LaBoucane-Benson & Van Dietsen, 2013). However, in 2014 the Correctional Service of Canada announced their intention to expand the program through the addition of new rooms specifically for use by incarcerated mothers (Shingle, 2014).

At the provincial level, although a Mother-Baby program was available since 2005 in one British Columbia provincial correctional centre for women and was used by nine of 13 mothers who gave birth in custody, it was closed in 2008, leading to the separation of at least one infant from its mother and the placement of other children with relatives or government care (*Block v. British Columbia* [Minister of Public Safety], 2012; Granger-Brown et al., 2012). Of note, a legal challenge seeking to establish the constitutional right that both mothers and infants have to remain together during the mother's incarceration recently proceeded through British Columbia Supreme Court with the decision ultimately chastising the BC Corrections Branch for its ill-informed decision to cancel the program, based solely on the conclusion that children were not within its mandate, and noting that the available research literature does not question *whether* mother-child programs should exist, but explores instead what shape they should take (*Inglis v. B.C. [Minister of Public Safety]*). While noting that the decision to allow a child to remain in an institution with their mother should be made considering the best interests of the child, the judgement specifically found that the decision to close the program violated the *Canadian Charter of Rights and Freedoms*, specifically, Section 7, the right to security of person and liberty and Section 15, the right to equality. In addition to recognizing provincially sentenced mothers and their children as 'members of a vulnerable and disadvantaged group', the judgement noted that the decision to close the program violated international human rights agreements to which Canada is party, which together imply that:

"a) ...the family [i]s the fundamental social unit and as such is entitled to protection by the state; b) that special protection should be afforded to mothers, before and after childbirth, and children; c) that the best interests of the child shall be a primary consideration in all actions taken by the state concerning children; d) that a child shall not be separated from his or her parents against their will except with due process and where it is necessary in the best interests of the child; e) that except for those limitations that are demonstrably necessitated by the fact of incarceration, incarcerated parents retain their residual rights and freedoms; and f) that the state's responsibilities with respect to prisoners shall be discharged in keeping with its fundamental responsibilities for promoting the well-being and development of all

members of society.” (*Inglis v. British Columbia (Minister of Public Safety)*, 2013: 9, 12).

The provincial government elected not to challenge the legal decision and the institution has now re-established the program (British Columbia Ministry of Justice, 2014).

The separation of mothers and their infants means the denial of several important benefits, including promotion of an emotional attachment between mother and child, psychological health for mother and baby, and health benefits that are accrued through breastfeeding. Still, decisions about whether to use mother-child program must be made with the best interests of the child in mind and whether a correctional institution or prison is the best environment to promote the development of infants is debatable, particularly when those institutions lack child-friendly facilities (Bayes, 2008a). Thus, the use of alternatives to custody that allow convicted women to reside with their children in the community while serving their sentence should be further explored from an applied research and policy perspective, particularly since sentences for women tend to be quite short. Federally, there are some halfway houses available where women serving the remainder of their sentence in the community can have overnight visits with their children, as well as community residential facilities where women on parole can reside with their children (LaBoucane-Benson & Van Dieten, 2013). However, it should be noted that at this time, statistics regarding the number of women under a federal community supervision order who are living with their children or who are using the extended visitation while in the community are not publicly available (LaBoucane-Benson & Van Dieten, 2013). Housing for convicted women with children is also provided in several provinces/territories by non-profits, including Elizabeth Fry and John Howard yet, again, their frequency of use is not publicized.

Alternatives to physical visitation include virtual visitation and telephone communication. The Okimaw Ochi Healing Lodge in Alberta is currently piloting a video-conferencing visitation program that uses Skype to connect incarcerated mothers with their children. LaBoucane and Van Dieten (2013) noted that while the pilot of this program appeared to be successful, its continued use and/or expansion to other institutions had not yet been determined. It should be noted that this program would also offer important benefits over telephone communication, which is currently used as a substitute form of communication for many incarcerated parents, given that the high costs of phoning home can result in limited contact, particularly for incarcerated women, as they have fewer prison work placement opportunities than men (Sapers, 2013).

A final form of communication with children involves programs where incarcerated parents can tape themselves reading a book to their child, which is sent to the child to listen to. This program appears to be available in several institutions across Canada, including British Columbia. Although anecdotally successful, their success in maintaining the relationship between parent and child has not been evaluated and the program generally appears to be underfunded and, at times, underutilized (Barrett et al., 2010, Chadwick, 2012). Similarly, parenting courses may be offered in a limited fashion in Canadian federal prisons (Jenner, 2009; Jespersen, 2006). Elizabeth Fry of Greater Vancouver offers incarcerated women at Fraser Valley Institution a six-week parenting program where mothers are taught the importance of mother-child attachments, early infant development, and prenatal care. Several non-profit operated programs are available across Canada for fathers; however, these programs do not appear to have been evaluated for success in their teaching of parenting skills or their ability to promote a positive relationship

between an incarcerated parent and their child. It should be noted that the extent to which parenting programs could be beneficial for incarcerated parents has not been established in Canada. An incarcerated parent is not automatically a bad or incompetent parent; however, given the often traumatic circumstances in which they themselves were raised, they likely face more challenges in developing good parenting skills than the average parent would. It would therefore be beneficial to evaluate the general parenting strengths and weaknesses of incarcerated parents to determine the need for and nature of parenting programs in prison.

The release of a caregiver from incarceration can trigger a traumatic response in their children, including feelings of fear and guilt. It is extremely important that families receive supportive services at the reintegration stage of the criminal justice system process to help them navigate this very emotional process. Although offenders may be provided with some degree of reintegrative services through parole officers, and some families may benefit from the use of Community-Based Residential Facilities (although these numbers are unknown according to LaBoucane-Benson & Van Dielen, 2013), generally there has been a lack of services provided to families. However, the CFCN recently piloted two reintegration programs for the families of male and female federal inmates (Withers, 2012). The Family Group Decision-Making for Reintegration program for men was piloted at two institutions in Quebec. In this program, families participated in family group conferencing with their incarcerated family member in which they discussed the reasons behind their family member's crime and assisted in the preparation of a reintegration plan for their incarcerated family member. The family was then mentored by a team for up to one-year post release (Withers, 2012). Although estimates suggest that between 15% and 19% of offenders released from federal custody will re-offend in their first year even while under supervision (Bonta, 2003), encouragingly, a small follow-up study with 27 program participants found that none had been reconvicted within the two years following their release. However, it is important to note that only two men in the control group of 22 had been convicted, thus the recidivism rates did not statistically differ by group (Withers, 2012).

In a separate program for federally incarcerated women at two institutions, the Community Family Liaison Worker (FLW) provided women with continuing multi-level support between custody and community as she developed a family reintegration plan based on an understanding of the women's personal strengths and weaknesses and her specific family dynamics (Withers, 2012). A small follow-up study indicated that this program was successful in reducing re-offending, as only 5% of women completing this program were convicted of a new offence within two years following release, compared to over one-quarter (29 per cent) of women who did not participate in the program (Withers, 2012).

Outside of visitation and reintegration support for the families of an incarcerated parent, children themselves are in specific need of supportive services to help them adjust to the emotional, social, economic and physical challenges faced when they are separated from a parent due to incarceration. Unfortunately, it appears that only one currently operational program exists in British Columbia to directly provide support to children whose parents are incarcerated.¹⁶ In response to the lack of available

¹⁶ Other programs, such as Kinnections Youth Mentorship Program, may be available to children of incarcerated parents, but are not specifically targeted towards this group. These children need to meet other requirements to

programming in British Columbia, the JustKids initiative for children with incarcerated parents was recently created by the Elizabeth Fry Society of Greater Vancouver. The programs operating under this initiative include Summer Camps, where children between six and nine years of age can attend a week-long camp with other children of incarcerated parents and learn coping skills while engaging in social activities, and the Saturday Club, where children can spend their Saturdays playing with other children of incarcerated parents (www.just-kids.ca/breakingthelegacy.html, 2011). Elsewhere, in Ontario, F.E.A.T. provides an after school program for children 18 years of age and younger who are affected by incarceration (<http://www.feaforchildren.org/>). Younger children participate in creative and athletic activities with peer mentoring services, while older children participate in group discussions with other affected children where their experiences, feelings, and coping strategies are discussed. To facilitate program uptake, F.E.A.T. transports children to and from the program from certain areas within the city of Toronto. Across Canada, Prison Fellowship Canada operates the national Angel Tree Camping and Christmas programs. As Prison Fellowship Canada is a religious organization, children with an incarcerated parent are sent to Christian camps across Canada. It should be noted that these camps are not specific to children with incarcerated parents and, although they provide children with an opportunity they would not otherwise have (as many cannot afford going to camp otherwise, subsidies of varying levels are provided and volunteers drive children to and from the camp), the children do not receive services specific to supporting their struggles with an incarcerated parent, such as counselling or group discussions. In the Christmas program, volunteers deliver gifts funded by donations that are provided in the name of their incarcerated parents to children currently affected by parental incarceration.

The above three organizations appear to be the only agencies in Canada delivering supportive programming directly to children affected by their parent's incarceration. It should be noted that the Canadian Families and Corrections Network (CFCN) offers several resources for families, including a storybook about a child visiting a father in custody and a guide for incarcerated fathers to support their continued involvement with their children (<http://www.cfcn-rcafd.org/#story5>). Previously, one other national non-profit organization piloted a mentoring program specifically for children with incarcerated parents. Unfortunately, this pilot was largely unsuccessful, generally due to the inability to identify those in need of services. Jointly funded by the National Crime Prevention Centre (NCPC) and the Correctional Service of Canada (CSC), Big Brothers Big Sisters (BBBS) piloted a mentoring program for the children of incarcerated parents between 2006 and 2009. Guided by a national advisory council, the project was piloted by BBBS in Edmonton (Mentoring for Children of Incarcerated Parents) and BBBS in Saskatoon (Momentum). Three other pilot sites (Prince Albert, Winnipeg, and Vancouver) had their funding withdrawn in the first year due to difficulties establishing eligibility criteria and matching the children of incarcerated parents with mentors. The project was modelled after similar programs in the USA, including the Amachi program, to be discussed below. The project reflected the rationale that children benefit from spending time with positive adult role models while recognizing that the children of incarcerated parents, depending on their stage of development and relation to an incarcerated parent, face unique challenges and are potentially at heightened risk for several adverse consequences ranging from negative emotions to financial hardships, family instability, and an increased likelihood of future criminal behaviour. For the

qualify for this support, such as being in the formal care of the government (<http://www.mcf.gov.bc.ca/foster/kinnections.htm>).

participating children, the pilot mentoring program was expected to produce several positive short, medium, and long-term outcomes. These anticipated outcomes included increased school attendance and retention, decreased anti-social behaviour, improved self-esteem, improved social and communication skills, improved peer and family relationships, and increased connectedness to the community. The pilots were also expected to improve the confidence of volunteer mentors, stakeholder referral capacity, and parental understanding of community supports.

Mainly focusing on the Edmonton participants, a two-year external program evaluation was conducted by PRA Inc. Research and Consulting using key informant interviews (60 interviews with 63 interviewees) found the program to be effective in producing many of the intended outcomes for participating children (improved self-esteem, sense of future, decision-making, behaviour, academic performance). The evaluators concluded that this type of program was needed and that a separate mentoring program for the children of incarcerated parents was warranted, despite concerns about the potential stigmatization of participating children. At the same time, the program evaluators acknowledged the primary challenge of identifying and recruiting the children of incarcerated parents, with neither site reaching its target matches. The difficulties encountered in recruiting children included geographical barriers where parents in prison are typically located far away from their children, the need to develop stronger relationships with prisons, and the fact that neither the prisons nor schools collect these data on children because of the potential stigma associated with child identification. The evaluators offered a number of practical suggestions to overcome some of these challenges, including the importance of cultivating stronger relationships with prisons and recruiting children through schools when schools can provide safe ways for children to self-identify. A number of recommendations were also made in relation to volunteer mentors; for example, recruiting volunteer mentors from universities and providing mentors with specific training on incarceration and its effects on children and parents (PRA Inc. Research and Consulting, 2009; Shaver, 2013).

While there has been a general lack of policy attention paid to this issue in Canada, a policy advocacy document was developed by CFCN in collaboration with the CSC. This document made several key recommendations to better recognize and serve the population of children with incarcerated parents (Withers, 2003). Unfortunately, a decade later, these recommendations appear not to have been acted on, leaving the issue to be dealt with mainly at the non-governmental voluntary sector level. While Canada has piloted several programs designed to assist children and families with incarcerated loved ones, many no longer exist or seem to exist only on paper. There appears to have been a reduction in service delivery to this at-risk population. On paper, the wide variety of programming seems impressive, including summer or special camps, storybook or reading programs, transportation support, research and advocacy, including handbooks and manuals for inmates and their families, support groups, parenting skills, art play therapy, Christmas gifts and events, and Mother-Child programs. However, since Canada's main specialized programs for children are primarily operated by the voluntary sector, their funding is limited and not guaranteed. Moreover, they are often generally limited geographically to specific provinces/territories and, at times, even to specific areas within a province. Programs offered federally by Corrections Canada, including Mother-Child and parenting programs, include only a very small number of inmates, often due to funding restrictions and staff shortages. Importantly, the existing correctional programs and services supporting the relationship between incarcerated parents and their children primarily operate at a federal level, whereas most sentences in Canada, especially for women, are at

provincial institutions. Thus, while Canadian corrections could improve programs and services for children and families, corrections in British Columbia specifically lag in the programs and services supporting children and their incarcerated parents. Moreover, while visiting resource centres, as operated by the CFCN, help ease the strains of visiting an inmate, these programs are not specifically designed to support the particular needs of children with incarcerated parents. Unfortunately, there is a very limited range of options designed specifically to mitigate risk among children with incarcerated parents and those that are currently operational are not based on long-term sources of funding and are offered inconsistently across the provinces. Thus, given the lack of supportive programming and policies designed to identify and support children whose parents are incarcerated, Canadian provincial and federal governments should look to promising policies, programs, and practices in other countries, including the United States, when considering how to best meet the needs of this vulnerable group of children.

The United States of America

Children with incarcerated parents are a more recognized population in the United States. Several initiatives aim to give greater policy prominence and improve government responses to address the situation of children of incarcerated parents at the federal and state government levels. At the federal level, first published in 1985 and last updated in 2005, the US Department of Justice National Institute of Corrections published a Directory of Programs for Children and Families of Adult Offenders detailing programs and services at the state, federal, and international levels (Mustin, D'Arville, & Schmalz-Riedt, 2005). The National Institute of Corrections has now established a Children of Incarcerated Parents online resource page and, in partnership with the Urban Institute, has created a Children of Incarcerated Parents Project that will examine the effects for children of having a justice involved parent from the point of arrest through to release and reintegration (<http://nicic.gov/coip>). Importantly, given the lack of a similar policy in Canada, the US Department of Justice, National Institute of Justice is compiling police department policies for addressing minor children when their parent or caretaker is arrested or incarcerated (Moses & Girouard, 2005) and is providing funding to the International Association of Chiefs of Police to develop a model arrest protocol and training to protect the wellbeing of children during a parental arrest (<http://www.justice.gov/iso/opa/dag/speeches/2013/dag-speech-130612.html>).¹⁷

At the federal level, the Federal Bureau of Prisons offers a community residential re-entry centre program for low risk female inmates who are pregnant at the time of their commitment, enabling a three-month furlough from prison so that mothers can bond with their newborns before returning to the institution to complete their sentence (http://www.bop.gov/inmates/custody_and_care/female_offenders.jsp). In 2011, the US Government Accountability Office, an independent non-partisan watchdog agency for Congress, developed a series of recommendations for the federal departments of Justice and Health and Human Services to better promote family ties between foster care children and their incarcerated parents, observing that “foster care children with an incarcerated parent are not a well-identified population”

¹⁷ The arrest protocol, Safeguarding Children of Arrested Parents, was released in August 2014 and is available at: <http://www.theiacp.org/Portals/0/documents/pdfs/Safeguarding%20Children%20of%20Arrested%20Parents%20-%20Final%20Web%20v2.pdf>.

(United States Government Accountability Office, 2011:10). Moreover, in 2012, six federal departments (Health and Human Services, Justice, Housing and Urban Development, Education, Agriculture, and Social Security Administration) came together to create a Federal Interagency Working Group on Children of Incarcerated Parents tasked with identifying opportunities to support children and their caregivers (US Department of Health and Human Services, 2013). Notably, the working group developed a toolkit for children in foster care who have a federally incarcerated parent.

Other initiatives have focused on providing strategic public policy guidance to governments to better respond to the needs and concerns of children of incarcerated parents. For example, in 2009, the Council of State Governments Justice Centre, a national non-profit organization supporting evidence-based policymaking at the local, state, and federal government levels, developed an action plan to encourage federal legislators and government leaders to make policy changes to more effectively address the needs of children of incarcerated parents. The report examined a broad range of promising practices and offered more than 70 policy recommendations concerning inter-agency coordination, responses to children during a parent's arrest, parent-child interactions within the correctional systems, support for children in kinship or foster care, and familial, state, and federal income support (Nickel, Garland, & Kane, 2009). In 2009, a report was published for the National Conference of State Legislatures outlining the nature and scope of the situation of children of incarcerated parents and offering policy recommendations to state legislators to improve the lives of affected children by means of interventions at the arrest, sentencing, intake, incarceration, and re-entry phases of the criminal justice process (Christian, 2009).

The issue of children of incarcerated parents re-gained national attention when the American Bar Foundation and the National Science Foundation jointly sponsored a conference at the White House in August 2013. The conference brought together leading academics, practitioners, and policymakers to review current research about parental imprisonment and child wellbeing, identify best practices to improve the situation of children affected by parental incarceration, and develop recommendations for policymaking bodies. Recommendations included expanding school-based services for the children of incarcerated parents and providing better training for judges on the effects of parental incarceration on children, including using sentencing alternatives to incarceration when a non-violent crime is committed and the offender is the sole or primary caregiver. The conference is part of an ongoing research project by John Hagan (Northwestern University) and Holly Foster (Southwestern Law School) on the multi-layered effects of parental incarceration on children, families, and communities (Schlueter, 2013). In an acknowledgment that family relationships are important for successful re-entry into a community and reduction of subsequent recidivism following release from custody, the President included a \$5 million request for funding towards improving parental and family relationships for incarcerated parents in his 2014 budget (Cole, 2013). US Attorney General Eric Holder has also spoken about the collateral consequences of mass imprisonment, including the effects on children, as part of his justice reform agenda.¹⁸

¹⁸ See, e.g., Owens, M.L. (Monday 19 August 2013). Mass incarceration does injustice to millions of American children., *The Guardian*, available: <http://www.theguardian.com/commentisfree/2013/aug/19/mass-incarceration-injustice-american-children>.

At the state level, in 2003 the San Francisco Children of Incarcerated Parents Partnership, SFCIPP, an alliance of service providers, government representatives, and family advocates, drafted a Bill of Rights based on the views of families of incarcerated persons. Revised in 2005, the Children of Incarcerated Parents Bill of Rights broadly outlines a child's rights: (1) to be safe and informed at the time of a parent's arrest; (2) to be heard in relation to decisions affecting the child; (3) to be considered when decisions are made about a parent; (4) to be well cared for in a parent's absence; (5) to speak, see, and touch a parent; (6) to have support during a parent's incarceration; (7) not to be judged, blamed, or labeled because of a parent's incarceration; and (8) to a lifelong relationship with an incarcerated parent (San Francisco Children of Incarcerated Parents, nd). Intended to promote government action, Tennessee adopted a resolution in 2008 urging its state Department of Corrections to address intergenerational crime by integrating applicable Bill of Rights principles. In 2009, the California Senate adopted the Bill of Rights as a resolution, while several other states have implemented some of its principles pertaining to arrest protocols, child friendly visitation, and child welfare interventions (Mangino, 2013). As well, some state governments (California, New Mexico, Oklahoma) have enacted laws to address the needs of children at the arrest and sentencing phases, while other state governments (New York, California, Colorado, and Hawaii) have laws that encourage child-parent relationships during incarceration and re-entry (Christian, 2009).

At least three states (Pennsylvania, Oregon, and Hawaii) have commissioned task forces or expert groups to study the situation of children of incarcerated parents and offer recommendations to policymakers. For example, in 2009, the Commonwealth of Pennsylvania adopted House and Senate resolutions to establish an advisory committee to study the effects of parental incarceration on children and identify gaps in programs and services. The broadly representative 38-member advisory committee met over the course of two years. In addition to visiting state prisons to speak with staff and inmates, two nationally recognized experts appeared before the committee. The 150-page advisory report made comprehensive policy recommendations to the House and Senate concerning the needs of children of incarcerated parents in relation to arrests and judicial proceedings, caregiver and support services, family and corrections interaction, and re-entry and reunification. The report also proposed legislative changes to arrest protocols, *inter alia*, mandating the identification of minor or dependent children on arrest (Joint State Government Commission, 2011). In 2011, Pennsylvania commissioned a Dependent Children of Incarcerated Parents Workgroup to develop recommendations to engage incarcerated parents in the planning, coordination and delivery of services, publishing two related reports on responding to the needs of such dependent children (Pennsylvania Office of Children and Families in the Courts, no date). Other state governments, including Oregon (http://www.oregon.gov/DOC/PUBAFF/Pages/oam_links.aspx) and Arkansas (<http://www.arkansasvoices.org/>), have developed website information portals for the children and families of incarcerated persons. Notably, this is a highly selective and cursory review of some of the main government-related initiatives that stand in addition to, and often as a result of, the substantial research, advocacy, and service efforts of the many federal, state and local non-profit organizations and academic research centres in the US that are dedicated to the promoting the rights and wellbeing of children of incarcerated persons.

Given the attention being paid to children with incarcerated parents at the policy level, it is not surprising to find that a wide variety of available programs to support children and families of incarcerated parents across the United States (see Mustin et al., 2005 for a comprehensive listing of these programs).

Generally, American programs supporting children at risk due to parental incarceration appear to fall into five categories: parenting classes; parent-child visiting/residence programs; mentoring programs; support groups for children; and family-based interventions (Hairston, 2003, 2007; Parke & Clarke-Stewart, 2003). Some of these programs (e.g. mother-child/mother-baby, Storybook) are similar to programming available, albeit sparsely, in Canada. However, it is important to note that very few of these programs have been evaluated and even fewer have been evaluated in a rigorous manner (Hairston, 2007).

Despite the limited amount of research regarding the effectiveness of parenting classes, parent education appears to be offered fairly consistently across the United States, although not all incarcerated parents will qualify for participation (Hairston, 2007; Hoffman, Byrd, & Kightlinger, 2010). Generally, the available research suggests that parents increase their knowledge of parenting techniques and awareness of child development as a result of participation (Hairston, 2007). However, no long-term research has measured the effect of such programs on parenting skills following release and reintegration into the family. Furthermore, these programs are individually offered within each state, meaning their program components and methods of delivery vary widely making it difficult to draw conclusions about their effectiveness. Given this, it is difficult to conclude what elements of parent education programming and service delivery are beneficial (Hairston, 2007; Hoffman et al., 2010). That said, the Deputy Attorney General of the United States noted that the President's 2014 budget had requested \$2 million in funding to increase family education programs, thus, parenting education for incarcerated parents appears to be viewed as a more critical factor in the United States than in Canada (Cole, 2013).

Although there appears to be a limited amount of research evaluating the effectiveness of support groups, American research suggests that support groups can reduce feelings of isolation and shame among children experiencing the incarceration of a parent, increase their willingness to share their feelings and fears, and can contribute to increases in self-esteem (Hairston, 2007; Springer, Lynch, & Rubin, 2000; Weissman & La Rue, 1998). Support groups work by offering children an opportunity to meet with peers for conversation about their similar experiences and participation in activities that provide an opportunity to relax and have fun. Hairston (2007) noted that some challenges faced by these programs include avoiding labelling of children and the resulting stigma from being identified as a child of an incarcerated parent, gaining the trust of the children, as well as creating buy-in from caregivers, and the challenges presented by having a variety of age groups involved. In contrast to same-age supports, mentorship programs work by matching a child with an incarcerated parent to an adult mentor.

Generally, research on mentoring programs has found moderate levels of success, in terms of cognitive development, identity development, and social-emotional well-being, although these outcomes depend on the quality and duration of the mentee-mentor relationship, as well as frequency of meetings (Karcher, Kuperminc, Portwood, Sipe, & Taylor, 2006; Laakso and Nygaard, 2012; Rhodes et al., 2006). The Big Brothers Big Sisters and Public/Private Ventures Amachi mentoring program is one of the more consistent programs for children with incarcerated parents operating across the United States. This faith-based program for children with incarcerated parents has been operational since 2000 with the goal of preventing intergenerational criminal activity (www.amachimentoring.org). In this program, adult mentors are matched with child mentees and are expected to meet several times a month for at least one year during which they engage in a range of activities, such as going to movies or other events, attending church, making/having a meal, doing school work, or simply spending time together. In the first two years of the program (April 2001 to March 2003), 556 matches were made and many of the relationships

actually persisted for over one year (Jucovy, 2003). An early evaluation of the Amachi program found positive educational outcomes for the mentees, including that they felt more confident about their school work, attended school more often, had better academic performance, and behaved better in school (Jucovy, 2003). In addition, these children were less likely to begin using substances, although there was no discussion in the report about substance use reduction in those already using drugs or alcohol. Importantly, caregivers perceived that the mentees demonstrated more self-confidence and were more confident about their personal future.

Similarly, Bruster and Foreman (2012) also identified positive outcomes resulting from a different mentorship program to support children with incarcerated parents (the Mentoring Children's Prisoners program run by the Seton Youth Shelter in Virginia), including better educational outcomes, more positive relationships with family, and greater willingness to discuss everyday issues or problems they were facing. In Ichikawa and Selby's (2009) evaluation of the Children of Prisoners Empowered for Success (COPES) Mentor Program with 14 mentees, 13 mentors, and their eight caregivers, qualitative interviews suggested that as a result of program participation, children became more open and trusting, were in better control of their anger, and developed better relationships with the caregivers and the incarcerated parent. Shlafer, Poehlmann, Coffino, and Hanneman (2009) studied the development of the mentoring relationship and the challenges and benefits of mentoring children with incarcerated parents among a sample of 57 mentor-child partnerships. Although over one-third of the mentoring partnerships did not persist beyond six months, those that were successful resulted in reductions in negative internalizing and externalizing symptoms for participating children. Generally, mentoring programs appear to be an important intervention strategy that can mitigate certain risk factors faced by children with incarcerated parents. Although somewhat common to the United States, such programs have not yet been successfully introduced for Canadian children with incarcerated parents.

A well-known visiting program operating since 1992 in several states in America is the Girl Scouts Beyond Bars program for female children and their incarcerated mothers (Block & Potthast, 1998; Grant, 2006; Mustin et al., 2005). Both the girls and their mothers receive individual programming to help them develop self-esteem and self-confidence, and their relationship is strengthened through monthly or more visits in custody where a Girl Scout troop meeting is held during which the mother-daughter work together on scout-related educational and crafting activities (Grant, 2006). Although conducted with small samples and limited in their methodology, Block and Potthast's (1998) and Grant's (2006) evaluations suggested improvements in the mother-daughter relationship, such as improved communication and understanding, which in Grant's study appeared to be moderately related to the girls' increased level of self-esteem after their participation in the program. Further, in Block and Potthast's (1998) study the current caregivers suggested many of the girls expressed less behavioural problems following program participation as well as better grades. However, given the small sample sizes, more rigorous research should be conducted with this program before recommending adoption in Canada.

The United Kingdom

Outside of the United States, the United Kingdom appears to also be quite active in providing supportive services to children and families of prisoners. In particular, the United Kingdom has done a considerable

amount of work related to female prisoners and their children. In a 2007 review on women with particular vulnerabilities who are in contact with the criminal justice system, a key recommendation was that primary caregivers for young children, who are frequently women, should only be held in custody after a probation report detailing the likely effect of incarceration upon the children is considered by judges (Corston, 2007). The report also recommended that non-custodial sanctions should be the norm for non-violent female offenders and that such community sentences must consider childcare commitments. Notably, the UK Parliament is monitoring implementation of the Corston report recommendations (House of Commons, 2013) and a UK NGO, Women in Prison, has assessed the UK's compliance with the Bangkok Rules for Women (Women in Prison, 2013). The Scottish Parliament operates a Parliamentary Cross-Party Group on Children and Families Affected by Imprisonment, where members, including government representatives and representatives of organizations involved in supporting prisoners and their families, meet several times a year to discuss issues faced by these children and their families. The ultimate goal of this group is to promote awareness and action in the Scottish and UK Parliaments (<http://www.eurochips.org/newsstory/2000158/not-my-crime-still-my-sentence-campaign---updates-from-families-outside>).

One national non-governmental organization in particular, Pact, provides a wide range of programs, including parenting skills, facilitation of visits, promotion of emotional bond development, and supporting transitions back into the community following release. Several of their programs have been evaluated and have demonstrated success in reducing re-offending among incarcerated parents and improving the quality of the relationship between the incarcerated parent and their child. One of Pact's programs is Time to Connect (<http://www.prisonadvice.org.uk/our-services/sup-children-fams/ttc>), a two-to four-day parenting course that strives to improve the relationship between children and their incarcerated parents and provide the incarcerated parent with better parenting skills. During the first three workshops, the parent is provided with information on child development and how their children may be affected by their incarceration, the importance of maintaining communication with their children during incarceration is explained, and the parent is taught the importance of play and how to play with their child during visits to the institution. The fourth workshop involves a visit with their child. A final booster session two weeks after the visit brings program participants together again to discuss their experiences and the information learned through their program experience. Pact delivers the program in prisons at a cost of 2,500 pounds per course; each course runs with 12 prisoners.

Pact also offers several services directed at easing the strains of visitation in prisons, such as family days. In addition, outside of seven of the prisons, they operate child-friendly visitors centres where families can receive information and support prior to or following their visit to prison (<http://www.prisonadvice.org.uk/our-services/sup-children-fams/visitors-centres>). Inside several prisons, Pact provides supervised play services with child-friendly activities and games and trained volunteers to supervise the visit. In some prisons, Pact also offers a father-baby group where incarcerated fathers spend 90 minutes each week visiting and playing with their babies, which facilitates the development of an emotional bond between father and child (<http://www.eurochips.org/newsstory/2000154/support-for-young-parents-in-prison>).

Another in-prison service that promotes the development or enhancement of relationships between children and incarcerated parents is the Inside Stories Program offered by Pact along with Kids VIP. In this program, children and their incarcerated parent are encouraged to read and share books and tell

stories with each other. The program is delivered in a two-day format; in the first day, incarcerated parents are taught about the importance of literacy and how they can read effectively to/with their child(ren) and ends with the parent selecting a book to read with their child when they visit. During the second day, the parent is encouraged to make additional toys or gifts (e.g. puppets, bookmarks) to give to their child along with the book. The two-day workshop is followed by a family visit where the prisoner can give their book and accompanying gift to their child and spend time reading with them. While the program is designed to address low rates of literacy commonly found in those affected by incarceration, to date, it has not been evaluated.

Pact also offers supportive services to the incarcerated parent and their partners. Their Building Stronger Families program involves a short in-prison course where the relationship between the prisoner and their partner is improved through their participation in skill development that assists the couple in developing positive forms of communication about common relationship issues, such as parenting conflicts and handling money. The program is delivered through three two-day modules delivered over six weeks. To date, over 1,800 prisoners have participated in this program and evaluations have documented improvements in the quality of relationships as well as a 10% reduction in offending following release (Pact, 2013).

Pact provides Integrated Family Support Services which assists prisoners in maintaining a relationship with their families using eight prison Integrated Family Support Workers and six community Integrated Family Support Advocates, as well as one Integrated Family Support Coordinator. Although only in operation for one year at the time of their evaluation, this program had already delivered services to over 2,700 prisoners and family members at an estimated return of over 11 pounds for each one pound invested, mostly through its effects on reducing re-offending following release (Nef Consulting, 2012). Among the services provided are information to incarcerated parents about the location and safety of their children during their incarceration, communication with family members about the location and safety of the incarcerated family member, the development of policies regarding integrated provision of supports for children and their families, facilitation of visitation, re-settlement services following release, collecting information and promoting awareness regarding the size and complex needs of this at-risk population, and provision of training to professionals working with children affected by incarceration (Nef, 2012, Pact, 2012).

More recently, in 2013, Pact was awarded over one million pounds in funding from the Lottery Bright New Futures program and the Ministry of Justice to deliver their Supporting Young Parents in Prison project to over 2,100 incarcerated parents who are between the ages of 18 and 25. The prison component will include parenting programs while parents in the community will also receive support. Caseworkers assigned to the incarcerated parent will also help them in making post-release plans, such as where they will live and how they will reintegrate.

In recognition that more children experience a parent's incarceration than their parents' divorce, Scotland's Families Outside is a national non-profit organization funded by government, private trusts, research income, donations, and conference fees dedicated specifically to helping families of prisoners (www.familiesoutside.org/uk/). This organization offers a toll-free number and email address for prisoners' families to reach out to if they need support or additional information, and their website hosts a variety of information sheets for those experiencing familial incarceration

(<http://www.familiesoutside.org.uk/research-publications/information-sheets/>), as well as booklets and research reports to increase awareness among those who may work with children with incarcerated parents (<http://www.familiesoutside.org.uk/research-publications/>). Among their various programs, Families Outside supports relationship maintenance between child and incarcerated parent through Family Bonding Visits and a Family Fun Day, in which children and their families attend the prison for a day of activities and games with their incarcerated parent. In addition, they provide numerous training opportunities to professionals and promote awareness regarding the multiple issues facing children and families of prisoners. For example, in the teacher training sessions, educators visit prisons and experience what children of incarcerated parents go through when visiting their parent in custody. This training also provides them with ideas of how they can then support children in their classroom who may have an incarcerated parent.

Scotland's Commissioner for Children and Young People is also a major advocate for children of prisoners and their website (<http://www.sccyp.org.uk/publications/children-of-prisoners>) hosts several important publications on this issue. In 2008, the Commissioner reviewed the rights and status of children of prisoners in Scotland, concluding that a Child Impact Assessment should be conducted as part of a pre-sentence report in which the likely effects of different sentencing options on the offender's child(ren) be evaluated (Scotland's Commissioner for Children and Young People, 2008¹⁹). They reviewed their findings from this study again in 2011 and identified that significant gaps still remained between the different sectors involved in the lives of children whose parents are in conflict with the law, acknowledging that "there is no single-agency solution to the profound and complex issues faced by this group of children" (Scotland's Commissioner for Children and Young People, 2011b: 2) and that barriers to information sharing between agencies in different sectors prevented the timely offering of supportive services to this vulnerable population of children (Scotland's Commissioner for Children and Young People, 2011a). In 2010, the Commissioner's office conducted a study collecting the perspectives of children and young people with a parent in prison, concluding that children were often traumatized by their parent's incarceration and that it was important to them that their opinions were heard by sentencing judges (Loureiro, 2010). Thus, consistent with the findings from the 2008 study, this report recommended the use of Child Impact Assessments as part of pre-sentence reports.

In addition, the Scottish Commissioner provided a submission to the UN Committee on the Rights of the Child for the 2011 Day of General Discussion in which they acknowledged that children's rights are not typically considered in criminal justice policy making and that the law, policy, and practice surrounding the incarceration of parents was in violation of the UN CRC (Scotland's Commissioner for Children and Young People, 2011b). This submission has important implications for Canada's compliance with the UN CRC including its 2018 reporting obligations, as this statement was made even while acknowledging that pre-sentence reports in Scotland were recently amended to include an assessment about the likely impact of custody on an offender's family, something which is not required by law in Canada. In other words, even while Scotland is ahead of Canada in terms of considering children as part of a pre-sentence report,

¹⁹ This practice was also recommended by Jones et al. (2013) based on their study of children with incarcerated parents in four countries (Sweden, Germany, Romania, and the UK).

Scotland's Commissioner for Children and Young People still considers its criminal justice practices to fall short of practices agreed upon in the UN CRC.

International

Children of Prisoners Europe (childrenofprisoners.eu) is a European virtual network offering information on children with incarcerated parents.²⁰ Twenty countries, including the United Kingdom, are members of this organization and each country operates at least one program providing supports to children and families of prisoners. Generally, the network provides resources on statistics and effects on children with incarcerated parents, offers training and education for professionals, including criminal justice professionals (e.g. correctional staff, judges), educators, and childcare workers, and provides a forum for communication regarding innovative practices for children with incarcerated parents. In particular, the network promotes the following initiatives: special child-friendly visiting areas in prisons; extended visits in prison for children with their incarcerated parent; provision of specially trained volunteers to help children and their families navigate and coordinate visitation; facilitation of communication between children and their incarcerated parent; the provision of parenting programs in prisons; and promotion of alternatives to custody.

A common theme among many of the member countries is to provide a range of cultural and physical activities for children with incarcerated parents to engage in. For instance, FPP Young in Norway and both Bryggan and Solrosen in Sweden run activities including group hikes, art, sports, camps, musical and theatre performances, musical education, and Christmas parties for children. Bryggan also runs a mentoring-type program, in which children with incarcerated parents, as well as their non-incarcerated parents, can meet with others who have had similar experiences. In contrast, SAVN in Denmark provides weekend visitation opportunities between children and their incarcerated parent, and offers a summer camp during which children with incarcerated parents and their non-incarcerated parent gather to share their experiences, offer support to one another, and receive family counselling. The camp is free of charge for children and their families, and transportation support is provided when needed. The costs of running this program are not publicly available. In Italy, Milan's non-profit organization Bambinisenzasbarre (www.bambinisenzasbarre.org/Attivitincarcere.htm) operates several programs supporting the relationship between children and their incarcerated parents. In their Yellow Space program, prisons have a special reception area that is specifically dedicated for use by children when visiting their imprisoned parents. They also operate a Talk Sunday program that supports visitation between children and their imprisoned mothers. Importantly, they also provide supportive services directly to the imprisoned parent in the form of Group Word, a meeting for incarcerated parents in prison where relationship issues between parents and their children are addressed. Denmark's Jyderup State Prison provides extended visiting hours on weekends and allow families to engage in typical family activities, including cooking, eating, playing, and watching television (Martynowicz, 2011). Unfortunately, none of these programs have been formally evaluated and their costing is not publicly available.

²⁰ Formerly known as Eurochips (www.eurochips.org).

Several European countries, including Poland, Northern Ireland, and Italy, offer Mother-Child programs similar to those in Canada, where babies and young children can reside with their mother in the institution (Martynowicz, 2011). Poland's Grudziadz Women's Prison Mother-Child program appears to be particularly well-developed and operates with less security restrictions than Canada's federally available program. Children three years of age and younger can live with their mother no matter her offence or security classification (Martynowicz, 2011). Further, the mothers and children are located in a child-friendly setting where there are no staff uniforms and the physical space is more similar to an apartment than prison. Importantly, the mother is also provided with the ability to balance typical housekeeping chores (e.g. laundry, cooking) alongside the needs of her child, which allows her to develop parenting skills in a more realistic environment than a prison would normally offer.

Australia

An estimated 5% of Australian children, and 20% of Indigenous children in Australia have at least one incarcerated parent (Quilty, 2005). These children have been the focus of federal and state research, policy, and practices that focus on minimizing harm to children when a parent is incarcerated, such as through the development of arrest protocols for caregiving parents and the use of alternative sentences for convicted persons with dependent children (Hannon, 2006, 2007). In 2004, a state Standing Committee on Community Services and Social Equity recommended that a Children's Officer in the Australian Capital Territory Corrective Services be appointed who could represent the interests of children and young people when their parent is incarcerated (Standing Committee on Community Services and Social Equity, 2004). This is consistent with a recommendation made by Canadian human rights watch groups to bring Canada in line with some of the guidelines provided by the UN CRC (Canadian Coalition for the Rights of Children, 2012). A recent report published by the ACT Attorney-General's Office noted that despite further such recommendations being made in 2008, as of 2013 this position still had not been created, (Saunders & McArthur, 2013). However, a Children and Young People Commissioner representing children's interests more generally was created (<http://www.hrc.act.gov.au/childreyoungpeople/>). Thus it appears that in terms of research and political discussion, Australia is much more active in attending to the needs of children with incarcerated parents.

In addition, some significant practices have been adopted at the correctional level. A recent review of child-friendly policies and practices among women's prisons in Australia suggested that many prisons had adopted child-friendly strategies (Bartels & Gaffney, 2011). Generally, these prisons offer child-friendly visitor's centres, including rooms in which contact is allowed, playgrounds, and child-friendly units for children living with their incarcerated mother, and, in some prisons, mother and child support workers are provided. An additional service for incarcerated mothers living with their children was the provision of childcare in custody to facilitate the mother's attendance in programs relating to education, employment, and treatment. Additional parenting programs and playgroups in which healthy behaviour is modeled were also available and, in some prisons, parenting programs were mandatory for certain women. One parenting program operating in New South Wales, Australia, has been the subject of an evaluation. The MAAD program, piloted across 2008/09, occurred over 10 weeks; alongside ongoing parenting playgroups, the program provided incarcerated mothers with education regarding child development, social, psychological, and behavioural problems, and provided parenting skills. The

evaluation suggested that at the end of the program, positive outcomes included that the mothers were able to identify their strengths and weaknesses as parents, were better at communicating with their children, were able to recognize their child as an individual, and were more aware of their own and their child's needs. Following the evaluation, the program received funding for another five years (Bartels & Gaffney, 2011).

Bartels and Gaffney (2011) noted that generally, policies were in place to ensure that children placed in care during their mother's incarceration maintained regular contact with their incarcerated mother. For non-resident children of incarcerated mothers, programs allowing children to stay with their mothers for an extended period of time, such as over the weekend or over school holidays, were operational in some prisons, while other prisons operated child-mother groups, including playgroups and music therapy sessions. Regular communication was also provided in some women's prisons through video conferencing that allowed mothers to read to their children and assist them with their homework. Regardless of whether the children were living in the prison or just visiting, staff were screened and trained on the special needs of these children. Although such services were not necessarily available in all Australian women's prisons, this review implies that Australia is more responsive to the needs of incarcerated women and their children.

Summary of Programs and Services Supporting Children with Incarcerated Families

A common theme found in many of these programs is the provision of services to support relationship maintenance between the incarcerated adult and their children. Primarily, this is achieved through visitation programs that offer extended visits or visits in child-friendly settings within the prison. Of note, Poland revised its visitation rights to give primacy to the rights of the child over the rights of the parent to visit and have regular and direct contact with their incarcerated parent, consistent with the United Nations Convention on the Rights of the Child. (Martynowicz, 2011). This was significant, as Polish prisoners on remand were previously denied access to visitation with their families, including their children. While Canada offers the former, child-friendly settings are rarely available in Canadian jails and prisons, and, where available, have largely been supported only by the non-governmental sector, such as the Canadian Families and Corrections Network and the Elizabeth Fry Society, on a pilot basis. Additionally, some nations operate parenting programs in which incarcerated parents are educated about child development and provided with parenting skills training; however, this occurs in Canada in a very limited fashion. Further, virtually all European nations, as well as Australia, operate mother-child programs in which children can live with their incarcerated mothers in custody. Again, while Canada offers such a program at the federal level, it has been infrequently used for the last several years given the severity of the regulations.

Unfortunately, although this comparison of programs operating in several Commonwealth countries is useful for demonstrating existing service gaps in Canada, this review falls short of being a compilation of best practices concerning children with incarcerated parents as many of the programs have not been subjected to evaluation. Further, this review was cursory, including that it focused mainly on programs offered in prisons, rather than at arrest, conviction, sentencing, or reintegration. While some attention has been paid to the first three stages, very little has been paid to release and reintegration (Hairston, 2007).

This is unfortunate as reintegration is a vitally important stage both for the inmate and for their family, as failure to reintegrate successfully can lead to re-experiencing trauma, additional financial struggles, breakdown of relationships, and re-offending.

Recommendations for Identifying and Supporting Children With Incarcerated Parents in Canada

Although Canada is relatively consistent with several other common law nations in the provision of certain programs for children with incarcerated parents, including visiting resource centres, mother-child programs, and extended visiting hours, a key issue for Canada is that the children of incarcerated parents are not politically recognized as a vulnerable group of children deserving of specialized policies, programs, and services because of their protected rights under the UN CRC. Unlike the USA, the UK, and Australia where there has been some federal and/or state government recognition of the rights and needs of this vulnerable group of children, the children of incarcerated parents do not yet appear to be part of the Canadian government child rights agenda²¹ or for that matter the policy agenda of national child rights advocacy groups like the Canadian Coalition for the Rights of Children.²² Not surprisingly, absent this political awareness and recognition, there is a lack of government funding and limited programming to support the rights and needs of this at-risk group of children. In reviewing Canada's current position on children with incarcerated parents, it is clear that more effort is needed regarding basic information collection, as well as providing supportive programming for this group of at-risk children. In particular, Canada will be reporting to the Committee on the Rights of the Child (CRC) in July 2018 and has a unique opportunity to respond to some of the CRC's 2012 main concerns and recommendations, for example by designating funding and ensuring there are affirmative social measures for children in disadvantaged or vulnerable situations,²³ including children affected by parental incarceration.

Recently, the Bonding through Bars roundtable held in Vancouver in May 2013 brought together international experts for a six-day discussion about the needs and rights of incarcerated women and their children. This event culminated in the production of a documentary and creation of guidelines surrounding the implementation of Mother-Child custodial units. Yet, Canada otherwise trails the United States in recognizing children with incarcerated parents as a policy issue. Consequently, programs and services addressing the rights and needs of this vulnerable group of children are provided on a limited and

²¹ See, for example, Andreychuk, R. and Fraser, J. (2007). *Children: The Silenced Citizens. Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*. Final Report of the Standing Senate Committee on Human Rights, <http://www.parl.gc.ca/Content/SEN/Committee/391/huma/rep/rep10apr07-e.pdf>

²² See, for example, the Canadian Coalition for the Rights of Children. (undated). *Right in Principle, Right in Practice. Implementation of the Convention on the Rights of the Child in Canada*, available: <http://rightsofchildren.ca/wp-content/uploads/CCRC-Report-to-UN-on-CRC.pdf>.

²³ United Nations Convention on the Rights of the Child, Committee on the Rights of the Child Sixty-First Session, Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Canada (CRC/C/CAN/CO/3-4) (5 October 2012, para III A 17).

inconsistent basis. By comparing programs in other economically developed nations, some clear recommendations emerged for the Canadian federal and provincial/territorial governments to consider.

It is apparent from this review that policies concerning the welfare of children with incarcerated parents are conspicuously absent in British Columbia. The most apparent gaps appear to exist around policies that specifically reference the best interests of children of incarcerated parents to ensure that they are placed in safe caregiving situations following their parents' arrest/incarceration, information sharing protocols to ensure support systems are activated as soon as a parent is arrested, training to assist support providers in knowing how to best help children placed at-risk due to their parent's arrest/incarceration, and sentencing policies that seek to reduce the use of incarceration and instead utilize community sanctions whenever possible. Of course, prior to any policy review, revision, enhancement, or development, it is essential that research be undertaken in order to inform the policy needs. In this regard, as noted above, a recognized limitation of this report is that it does not incorporate the voices of affected children and their incarcerated parents. A key research priority moving forward is to conduct primary research with incarcerated parents and their children to ensure their perspectives and concerns are properly reflected in the provisional recommendations that follow.

Information Sharing Protocols

A common problem limiting the ability to deliver services is the inability to identify, in a safe and non-stigmatizing way, this at-risk population of children (Hairston, 2008; Larson & Swanson, 2008). When a primary caregiver is arrested, detained, or sentenced to imprisonment, the event should trigger a cascading effect of information sharing designed to intervene and provide support for families automatically placed at risk subject to ensuring non-stigmatization and protecting the privacy rights of the child (e.g. Nickel et al., 2009). For children, this should start at the point of arrest, when police should be required to notify a social worker that a custodial parent of a minor has been or, preferably, is about to be, arrested. The police and the Ministry of Children and Family Development should have a protocol in place that will immediately activate support systems, including the provision of counselling supports to the children and their family, assignment of a child and youth care worker, documentation of the child's current living arrangements and whether that arrangement needs a formal investigation or whether they are in need of a formal placement, notification of non-profit organizations providing informational resources regarding the criminal justice system, such as the John Howard Society, as well as those running mentorship, group support, or visitation support services, such as the Elizabeth Fry Society or Canadian Families and Corrections Network, and notification of the Ministry of Education, who will then notify the schools. As children of parents involved with the criminal justice system are either directly or indirectly victims of their parent's actions, protocols to ensure their wellbeing could be coordinated by either a police-based or a community-based victim services organization. Activation of these various support services will ensure that the children's best interests are being monitored and upheld and that their risk for developing psychosocial issues as a result of this traumatic event is minimized; of course, privacy issues and unintentionally creating stigma are valid concerns and these protocols must be developed within the existing limits of provincial and federal privacy laws, as well as international norms and standards. Foster (2008) suggested co-locating specialized child welfare workers and police to allow for more rapid intervention when a child is placed at risk due to the arrest and/or custodial sentencing of their

parent. However, given that the size of the population at risk is currently unknown in British Columbia and Canada, the economic efficiency of this policy is questionable. Instead, a simpler strategy may be to implement a protocol that informs and encourages the caregiver of the child to consent to information sharing with the relevant support systems.

To minimize threats to privacy and stigma, Davis and Newell (2008) advised that social workers should discuss possible supportive services provided by the child's school and ask the child whether they feel comfortable disclosing their situation in order to activate those services. While minimizing privacy concerns, Cunningham and Baker's (2003) developmental review suggested that school-age children are very aware of stigma and may resist intentionally activating such services. Similarly, Nesmith and Ruhland's (2010) interviews with 34 American children with incarcerated parents revealed an emphasis on keeping their situation private, even if they desired to find others in similar situations. Moreover, this policy requires that the child have a social worker assigned to them, which is not likely to happen in many cases of parental incarceration due to the frequent occurrence of informal placements with extended family. Privacy issues are a very real concern. Unfortunately, the uncertainty amongst those working with children affected by parental incarceration means that many supportive services are not activated as professionals involved in child welfare are unaware that a child is in need.

Better Protocols for Placement Decision Making

Alarming, the limited research available in Canada suggested that placement of children upon their parent's incarceration was often done haphazardly. Cunningham and Baker (2003) reported that many incarcerated mothers were unsure where their children were currently living or if they were safe in that location. Placement with family members is typically preferred over placement in care; however, there needs to be an assessment of whether that location is safe for the child and in their best interests to be placed in, as well as an assessment of the needs of the caregiving family, including financial support as a result of providing care. Children with incarcerated parents seem to 'fall through the cracks' of the child welfare system as there is currently no real comprehension by either the incarcerated parent or an official agency regarding where many of these children are, who is caring for them, and whether they are emotionally, psychologically, and physically safe. This topic must be thoroughly researched with the intent of developing better practices regarding placement decisions for these children. For instance, police agencies should review the recently published discussion and model policy on minimizing harm to children when arresting a caregiving parent by the International Association of Chiefs of Police (2014) and should work to develop a protocol to assist police in inquiring about and assessing the availability and appropriateness of short-term caregiving for dependent children. During this process, parents should be informed of the availability of caregiving programs that allow for their children to be formally placed in the home of a family member, which may entitle that family to financial or other supports. Parents should also be informed of their legal rights concerning caregiver status and available supports to assist them in maintaining caregiver status or finding either temporary or permanent safe and secure placements.

Awareness, Education and Training

Although social workers are one of the primary potential sources of support for children with incarcerated parents, the limited research, as well as consultations conducted for this report, indicates that neither they nor child and youth care workers, teachers, or school administrators receive formal training in this area (Bayes, 2007, 2008c). Thus, support workers are not necessarily aware of the specific risks faced by children whose parents are incarcerated, they may not know best how to talk with children or their caregivers about the nature of the situation, they may be unaware of how they can best provide support or what support services exist, they may not know what signs to look for that may indicate a child is not coping successfully with this traumatic situation, and they may not know how to normalize the issue so as to reduce stigma against the affected child. This training gap is particularly relevant for child and youth care workers, as they are the profession most likely to give day-to-day support to at-risk children and youth who are experiencing emotional and/or behavioural challenges. Child and youth care workers are typically employed in areas where their paths are likely to cross with children affected by parental incarceration, such as group homes, family support and independent living programs, community programs, and schools where they work closely with other supportive professionals, including social workers and teachers, as well as mental health professionals. Providing them with the skill set to identify and support children with an incarcerated parent could be an effective way to bridge the gap in services to this at-risk population. Given these enormous gaps in what should be supportive systems for children with incarcerated parents, a major recommendation from this report is the need to develop university-level and professional development curriculum addressing the typical profile and pathways followed by children with incarcerated parents, as well as to develop other resources, such as fact sheets or listings of local programs and services.

Of course, for this information to be most helpful, it must be informed by research. For instance, some of the available research suggests that children tend to fare better when caregivers are honest about their parent's situation; however, many caregivers do not share this information with the child either at all or in a developmentally appropriate way (Poehlmann, 2005b). In addition, research also suggests that children tend to have better relationships with their parent when they visit with them more regularly, although this may depend on their age, the nature of their former relationship with their parent, as well as their exposure to trauma by the parent prior to their incarceration. However, for a variety of reasons, including at times caregiver or child unwillingness, children do not frequently visit with their parent in person, and many do not even maintain regular (e.g. at least monthly) communication by telephone or letter writing (Barrett et al., 2010; Poehlmann, 2005b; Withers & Folsom, 2007). Thus, social workers in particular would benefit from informed training regarding how to support caregivers in discussing the parent's whereabouts with the child and how to encourage them to support rebuilding and maintaining the relationship through visits and other communication (Bayes, 2007, 2008c, 2011; Cunningham & Baker, 2003).

With further regard to the education system, while it is recommended that educators be provided with some background training on children with incarcerated parents, it is not necessary for all educators to become specialized in this area. However, it is likely a good policy to have at least one staff member in every school who has received more intensive training in understanding the effects of incarceration and how best to provide support to affected children, and to recognize and reduce the risks they face. In addition to their basic curriculum, these 'point-people' should also participate in programs, such as

occurring in Scotland, where they pay a visit to an institution to better understand the challenges children face when visiting their parents. Anecdotal reports of this program suggest that teachers are amazed by what their students face when visiting their parent in custody, including long waits before being allowed inside, searches and possible exposure to sniffer dogs and ion scanners, possible no-contact visits with the prisoner, and general lack of child-friendly facilities. Through exposure to such programming, teachers can also be taught how to better support their student, such as by providing them with examples of their work that they can share with their parent, permitting the child to miss class when necessary for a prison visit to occur, and teaching about incarceration so as to attempt to normalize the issue amongst peers in a way that reduces stigma and possible bullying of the affected child.

Likewise, consultations for this report indicated that criminal justice professionals could also benefit from additional training regarding the rights and needs of children with incarcerated parents as post-secondary criminology and criminal justice programs across Canada do not appear to systematically integrate such information into their curriculum. In addition to not knowing how best to respond to and support this population, this lack of training may also result in stigmatization of this population by criminal justice professionals. As previously noted, at the point of arrest of a primary caregiver, police officers should have clear protocols on how best to support the interests and safety of children through making temporary placement decisions and activating necessary support services. This is an important need as arrests by police may be effected at night when children are home, thus exposing the child to the potential trauma of watching their parent be arrested and taken away in a police car. To increase the likelihood that the child is placed in a safe caregiving situation, police officers should be required to ask the individual under arrest whether there are any dependent children in the home and follow up on the short-term placement of the child, notifying the relevant agency (e.g., the Ministry of Child and Family Development in British Columbia) about where these children have been placed. Furthermore, given that some parents may lie about the presence of children in the home for fear of involving their children in the child welfare system, police officers should conduct a reasonable search of the home for children under the age of 18, give the parent time to arrange for temporary caregiving, and ensure that proper support services are notified to follow up regarding the safety and permanency of the child's placement. Ensuring such follow up is activated could also have financial benefits for the family providing care to the child, as the social worker assigned the file could advise caregivers about funds they could apply to for support, such as the federal Child Tax Benefit or Universal Child Care Benefit programs.

In the correctional setting, parole officers could benefit from formal training regarding the difficulties typically faced by family members and the challenges experienced by children when attempting to reintegrate an incarcerated parent. Supportive programming should be in place that allows the family to be involved in developing reintegration plans that will more successfully relocate the prisoner back into their family. As noted in Quebec's two pilot studies, reintegrative programming such as this which involves the family in important planning and ensures continuity between corrections and the community can reduce reoffending rates following release. Similarly, corrections staff, especially those providing security services, in both federal prisons and provincial/territorial jails should receive training on the special needs of children when visiting their parents in custody, as well as the importance of maintaining the parent-child relationship. While Corrections Canada appears to already provide its correctional staff with basic information in this area, the effect of this training has not been evaluated, nor does similar training appear to occur in the provincial/territorial facilities.

Sentencing

The 2012 Corrections and Conditional Release Statistical Overview (Public Safety Canada, 2012) provided some important statistics regarding the nature of the incarcerated population in Canada. These statistics indicated that the rate of federal custodial sentences and use of provincial pre-trial detention have both increased; however, Canadian adults, and women in particular, tend to be held in custody for short periods of time and are unlikely to be held in maximum security facilities (Public Safety Canada, 2012). The short sentences mean that inmates are held for very short periods of time, given that Canadian laws allow offenders to apply for full parole after serving one-third of their sentence and mandate that most offenders serve at least the last third of their sentence in the community under statutory release. Given that 92% of convicted women and 86% of convicted men are given a sentence of six months or less, the duration of time spent in custody is likely only a few months (Public Safety Canada, 2012). Thus, an important question to address is whether custody should be used at all for caregiving parents with dependent children, as the resulting trauma from separating the parent from their child, even for a few months, could impose life-long implications for the child. Unfortunately, although Canada is party to the United Nations *Convention on the Rights of the Child* (UN CRC) and has, therefore, agreed in principle to consider the best interests of children when making decisions that affect them, Canadian protocols do not *require* a sentencing judge to consider the caregiving status of a convicted adult offender. Yet, in an internationally recognized decision made in the *S v. M.* case in South Africa, the Constitutional Court ruled that judges must consider the likely effect of incarceration on children when considering a custodial sentence for a primary caregiver (www.eurochips.org/newsstory/2000151/when-a-parent-is-imprisoned-what-is-the-impact-on-the-child). Other countries already provide alternatives to custody for mothers; for instance, Italy's Finocchiaro Law allows mothers of young dependent children (under 10 years of age) who meet several conditions to serve the majority of their custodial sentence at home under house arrest (Martynowicz, 2011). Similarly, judges are not required to consider caregiving status when making decisions about pre-trial detention for an offender facing criminal charges in Canada whereas in other countries, such as Poland, judges making decisions regarding whether to hold a person in pre-trial detention (remand) must examine whether that person has sole custody of a child or if they are the sole provider for the family and if so, their criminal procedures prohibit the use of pre-trial detention (Martynowicz, 2011).

If research supports that children are negatively affected as a result of the incarceration of a parent, keeping in mind the UN CRC and the South African Constitutional Court decision, the federal government should consider introducing similar amendments in Canada that not only allow but require judges to consider the caregiving status of an adult offender and whether it is in the child's best interests to continue living with their parent when making sentencing decisions. Although in limited cases, this may involve sentencing a woman to time in a federal institution (when warranted, in the case of violent or other serious offences) operating a Mother-Child program, in most cases, given the trend towards short sentences in Canada, this will involve considering the use of alternatives to custodial sanctions, including conditional sentences or probation, whenever that decision can be made without posing undue threat to public safety or the administration of justice. Given that most offences by women are non-violent, this is a plausible policy to consider. Further, not only would adoption of a sentencing principle emphasizing consideration of the best interests of children be consistent with the UN CRC, but also with the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, more

commonly known as the Bangkok Rules, where Rule 9 states that non-custodial measures should be preferred where possible for pregnant women or women who are the sole or primary caretaker of minor children. Moreover, this policy would be cost-effective as non-custodial offences can save approximately \$65,000 a year per offender in Canada (Public Safety Canada, 2007).

Currently in Canada, there are no policies in place that require police or Crown to include impact on the family in their reports when recommending charges or requesting a particular sentence, or that require a judge to consider whether an individual is a parent responsible for caregiving or otherwise providing for a dependent child. Thus, as an initial step towards reflecting the importance of family considerations when considering remand and crafting sentences and that balances the needs of the offender with those of the offence and the community, pre-trial and sentencing reports should include a child or family impact statement that reflects the status as a caregiving parent and indicates what is likely to happen to the child in the event that their parent is remanded to custody or receives a custodial sentence.

Maintaining Communication and Visitation

If incarceration of a parent cannot be avoided, in addition to policies activating and providing support services to children and their families, revisions and enhancements to policies governing communication and visitation practices are necessary. Research generally supports the positive effect that visitation has on psychosocial outcomes for children of prisoners (Block & Potthast, 1998; Fishman, 1983; Trice & Brewster, 2004; Derkzen, Gobeil, & Gileno, 2009; Derkzen & Taylor, 2013), although this may depend on the age of the child and their ability to cope with the possible trauma of visiting an institution, as well as with the degree of child-friendly policies and practices (e.g. Fishman, 1983; Poehlmann, 2005b).

Although Corrections Canada is one of the few Canadian institutions paying attention to this issue, their practices could be enhanced through the refinement of policies that specifically recognize the special needs of children of prisoners and that advocate making decisions in the best interest of the child, which includes maintaining a relationship with their incarcerated parent. Despite Corrections Canada's provision of programs supporting this relationship, neither the Private Family Visit program nor the Mother-Child program appears to be effectively used. Given this, policy revisions surrounding the nature and availability of these programs should be considered. Canada should also seriously consider monitoring the implementation of the Bangkok Rules for women given that these are the only international standards that explicitly recognize the rights of children of incarcerated mothers.

More policy work is also needed regarding minimizing the possible negative effects for children of visiting a parent in prison, including the provision of more child-friendly visiting spaces and better training of staff who will invariably be involved in processing visiting children. There are several examples of good visiting programs operating in European prisons that provide extended visiting hours for families, which allow for visits to be conducted in more child-friendly settings, and that permit the child and their parent to engage in typical family activities, such as cooking, playing, or watching television (Martynowicz, 2011).

Given technological developments, policies regarding communication between prisoners and their children should also be reviewed and enhanced. For instance, allowing regular daily (nightly) communication via Skype or other internet technologies will likely not only promote the development of

a positive relationship between parent and child, but will also reduce the costs of communication (Hairston, 2007). Again, although one program – ChildLink - has been piloted in Alberta, the permanent establishment and expansion of this program has not been confirmed. Although these suggestions are provided for Corrections Canada, the need for policy revision and development at the provincial level is even more substantial given that virtually nothing has been done at this level to acknowledge the needs of children of incarcerated parents.

Supportive Programs

Murray and colleagues (Murray & Farrington, 2005, 2006) suggested several potential pathways through which parental imprisonment may harm children, including trauma, poor caregiving, economic strain, and stigma. It is essential to understand whether and how commonly each pathway occurs for Canadian children, as the nature of the pathway will affect the form of policy and programming required to minimize risk. This is because some of these programs will involve the child, but others will focus on the incarcerated parent or current caregiver. For instance, counselling, stability of caregiving, regular visitation/communication, and age appropriate explanations for a parent’s absence may be useful for reducing the trauma felt by a child when a parent is arrested and incarcerated. Parenting education for both the incarcerated parent and the caregiver may reduce the effects of the second pathway, while financial supports for current caregivers may reduce economic strain felt by taking a child of an incarcerated parent into the home. On the other hand, programs seeking to reduce the stigma felt by children of incarcerated parents will likely have a much broader focus population, as it will require educating those working directly with these children, including social workers, legal professionals, and educators, along with those surrounding them, including their peers and members of their neighbourhood.

Given that Canada currently has a limited number of programs designed to support children and their families when a parent is incarcerated, it is essential that research be conducted to determine what services are most in need. It is equally important to ensure that those programs currently in existence are rigorously evaluated to document their success, suggest avenues of improvement for service delivery, or recommend cancellation due to inefficiencies or unintended outcomes.

Many American programs relating to children with incarcerated parents have not been systematically evaluated or have been evaluated in a manner lacking scientific rigour (Bates, 2001; Jeffries, Menghraj, & Hairston, 2001; Pollock, 2002; Turek & Loper, 2006). Similarly, Canadian programs have not been independently evaluated to determine whether they are achieving their intended outcomes and at what cost. Given this, funding should be provided to support formal evaluations of these program outcomes. For instance, the Storybook Program runs in several provinces across Canada. Presumably the availability of this program is due to its relatively inexpensive cost of delivery; however, the extent to which this program succeeds in maintaining a positive relationship between children and their incarcerated parents has not been formally investigated. Similarly, while the mother-child program was recently closed in British Columbia’s provincial women’s institution, this decision was not made as a result of research-based evidence. In fact, it does not appear as though mother-child programs have been formally evaluated in Canada. In effect, it is unknown whether these programs deliver their intended outcomes, including development of an attachment relationship between mother and child. Any such evaluation should also

consider the value of possible alternative strategies, such as conditional sentences, that would allow for the attachment bond to develop in a home environment where the mother serves her sentence under house arrest. All programs currently running in the area of service provision to children with incarcerated parents should be evaluated for effectiveness.

In British Columbia, the Elizabeth Fry Society of Greater Vancouver currently operates summer day camps and the Saturday Club programs. Pending formal independent evaluation of these programs' success in supporting children with incarcerated parents and reducing their risk of developing behavioural, psychological, and emotional problems, government funding for this program should be allocated to expand the program beyond its currently limited geographical mandate. Similarly, the John Howard Society and Elizabeth Fry operate the Storybook program in several provinces; however, this program is not currently offered in all institutions or provinces. If a formal evaluation demonstrated that this program was successful at maintaining a positive attachment between the incarcerated parent and child, it should be expanded to all institutions in Canada. Finally, several programs designed to assist offenders in reintegrating with their families following release were piloted in Quebec and two studies demonstrated some successes in reducing re-convictions. However, a larger independent study of these programs should be conducted and if successful, funding should be provided to expand this program beyond the pilot institutions. These two evaluations were conducted using re-conviction rates as the outcome measure of success. However, reductions in re-convictions are only one possible effect. Unfortunately, other important measures of success, such as maintenance of a positive relationship between parent and child and reduction of psychosocial risk-factors that may increase the risk for future criminal behaviour among children whose parents have been incarcerated are more difficult and costly to evaluate and not often the focus of such research studies.

The brief review of programs currently running outside of Canada suggested that several services are currently being offered elsewhere that would benefit Canadian children with incarcerated parents. One of the more successful interventions involves mentoring programs, which promote positive behavioural outcomes in at-risk children, although this appears to depend somewhat on the quality of the relationship formed between the mentor and mentee (Dubois, Holloway, Valentine, & Cooper, 2002; Hagen & Myers, 2003; Karcher, Kuperminc, Portwood, Sipe, & Taylor, 2006). Although an attempt was made to pilot a mentoring program previously in Canada, it was unsuccessful due to an inability to identify the relevant at-risk population. Thus, when considering the adoption of programs running successfully elsewhere there is a need to carefully examine and adapt the program specific to the Canadian context.

Currently, parenting programs appear to be offered in a limited number of Canadian institutions and are operated by non-profit organizations rather than correctional institutions themselves. While these parenting programs do not appear to have been independently evaluated, research elsewhere provides only limited support for the effectiveness of parenting programs (Wilczak & Markstron, 1999; Robbers, 2005). However, it is worth noting that these evaluations were conducted with fathers who, in many cases, were not the primary caregiver or did not report on levels of child-parent satisfaction with their relationship (Wilczak & Markstron, 1999; Robbers, 2005). Given this, parenting programs targeting mothers should be piloted and evaluated for success in improving parenting skills. Further, quality of the relationship and security of the attachment between parent and child prior to the parent's incarceration should be taken into account prior to the any program delivery to determine effectiveness in achieving intended program outcomes.

There are a limited number of services available in-custody to help incarcerated parents develop better parenting skills. Thus, Canada may benefit from adopting programs that help incarcerated parents address their parenting strengths and weaknesses to develop and maintain a better relationship with their children. This is particularly important given that most incarcerated parents will eventually be released from custody and many may return to the family home where currently no formal supportive services are provided to assist families with this often difficult transition. Unfortunately, there are very few methodologically strong evaluations of parenting programs to date. Given this, any implemented program in Canadian custodial centres should be subjected to high-quality and independently conducted evaluation.

Treatment in the form of multi-systemic therapy appears to be beneficial in not only reducing the risk of future behavioural and other problems in at-risk children, but also in supporting the relationship between children and their families (Borduin et al., 1995; Henggeler et al., 1991; Henggeler, Melton, & Smith 1992; Henggeler et al., 1993; Henggeler et al., 1997; Henggeler et al., 1999; Henggeler, Pickrel, & Brondino, 1999a; Henggeler, Clingempell, Brondino, & Pickrel, 2002; Timmons-Mitchell, Bender, Kishna, & Mitchel, 2006). Multi-systemic Therapy (MST) is an intensive, family-based intervention approach for improving the antisocial behavior of serious juvenile offenders. MST seeks to reduce youth criminal activity and other kinds of negative behaviour, for example drug abuse, in a cost-effective manner by limiting the need for incarceration or other types of out-of-home placement. The MST model is based on the belief that youth behavior is determined by multiple factors, such as youth's social and cognitive development, family relations, peer interactions, and community influences, and that each of these factors can be altered to promote positive behavioral change. Thus, depending on the youth's individual circumstances, MST treatment may aim to improve a caregiver's discipline practices, decrease the youth's interaction with deviant peers, or improve the youth's school performance. MST intervention is conducted in natural settings, for example, in the youth's home, school, or community, under the notion that youth and their families must learn how to function more effectively within their natural environment if they are to sustain improvements after services conclude. Specific areas for treatment are determined by each youth's situation; however, a common focus of MST is to teach parents how to be more effective at managing their child's activities and to develop positive support systems. Caseworkers are trained in the MST model and supervised by an MST- trained mental health professional. MST services typically last between three and five months, but can be shorter or longer than this, and involves several hours of contact per week.

Data Collection

One of the most immediate needs is for Canada to begin a formal system of routine or periodic data collection around the size and characteristics of children affected by parental incarceration. It appears that some data regarding the number of dependent children and the incarcerated parent's degree of contact with them is already collected at the federal level when an adult enters a Canadian federal prison. However, this information does not appear to have been the subject of any previous reporting. Further, similar data does not appear to be available at the provincial level. Therefore, provincial intake forms should be modified to collect basic information regarding the children. Specifically, these forms should reflect: the number and current ages of the children; whether they were living with this parent at the time

of their arrest/sentencing; their current caregiver; and contact information for their child/caregiver, including phone number and address. This information would potentially allow for some basic extrapolation by researchers in order to estimate the true size of the affected population of children. However, this information also needs to be accessible so that the size of the affected population can be monitored. Currently, it seems that this data is not easily accessible at the federal level and would require a substantial amount of time to collate.²⁴ By relating this information to data collected through research, including incarceration data, the parent's movement between custody centres, visitation with their children, forms and frequency of communication with their children, as well as release data, and whether the parent is being released into the care of the family, including their children, a more accurate picture about the true needs of children with incarcerated parents can be drawn to inform supportive services and programming across all stages of contact with the criminal justice system. Similarly, official collection of statistics on the family criminality of young offenders held in custody would also provide a much more comprehensive picture of the factors that may have placed these children at risk for contact with the criminal justice system, including unsatisfactory care arrangements and legal stigma.

Research

In particular, Canada generally lacks empirically rigorous and longitudinal primary research on the issues facing children with incarcerated parents. Of the 50 samples from 40 different studies analysed in Murray et al.'s (2012) recent meta-analysis, not one was from Canada. What has been done in Canada generally consists of qualitative research involving small samples with no comparison or control groups with which to contextualize the findings. Since so little has been studied to date in Canada, well-designed research studies regarding the various immediate and long-term effects on children and their needs is required. This should start with establishing the base rate of this population (e.g. Christian, 2009; Nickel et al., 2009). Canadian specific studies in this area are extremely important given that policy decisions surrounding minimizing the size of the affected population and reducing the harmful effects of incarceration must be made in order, at the very least, to reduce future pressures on the child welfare and criminal justice systems. However, given the limited space of this report, only a few suggestions regarding the most important research questions will be discussed.

In terms of the research most needed in Canada, although studies suggest that children who experience the incarceration of one or more parents are at heightened risk of future criminal justice system contact themselves, the research to date is mainly qualitative with small samples, and is not methodologically strong. Thus, there is an immediate need to conduct a longitudinal study regarding the long-term criminal justice outcomes of children who have experienced parental incarceration. Similarly, there is a paucity of research concerning how parental incarceration affects children differentially depending on their age when their parent was incarcerated. Only Cunningham and Baker (2003) have provided a developmental perspective to their analysis of interview data collected from a very small sample of incarcerated women in Canada. Thus, prospective longitudinal research must be conducted to inform differing program and

²⁴ In our consultations with CSC, it was suggested that this information is available in the files of inmates but would require a systematic review of the files to collate for analysis.

service needs for infants, toddlers, pre-schoolers, children, and adolescents who are at different developmental stages and who are likely to be affected by parental incarceration in different ways. Governing these and all other suggestions is the caution that such research must be methodologically rigorous in order to adequately untangle the complex nature of being at-risk due to parental incarceration. For instance, research needs to randomly assign parents to custodial versus home-based sentences, study the effects of incarceration from a prospective longitudinal design, study the issues using multiple informants, including the children themselves, and it must control for additional moderating factors, including, at a minimum, whether the child was living with the incarcerated parent just prior to their incarceration, their age at their parent's incarceration, psychosocial problems exhibited prior to their parents incarceration, previous separations from the incarcerated parent, the length of the current custodial sentence, frequency of visitation and communication with the parent during their incarceration, stability of caregiving following incarceration, quality of caregiving following incarceration, and strength of attachment to the incarcerated parent (e.g. Murray et al., 2012).

More generally, although previous research has established that children whose fathers are incarcerated are more likely to remain in the care of their remaining parent (i.e. the mother), while children whose mothers are incarcerated are more likely to go live with extended family or be placed in care, there is a lack of rigorous Canadian research and no Canadian statistics documenting the informal and formal placement of children post-parental incarceration. In other words, how often Canadian children are living at home with a parental caregiver versus being placed outside the familial home with extended family, non-family members, or being placed in care is currently unknown, as is their perceived level of safety in these placements.

It would also be advisable to conduct research with criminal justice professionals both directly and indirectly involved in this issue. For instance, police officers, social workers, and other child welfare professionals could be surveyed regarding their understanding and use of Ministry of Child and Family Development (MCFD) protocols when the caregiver of a minor child is arrested and incarcerated, and their feelings regarding the importance and need for information sharing between relevant agencies. Equally important, teachers and school administrators could be studied to determine their current level of awareness regarding the number of children in their schools who have an incarcerated parents, the risk factors faced when a parent is incarcerated, and how to provide support to this vulnerable group of children. Although compared to other Canadian agencies and organizations Corrections Canada appears to have fairly advanced policies and practices concerning children with incarcerated parents, surveying inmates and criminal justice professionals within the federal prison system would be advisable to determine their comprehension and use of these policies and practices. This research is even more important in provincial jails where children with incarcerated parents appear to be a particularly invisible group. Lastly, given that parole officers often facilitate or coordinate the return of an incarcerated parent to their family, these professionals should also be involved in research regarding the needs of children with incarcerated parents and more clear policies and practices should be developed around the best interests of these children when releasing a prisoner back to their home. The current and potential role for the MCFD at the point of an incarcerated parent's re-integration to the family should also be explored.

Similarly, research with educational professionals would be beneficial, as a cursory inquiry with several school districts in the Lower Mainland supported the findings from the review of the literature that there is no formal protocol for receiving information regarding children whose parents are incarcerated.²⁵ A major issue is that information sharing between agencies about this issue is viewed as potentially stigmatizing and a privacy issue and thus problematic from a school district perspective. As such, the incarceration of a primary caregiver may only come to the attention of educators when either the child or their current caregiver reveals the information. Given this, supportive services for these children likely only occur if the child is identified as at risk for other reasons, such as familial mental health or substance use issues, or family conflict, including separation and divorce. Additional research into the barriers preventing information sharing between the fields of criminal justice, child welfare, and education must be conducted and informed policies regarding when, what, and how to share information must be developed to better serve this at-risk population and increase their resiliency to the effects of parental incarceration.

An extremely important avenue of research lacking in Canada is the effect on Aboriginal children with incarcerated parents. As Canadian statistics indicate that incarceration rates of Aboriginal women in particular are increasing, that these women tend to have more children than non-Aboriginal women, and that Aboriginal children are at higher risk of being placed in care than non-Aboriginal children, there is a need for research specifically focusing on the outcomes experienced by Aboriginal children. As elsewhere, research in British Columbia suggests that Aboriginal youth continue to be overrepresented in youth custody (McCreary Centre Society, 2005; Office of the Provincial Health Officer, 2013; Representative for Children and Youth, 2009); however, no research has been conducted to determine the potential causal influence of these youth's experiences with parental incarceration. Further, Aboriginal serious and violent incarcerated young offenders experience a greater accumulation of risk-factors in the sense that the profile of risk does not appear to differ significantly from non-Aboriginal serious and violent incarcerated young offenders, but that the extent to which they experience such risk factors does differ significantly (Corrado, Cohen, & Watkinson, 2008). There is a need for Indigenous-led research with Aboriginal children whose parents have been incarcerated to determine whether they experience similar or unique effects as a result of that incarceration, and to measure the extent to which these risk factors accumulate to increase their risk of poor psychosocial outcomes. This information should then be used to develop culturally sensitive evidence-based policies and programs aiming to reduce the already high level of risk factors traditionally faced by Aboriginal children that increase their risk of poor health, mental health, educational, and legal outcomes (Office of the Provincial Health Officer, 2013).

National Child Rights Commissioner

To ensure an integrated and informed approach to reducing risk among children with incarcerated parents, Canada should strongly consider the creation of a National Child Rights Advocate or Commissioner who, as part of their role in advocating for and monitoring of children's rights generally, would be tasked with

²⁵ Please contact Annette Vogt (Annette.Vogt@ufv.ca) for additional information regarding this personal communication.

oversight for this vulnerable population specifically. This practice would be in line with the recommendations made by major child rights non-governmental organizations in relation to Canada's commitments under the UN CRC (Canadian Coalition for the Rights of Children, 2012), and would also be consistent with good practices in the United Kingdom, where National Child Rights Commissioners are taking a lead role on this issue, and Australia, where a Children and Young People Commissioner has been appointed to consult with and act on behalf of children and young people. Most importantly, this Commissioner would act as an advocate for children with incarcerated parents by representing their best interests in the development and reformation of policies and practices affecting them through leading the development of a more child-friendly adult criminal justice system. Along with other concerns of young people, this Commissioner would be responsible for overseeing research and data collection on children with incarcerated parents. They would also be responsible for advocating for the development of evidence-based, culturally relevant programs and services via non-profit, voluntary, and government organizations and agencies. Similarly, they would advocate for the development of university-level curriculum for programs likely to involve work with children with incarcerated parents, primarily social work, education, child and youth care, and criminal justice programs. Likewise, they would advocate for the development of the additional professional training for those specializing in working with children with incarcerated parents.

Conclusion

Although children with incarcerated parents are essentially an invisible population across Canada, this brief scoping review has identified a range of promising policies and programming designed to deliver needed supportive services to mitigate the risks and increase a child's resilience in relation to parental incarceration. It is vital for provinces and territories across Canada to begin officially collecting data on the size of this affected population and to develop policies and practices to better support them and reduce the risks of future psychosocial problems, which may lead to future contact with the criminal justice system and replication of the cycle of criminality. Although a party to the United Nations *Convention on the Rights of the Child*, Canada is failing to live up to the expectations provided within, including the need to consider the best interests of children in decisions affecting them. Until Canada develops specific policies and practices designed to recognize and support the rights and needs of children affected by parental incarceration, these children will continue to face serious challenges to their successful development.

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