



Report to the Pennsylvania State Roundtable

Dependent Children of Incarcerated Parents

May 2012

Chairperson:

Honorable Kim Berkeley Clark
Court of Common Pleas of Allegheny
County



May 23, 2012

Dear Pennsylvania State Roundtable Members:

With your approval, the Dependent Children of Incarcerated Parents Workgroup was created to make recommendations to improve outcomes for dependent children of incarcerated parents. Specifically, the workgroup was tasked with identifying perceptions about the issues of dependent children of incarcerated parents, including the barriers to the engagement of incarcerated parents; identifying best and promising practices for engagement of parents in the dependency system and for visitation and contact between dependent children and their incarcerated parents. In addition, the workgroup was tasked with making recommendations to improve the engagement of incarcerated parents in case planning, delivery of services, and in the court process; and making offering recommendations to improve the quality of visitation and contact between dependent children and their incarcerated parents.

Between September of 2011 and May of 2012, the workgroup worked diligently to develop a set of realistic recommendations and to identify good practices and programs across the United States and in Pennsylvania.

We were privileged to have the participation and input of a former dependent child and a former incarcerated parent. Their contributions were valuable. Their voices were heard and are reflected in this report. They provided a lot of insight into the issues we tackled and, from their perspectives, what works and what doesn't work. We also had input from the warden of a county jail in Pennsylvania, who has recognized the importance of maintaining the connection and bond between dependent children and incarcerated parents as well as the complexities of system reform and the need for stakeholder collaboration.

We have worked hard to develop what we believe are solid recommendations and an exciting plan for Pennsylvania, and we are proud to present our report to you. It has been a privilege to serve in this capacity.

Sincerely,

A handwritten signature in blue ink that reads "KB Clark". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Kim Berkeley Clark, Chair

Dependent Children of Incarcerated Parents Workgroup

Dependent Children of Incarcerated Parents Workgroup

Chairperson

Honorable Kim Berkeley Clark
Allegheny County Court of Common Pleas

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Introduction:

The Dependent Children of Incarcerated Parents Workgroup, commissioned by the Pennsylvania State Roundtable was formally launched in September 2011. Prior to the Workgroup's establishment, the issue of incarcerated parents was addressed by both the State Roundtable's Father Engagement Workgroup and the Visitation Workgroup. As both of these Workgroups began to identify the complexity surrounding engagement of incarcerated parents in case planning and delivery of services, visitation and hearing participation for incarcerated parents with dependent children, it was determined during the 2011 State Roundtable to establish a new workgroup to focus solely on the issue of dependent children of incarcerated parents.

The Workgroup is chaired by the Honorable Kim Berkeley Clark, Court of Common Pleas of Allegheny, and is comprised of a variety of workgroup members specializing in legal representation, child advocacy, child welfare, incarceration and the court. In addition, to the above stakeholders, the group was privileged to have a youth ambassador and parent ambassador who were able to ground the work of the group with real life perspectives from a dependent youth and an incarcerated parent with children in the child welfare system.

The Workgroup met regularly over the past six months with the vast majority of workgroup members attending all meetings. The Workgroup defined its purpose through the overarching principal that, under the law, **“Incarcerated parents have the same rights, as parents who are not incarcerated, to fully participate in the court process, to fully participate in case planning, to require the agency to make reasonable efforts towards reunification, and to have visitation and contact with their children.”** Accordingly, the workgroup engaged in vigorous discussions and review of national and state reports on the subject. Several workgroup members were also a part of the PA Joint State Government Commission Advisory Committee on Incarcerated Parents and the U.S. Government Accountability Office Committee on Foster Care Children with Incarcerated Parents. Both of these groups have issued extensive reports with sweeping recommendations for legislative, case practice and court reform.

Given the limited availability of national and Pennsylvania specific data about this issue, the workgroup created surveys for judges/judicial officers, children and youth administrators, county wardens and state correctional institution superintendents. In addition, a questionnaire was developed for youth ambassadors who have or had an incarcerated parent.

Survey results revealed all stakeholders overwhelmingly agreed children have a right to visitation with their incarcerated parent, children want to maintain the bond during their parent's incarceration and that child wellbeing is enhanced by frequent visitation. The surveys also identified common barriers with engagement, hearing participation and

visitation including distance to the institutions, transportation, inadequate “child-friendly” spaces in correctional facilities, concerns of the emotional impact of visits, lack of written protocol for working with incarcerated parents with dependent children, lack of systemic collaboration among key system stakeholders and absence of statewide or county specific data.

Based upon these surveys, the workgroup concluded the issue of engaging and including incarcerated parents is complex and requires the collaboration of several different entities to ensure this can be accomplished. A collaborative group sharing a common vision in regards to incarcerated parents is one that can see obstacles as opportunities and focus on what can be done rather than what cannot. At the very root of the issue is the simple value that captures the essence of the vision of this workgroup, that visitation and contact with parents is important to a child no matter *where* the parent resides. Children of incarcerated parents find themselves at risk in numerous areas, but these risks can be offset to some degree by having a positive relationship with an incarcerated parent and having that parent’s participation during the life of the dependency proceeding.

To this end, the Workgroup makes the following recommendations to the Pennsylvania State Roundtable to improve well-being and outcomes for dependent children of incarcerated parents.

OVERARCHING PRINCIPAL: “Incarcerated parents have the same rights, as parents who are not incarcerated, to fully participate in the court process, to fully participate in case planning, to require the agency to make reasonable efforts towards reunification, and to have visitation and contact with their children.”

RECOMMENDATIONS:

- 1. Collaboration**—A system of collaboration between the court, the agency, correctional facilities and probation/parole is necessary for the improvement of outcomes for dependent children of incarcerated parents and for the engagement of incarcerated parents in case planning and delivery of services, in the court process and in visitation.
 - The Workgroup found some courts across the United States and in the Commonwealth of Pennsylvania have established a protocol or have entered into a memorandum of understanding with their local county jails and prisons. See Attachments: B, C, D, E and F for example protocols.
 - The Workgroup recommends courts work to improve the visitation rooms in the county jails so the visitation experience is more child and family friendly and will assist in quality visitation between children and their parents. Some best practices/examples are found at the end of this report.

2. **Revise the PA Dependency Benchbook and Resource Companion to include information on Incarcerated Parents**—The Benchbook and Resource Companion contains little information or guidance for courts on addressing the complex issues of dependent children of incarcerated parents.
 - The workgroup recommends the issues of engagement of incarcerated parents in case planning and delivery of services, engagement and participation of incarcerated parents in the court process, and visitation and contact for dependent children of incarcerated parents be addressed in the Benchbook in either a short chapter or as part of the other chapters in the Benchbook.
 - The workgroup also recommends the Resource Companion be revised to include articles on children of incarcerated parents including issues of wellbeing of dependent children of incarceration parents, grief and loss issues for children of incarcerated parents, visitation and contact, etc.
3. **Training and Education**—The survey results underscored the critical need for training for agency, child, and parent attorneys; wardens and corrections staff; agency workers; judges and masters; and foster parents.
 - Training for the wardens and corrections officers should include a primer on the dependency system, including the ASFA timeframes.
 - The workgroup recommends the development of training for child and parent attorneys be referred to the PA State Roundtable’s Legal Representation Workgroup with the assistance of the Dependent Children of Incarcerated Parents Workgroup.
4. **Data Collection**—No good data exists on the number of children in the dependency system who have or have had at least one incarcerated parent.
 - Consequently, the workgroup recommends the CPCMS orders be revised to include a checkbox to indicate whether a parent is incarcerated. We recommend this field be mandatory and the data be collected and reported along with other data.
5. **Inclusion of this topic at the Next Children's Summit**—Because of the focus of this issue in the Commonwealth (Joint State Government Commission) and nationally, (GAO) the workgroup recommends this issue be one of the topics presented at the Next Children's Summit. The Workgroup respectfully requests the following be included at the summit:
 - National experts and best practices and polices be featured at the Summit.
 - Best practices and polices within PA be featured.

- The workgroup recommends former foster care youth as well as parents who were incarcerated be featured.
 - Counties develop action plans to improve outcomes of dependent children of incarcerated parents focusing on collaboration, visitation, engagement of incarcerated parents in case planning and delivery of services, and participation of incarcerated parents in the court process.
6. **Approval and Adoption of the Know Your Rights Brochure**—The Workgroup created a brochure for incarcerated parents explaining their rights and responsibilities (See Attachment A).
- The workgroup recommends the brochure be included on the OCFC website and be available for distribution to children and youth agencies, courts, attorneys and prisons.

In addition to the above recommendations the Dependent Children of Incarcerated Parents Workgroup respectfully requests the PA State Roundtable’s approval to continue the work of the group in 2012 focusing on:

- Collaborating with the PA Department of Corrections to address statewide issues.
- Identifying training needs and supporting training for judges, hearing officers, lawyer and correctional staff.
- Collaborating with the PA Department of Public Welfare on guidance for social workers on engagement and delivery of services for incarcerated parents.
- Developing other educational materials as needed for inmates, dependent children or system stakeholders.
- Assisting Local Children’s Roundtables upon their request in addressing the issue of dependent children of incarcerated parents.

FIVE THINGS YOU CAN DO RIGHT NOW!

1. Invite the warden of your local county jail or prison to be a member of your Local Children's Roundtable or to attend your roundtable meetings.
2. Appoint counsel for incarcerated parents.
3. Transport incarcerated parents to all hearings and, at the conclusion of the hearing, issue the transportation order for the next hearing. If in-person participation is not possible due to distance, order video conferencing or phone participation.
4. Visit your local jail or prison or the SCI nearest to your county.
5. Utilize the sample protocols and practices for engagement of incarcerated parents, until you develop your own protocol and practices.

Background and Pennsylvania Law on Incarcerated Parents in Dependency Proceedings

Over the past several decades, the United States has seen an extraordinary rise in the use of incarceration. While the number of people in our prisons and jails was 330,000 in 1972, the prison population today totals well over 2 million which includes more than 51,000 inmates in Pennsylvania State Prisons. Currently the United States has the highest rate of incarceration of any country in the world. In recent years, researchers and policy-makers have begun to question the impact of incarceration on children. Data suggests that the majority of incarcerated men and women are parents, and currently an estimated 2.7 million children in the United States and at least 100,000 children in Pennsylvania have an incarcerated parent.

It is unclear how many children of incarcerated parents enter foster care. Data suggests that in 2009, approximately 8% of all children entering foster care did so because of parental incarceration. However, because of the way this data is collected and maintained, the federal Government Accountability Office has concluded that this is a significant undercount, and many more children in foster care have an incarcerated parent than the data reflects. There is reason to believe that a large, and likely growing, number of children enter foster care due to parental incarceration, or experience parental incarceration at some point during their stay in foster care.

In general, incarcerated parents have the same rights as any other parent in dependency proceedings with regard to involvement in case planning, visitation with their children, and

participation in hearings. In regard to case planning, the children and youth agency is required to provide parents with “the opportunity to participate in the development and amendment of the service plan.” 55 Pa. Code § 3130(d). No exception is made for incarcerated parents. In cases where reunification is the goal, absent a contrary court order the agency must provide the “opportunity for visits between the child and parents as frequently as possible but no less frequently than once every 2 weeks.” 55 Pa. Code § 3130.68(a). Again, there is no exception for incarcerated parents. The Superior Court has held that, with regard to visitation between children and incarcerated parents, visitation should not be denied or reduced unless it poses a grave threat to the child. In re C.J., 729 A.2d 89, 95 (Pa. Super. 1999).

The law also does not provide any exception for incarcerated parents to the expectation that parents participate in dependency proceedings. Pa.R.J.C.P. 1128 states that, absent good cause shown, “all parties shall be present at any proceeding.” See also 42 Pa.C.S. § 6310, stating that “every parent, guardian or custodian of a child who is the subject of a proceeding under this chapter and a court-ordered program under this chapter should attend the proceeding and participate fully in the program.” While there is not case law addressing the right of incarcerated parents to be physically present for their dependency proceedings, the Pennsylvania Superior Court has found that a parent’s right to participate in a termination of parental rights proceeding may be satisfied by telephonic participation. In the Interest of A.P., 692 A.2d 240 (Pa. Super. 1997). Incarcerated parents are equally entitled to be represented by an attorney at all stages of dependency proceedings, and also have the right to have an attorney appointed if they are unable to afford one. 42 Pa.C.S. § 6337.

The Pennsylvania Supreme Court recently, and for the first time in 25 years, addressed the issue of parental incarceration and termination of parental rights. The Court reiterated “the definitive principle that when a parent uses the opportunities that are available in prison to make sincere efforts to maintain a place of importance in the lives of his or her children, incarceration alone will not serve as grounds for the involuntary termination of his or her parental rights.” In re R.I.S., 36 A.3d 567, 574 (Pa. 2011). In a non-precedential concurrence, several members of the Court opined that the duration of incarceration alone may provide grounds to terminate parental rights pursuant to 23 Pa.C.S. § 2511(a). There remains another case on this issue pending before the Pennsylvania Supreme Court.

Spotlight on Dependent Children of Incarcerated Parents

Recently, national and Pennsylvania specific committees have examined the systemic issues surrounding foster children with incarcerated parents. Recommendations from both groups included the need for cross system collaboration, better gathering and utilization of reliable data and the importance of maintaining parent-child contact during incarceration. The State Roundtable’s Workgroup on Dependent Children with Incarcerated Parents used

information from both of these reports as a basis for discussions and committee work. Please see information below for more detail on the two reports.

U.S. Government Accountability Office Report on Foster Care Children with Incarcerated Parents

In September 2011, the United States Government Accountability Office (GAO) issued a report about foster care children with incarcerated parents. The report highlighted the deep gaps in knowledge about this population as well as the need for improved cross-system collaboration between child welfare and corrections. An analysis of federal data showed that in 2009 alone, at least 14,000 children entered foster care in the United States due to parental incarceration. However, because data on these children are maintained inadequately and inconsistently, the GAO noted that the number of foster children facing parental incarceration is likely significantly larger than this estimate. The report explained that the lack of adequate data for these children leads to an inadequate understanding of the needs of children and parents seeking reunification. It is particularly unclear how the timelines for termination of parental rights under the Adoption and Safe Families Act (ASFA) impact children and families facing parental incarceration. The report highlighted some promising practices in states like New York and California that support family connections and reunification services for children of incarcerated parents, and called for increased attention to this issue as well as improved collaboration between child welfare and corrections. The full version of the GAO Report can be found here: <http://www.gao.gov/products/GAO-11-863>

2011 Pennsylvania Joint State Government Commission's Report

Also in 2011, the Pennsylvania Joint State Government Commission released a report entitled "The Effects of Parental Incarceration on Children: Needs and Responsive Services." This report was commissioned by the Pennsylvania General Assembly (HR 203/SR 52), and represents the work of an advisory committee comprised of 38 professionals with an array of experience working in corrections, child welfare, the courts, academics and child and family services. This report includes a lengthy literature review and includes dozens of recommendations to improve outcomes for children of incarcerated parents in Pennsylvania. Many of the recommendations highlight the importance maintaining parent-child contact during incarceration. The report also notes the lack of reliable data about these children and a need for concentrated, cross-system efforts to ensure their needs are addressed. The full version of the Joint State Government Report can be found here: <http://jsg.legis.state.pa.us/resources/documents/ftp/documents/children%20of%20incarcerated%20parents.pdf>

Asking the Experts : Surveying Pennsylvania Dependency Judges, Judicial Officers, Children and Youth Administrators, Prison Wardens and State Correctional Institution Superintendents

Limited Data Available

Only 59% of children and youth administrators who answered the survey reported having data on the number of dependent children in their county who have an incarcerated parent.

The State Correctional Institution at Muncy (female prison) reported 70% of their prison population as mothers and 50% of them having a child in the dependency system.

Hearing Participation – Differing Opinions between Judges and Wardens

Less than half of judges who responded order the incarcerated parent to participate but did indicated 97% of incarcerated parents do participate in dependency proceedings. Wardens responded that only 56% participate. When asked to identify barriers to participation wardens cited insufficient notice from the court to transport the inmate, late notice of hearing schedule, parent attorney’s lack of understanding of prison policy to ensure participation, inmate’s lack of understanding of importance of the proceeding and personal choice of the inmate not to participate.

The Workgroup surveyed dependency judges, judicial hearing officers, county children and youth administrators, county prison wardens and state correctional institution superintendents across the state to gain more insight about how system stakeholders view the engagement of incarcerated parents in the dependency system. Stakeholders were asked questions regarding knowledge of the dependency system, data, hearing participation, visitation, overall engagement, collaboration and fundamental beliefs concerning parent–child connection. The survey was answered by 39 judges/hearing officers, 35 administrators and 56 wardens/superintendents.

Overall Themes

All stakeholders overwhelmingly agreed children have a right to visit with their incarcerated parent, children want to maintain the bond during their parent’s incarceration and child wellbeing is enhanced by frequent visitation. Common barriers to engagement, hearing participation and visitation include distance to the institution, transportation, inadequate, “non-child-friendly” spaces in the correctional facilities, concerns of emotional impact of visit, no written protocol for working with incarcerated parents with dependent children and a lack of collaboration among stakeholders. In addition, although some county children and youth agencies do keep a manual count of the number of children with an incarcerated parent, there is currently no statewide data available.

Survey Findings:

Data: Fifty-nine percent (59%) of children and youth administrators who responded to the survey reported knowing the number of dependent children in their county who have an incarcerated parent. Of that 59%, most reported there is no formal mechanism to track this information but rather it is manually maintained by supervisors, caseworkers or clerical staff. Of those administrators who do maintain data, it was

reported that 295 children in the dependency system over the past six months have or had an incarcerated parent.

The majority of superintendents and wardens that responded to the survey are unaware of the number of inmates in their prisons who have a child in the dependency system. Ninety-three percent (93%) answered that they do not know or do not track such information. The exception to this is the two female state correctional institutions - SCI Cambridge Springs and SCI Muncy. SCI Muncy reported 70% of their prison population as mothers and of those women, 50% have a child in the dependency system.

Hearing Participation:

Ninety-one percent (91%) of Judges/Judicial Officers reported the court appoints counsel for the incarcerated parent. The majority indicated that county children and youth agencies are responsible for notifying the incarcerated parent about dependency proceedings. Judges also indicated that 97% of incarcerated parents do participate in dependency proceedings and that among them 82% participate in all types of dependency hearings. Approximately one-half of the judges surveyed reported ordering the incarcerated parent to participate. Judges reported 65% of incarcerated parents participate by both phone and video conference and 23% indicated phone participation only.

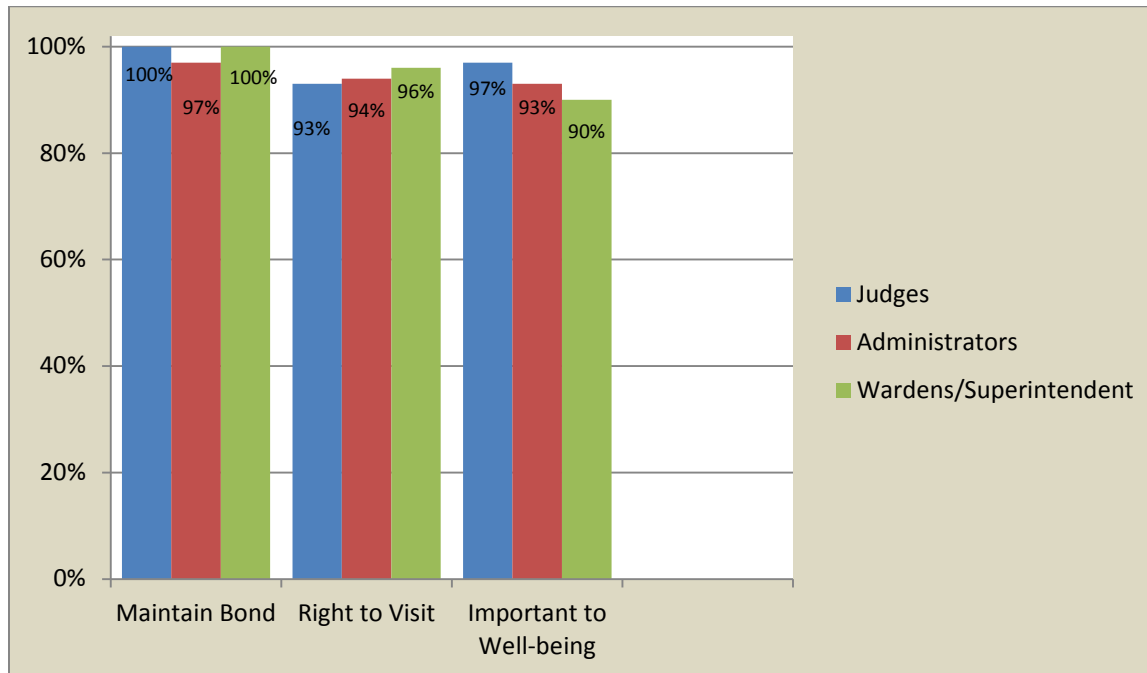
Wardens responded differently when asked the same question concerning frequency of hearing participation. Wardens indicated that only 56% of inmates almost always participate in dependency proceedings. When asked to identify barriers for participation, wardens indicated the parent attorneys' lack of understanding of prison policy to ensure participation, inmates' lack of understanding about the importance of the proceeding, lack of advance communication necessary to make arrangements for transportation of the inmate or phone time, hearing times not conducive to prison schedules, untimely hearings, insufficient notice of hearing date and time and personal choice – inmate doesn't want to participate. SCI Muncy also reported that due to limited staff resources female inmates mostly participate in only goal change or terminations of parental rights proceedings and to a lesser extent custody hearings.

Beliefs about Parent-Child Connection:

Child welfare administrators, judges, and wardens/superintendents were all asked the following three questions:

1. Do you believe that most children want to maintain a bond with their incarcerated parent?
2. Do you believe that a child has the *right* to visit with their incarcerated parent?
3. Do you believe that a child's visitation with an incarcerated parent is important to the child's well-being?

All three system stakeholders strongly believe children want to maintain a bond with their parent, children have the right to visit and visitation with the incarcerated parent is important to the child's well-being.



Engagement in Case Planning, Delivery of Services and Hearing Participation:

The survey included questions to both the court and children and youth agencies to gain a clearer picture about how both systems engage with incarcerated parents during incarceration and upon their release from prison.

Administrators Responses

- 70% of administrators noted caseworkers do not communicate as frequently with incarcerated parents as all other parents.
- 63% of administrators noted that the incarcerated parents are almost always invited to participate in the development of the Family Service Plan. 36% noted this only happens sometimes.
- 80% of administrators reported caseworkers ensure the goals set in the Family Service Plan are achievable by the incarcerated parent.
- 40% of administrators indicated that the Family Service Plan is NOT revised upon the incarcerated parents released.

Judges Responses

- 45% of judges order incarcerated parents to attend their child's dependency proceedings.
- 51% of judges inquire during the hearing if the incarcerated parent was involved in the family finding process when family finding is utilized.
- 65% of judges inquire during the hearing whether or not the incarcerated parent was invited to participate and involved in the Family Group Decision Making Conference if one occurred.
- 63% of judges inquire during the hearing whether or not the incarcerated parent was involved in the development of the Family Service Plan
- .82% of judges inquire during the hearing whether or not the Family Service Plan goals are achievable while the parent is incarcerated.
- 31% of judges order a revised Family Service Plan upon the incarcerated parent's release.

Visitation vs. Environment

While almost all judges believe visitation with an incarcerated parent is important to reunification, 45% of judges responded that the prison environment coupled with the emotional experiences visiting a prison may bring outweigh the need for visitation with an incarcerated parent.

100% of administrators said visitation with incarcerated parents happens less often than other parents. Written comments suggest concerns with the emotional impact on the child.

The vast majority of county prisons have no contact visitation largely due to lack of space and security concerns. Only 64% of those county prisons that do offer contact visits describe the space as “child friendly.”

Visitation

The surveys asked questions to the three stakeholders about visitation between dependent children and their incarcerated parents.

Judges

The majority of judges (98%) responded they do believe a child’s visitation with an incarcerated parent is important to reunification efforts but many have concerns about the child’s exposure to the prison environment and the emotional experience it may bring. In fact, 45% of the judges surveyed indicated the prison environment coupled with the emotional experiences outweigh the need for visitation.

Administrators

One hundred percent of children and youth administrators conveyed that visitation with incarcerated parents does not happen as regularly as with all other parents. It was reported that the primary means of communication between parent and child is letter writing (100%) followed by in person visits (69%) and then phone calls (40%). Only two counties reported utilization of video conferencing. Administrators identified the following barriers to dependent children visiting with their incarcerated parent: intimidating environment, inappropriate visitation space, non-contact visits are difficult for children, inability to bring necessary child care items into facility, distance to facility, and potential impact on the child of seeing their parent incarcerated. Twenty percent (20%) of administrators did not believe incarcerated parents have the same right to visit their child as all other parents. In addition, 77% of administrators

conveyed dependent children with an incarcerated parent do not request a visit as often as children without an incarcerated parent. When asked what circumstances administrators feel most comfortable recommending contact visits between a child and their incarcerated parent responders cited non-violent crime, when the crime was not against the child, if it is in the best interest of the child, youth has knowledge of or an attachment to the incarcerated parent, when travel time is not too excessive, child is able to deal emotionally with prison environment and when contact visits are permitted.

Surveyed Revealed Little Systemic Collaboration on Incarcerated Parent/Child Dependency Issues

100% of wardens who responded to the survey conveyed that they never meet with their local dependency judge either through their local children's roundtable or another mechanism to discuss systemic issues involving dependent children and their incarcerated parents.

Although wardens and children and youth administrators did report a close working relationship between children and youth caseworkers and inmate treatment counselors – comments suggest this is related to court ordered visitation and hearing participation - not case planning or family service plan achievement.

Central Point of Contact at Prison would be Helpful

90% of children and youth administrators who currently do not have a central point of contact at the prison believe it would be helpful to have such a contact

Wardens

All state correctional institutions provide contact visits but only few county prisons offer these types of visits, most happen behind glass. Seventy-eight percent (78%) of wardens indicated that there is not adequate space in their facility for contact visits to occur. Only 64% of those who do offer contact visits describe the space as “child friendly”. In addition to space issues, several wardens commented on safety and security concerns of contact visits.

Collaboration and Coordination:

Workgroup members wanted to learn more about how courts, county children and youth agencies and prisons are working together to address the complexity of parent incarceration and dependent children. **100% of county prison warden respondents reported never meeting with their local dependency judge to discuss systemic issues concerning children in foster care with an incarcerated parent.** In addition, 78% of warden respondents indicated that they were not aware whether or not their county had a Local Children's Roundtable.

More than half (59%) of children and youth administrators did report caseworkers work closely with inmate treatment counselors and 76% of wardens reported inmate counselors do work closely with children and youth caseworkers. However, after review of the comments submitted it appears that “*working closely*” was interpreted to mean coordination of visitation and hearing participation. It is suspected that inmate treatment counselors and children and youth caseworkers work *less* closely with coordination of inmate treatment plans and family service planning. Children and youth administrators and wardens/superintendents were both asked to identify the barriers that prevent collaboration. Based on comments received, children and youth administrations fault difficulty in contacting inmate treatment staff (both at county prisons and SCIs), case workers primary focus on the custodial parent, priority to work with the incarcerated parent only after release and no central point of contact in the prison

Education Needs

50% of wardens and state correctional institution superintendents reported little to no understanding about the child dependency system.

82% of wardens and state correctional institution superintendents indicated the desire to receive additional training about the dependency system and how it relates to incarcerated parents.

as barriers for coordinating efforts during parental incarceration. Ninety percent (90%) of administrators who did not have a central point of contact at the prison agreed it would be helpful to have such a contact.

Wardens cite barriers as no coordination of efforts unless court orders such, onus on caseworker to coordinate with inmate counselor, inmate counselor unaware of inmate's involvement with the dependency system, staff caseload and overall perception that the inmate is "out of the picture" until release. Finally, only York and Westmorland Counties reported having a written policy on coordinating efforts between the court, agency and the prison - See Attachment C and D. It should however be noted that 90% of administrators reported a close working relationship between children and youth caseworkers and adult probations officers upon the incarcerated parent's release from county prison.

Education and Training

The survey asked specific questions to stakeholders about knowledge of other stakeholder systems and training needs. One-half of wardens/superintendents reported little to no understanding of the child dependency system. Eight-two percent (82%) indicated that they would like to receive some training about the dependency system and how it relates to incarcerated parents.

In addition to surveying the court, child welfare and prison systems, the Workgroup thought it was important to gain information from dependent youth who have or had an incarcerated parent. A questionnaire was distributed to youth through the PA Child Welfare Resource Center. Questions included information on what judges, caseworkers and GALs should know, importance of contact, visitation and parental involvement prior to incarceration. The following page includes the responses of the youth who responded.

What is important for Judges, Caseworkers and GALs to know about your incarcerated parent?

"Although they are incarcerated they are still a part of my life."

"I want them to know he is the best dad."

"I want them to know that just because I have a parent that is incarcerated it doesn't mean that I am going to follow in their footsteps and end up incarcerated myself."

"That we may not let their lives determine ours."

Is frequent contact with your incarcerated parent important?

"Yes, absolutely because I can tell my parent more about how I feel."

"Yes, because you don't feel all alone & you know that your parent still loves you!"

"Yes, so we can get to know each other."

Did you have any fears before, during or after your visit at the prison?

"I loved my visit; I had no fears because I was determined to see my parent...."

"I only got to visit once and it wasn't enough."

How involved was your parent in your life before they were incarcerated?

"Every day until the PFA last year."

"Always 24/7 my dad was always there."

"My dad used to take me to school, help with my homework and take me to the park."

"Very involved"

Other than visits, tell us about other types of contact you had with your incarcerated parent (letters, phone calls etc.)?

"Getting a letter was the most exciting thing because you have the determination and anticipation on waiting to hear from that parent."

"My dad writes me a letter and calls me at least five times a week."

"The letters make my week."

IN THEIR OWN WORDS..... QUOTES FROM YOUTH/FORMER YOUTH IN THE PA DEPENDENCY SYSTEM WITH AN INCARCERATED PARENT –WHAT THEY WANT YOU TO KNOW

Overall please share what Judges, Caseworkers and GALs can do to support your relationship with your incarcerated parent?

"Help me visit my dad."

"Support me with my decision whether or not I choose to have contact."

"Let me visit him and try to rebuild a relationship."

"Honestly, no kid wants to be without their parent and I think contact is important."

"To be able to have more contact with our parent."

"Continue to take me to see my dad."

"I just want to visit."

"They should not assume that my incarcerated parent isn't important to involve in my life simply because they are incarcerated."

When Visitation Should Not Occur

Workgroup members unanimously agreed that there are specific instances when visitation with an incarcerated parent should not occur. Survey results conveyed that many have struggles determining when it is and is not appropriate for visitation between a dependent child and their incarcerated parent. Therefore, the workgroup offers the following as guidance for judges and judicial officers when determining if visitation is in the best interest of the child.

When Visitation Should NOT Occur with Incarcerated Parents

Note: These are the same set of factors that you would consider in ANY case regarding whether or not visitation is appropriate between a child and their parent.

1. The child is the victim of the crime for which the parent is incarcerated AND there is a grave threat of harm to the child,
2. The child is scheduled to testify as a witness at trial against the incarcerated parent,
3. A qualified mental health professional trained in grief and loss has stated that it would be emotionally harmful for the child to visit with the incarcerated parent and you feel this is an appropriate recommendation,
4. The child does not wish to visit with the incarcerated parent and you feel it is an appropriate request,
5. The child is medically fragile and a qualified physician indicates visits in a prison should not occur due to the child's health condition.

Remember:

ANY one of these factors may be temporary in nature

CONSIDER if adding additional services and support would eliminate the factor

REVIEW each of these factors at every court proceeding.

ASK at every court proceeding if these issues are resolved.

Highlighted Practices

The Workgroup identified national and Pennsylvania specific practices and protocols that Local Children's Roundtables and other system stakeholders may want to consider in planning for better engagement of and hearing participation for incarcerated parents and visitation with their dependent children.

Policies and Protocols

Attachments B, C, D, E and F include suggested protocols Local Children's Roundtables may want to use in whole or in part.

Attachment A: Know Your Rights Brochure

Attachment B: Sample Protocol & Practices for Engagement of Incarcerated Parents

Attachment C: York County Children and Youth Services Incarcerated Parents Policy

Attachment D: Westmoreland County Incarcerated Parents Policy

Attachment E: San Francisco Human Services Agency Arrested and Incarcerated Parents Policy

Attachment F: New York State Office of Children & Families Services Incarcerated Parents and Parents in Residential Substance Abuse Treatment with Children in Foster Care. (*note: New York recently developed this policy addressing incarcerated parents in response to the 2010 ASFA Expanded Discretion Act, which permits child welfare agencies discretion to not file termination of parental rights petitions in circumstances where the parent is incarcerated and termination of parental rights is not otherwise in the child's best interests. Similar legislation is pending in Pennsylvania (SB 1454).*)

Collaboration

Adams County Prison – A Collaborative Approach

The Adams County Adult Correctional Complex through collaboration with the Adams County Criminal Justice Advisory Board is in the end stages of the development of a multi-agency Children of Incarcerated Parents Program. Through collaborative efforts of the Adams County Adult Correctional Complex, Children and Youth Services, Department of Probations Services, Adams County Courts, and the Adams County Ministerial Community, efforts are being made to educate inmates, caregivers, and the children of the incarcerated on all levels prior to family reunification beginning. Utilization of Family

Group Decision Making, Educational Curriculum from the Pa Family Support Alliance and the Correctional Facilities Family Resources Center will be the foundation of the program. Program Developers strongly believe that keeping families connected, and educating them on the importance of family throughout their incarceration is the foundation of building a stronger support system, thus reducing recidivism, and more importantly, reducing the likelihood of the children themselves become incarcerated later in life. Contact: Warden Brian S. Clark, Adams County Adult Correctional Complex - bclark@adamscounty.us or - (717) 334-7671.

Allegheny County Jail Reentry Program

A new reentry and family center in the Allegheny County Jail serves high and medium risk sentenced residents and their children and families (whether the children are dependent or not). Through the collaboration of the Jail, the Courts and Adult Probation, and County departments of Human Services and Health, services are provided in Jail and for a year post-release in accordance with a risk and needs assessment and include education, employment preparation, housing assistance, and relationship-building with children and family members. A unique component of the reentry programming is the inclusion of family support services which focus on maintaining and, in some instances, repairing the bond between the residents and their children and families. The intent is to reduce the stress and trauma that children experience when a parent is incarcerated and to strengthen the family unit to support the resident's return. Family Support Specialists "coach" and guide all members of the family through child-development-oriented structured contact visits, family phone calls, and resolution of issues that impede communication. Family workers also provide parenting- and relationship-skills education for residents. Contact: Amy McNicholas Kroll amy.kroll@alleghenycounty.us or 412-350-5038.

San Francisco – Collaborative Project – Attachment E

San Francisco Human Services Administration - Revised Staff Policies for Dependent Children with Incarcerated Parents. Assisted by the San Francisco Police and Sheriff's Departments and the San Francisco Partnership for Children of Incarcerated Parents (a 23-member collaboration), the Human Services Administration has adopted revised policies and procedures, mandatory training, and data collection about children whose parents are incarcerated into the work of Family and Children staff. Among the gains: More contact visiting and participation in team decision making meetings by parents via speakerphone. Keys to success are appointment of a Coordinator of the child welfare-corrections integration process, agreement by caseworkers that the parenting curriculum taught in county correctional facilities meets the requirements of family service plans, and inclusion of dependent children in structured family and one-on-one visiting available in some facilities. The Coordinator has tied caseworkers and supervisors closely to both the police officers who are implementing a protocol governing treatment of children when their

parents are arrested and the correctional staff responsible for the six county jails. Contact: Debby Jeter, Deputy Director, SFHSA, debby.jeter@sfgov.org, or Yali Lincroft, Policy Consultant, First Focus, yalil@firstfocus.net.

Visitation

PA DOC Virtual Visitation Program

The Pennsylvania Department of Corrections hosts virtual visitation in eight state correctional institutions across the state (Albion, Cambridge Springs, Coal Township, Dallas, Greene, Mahanoy Muncy and Pine Grove). The program affords inmates, placed far from home, the ability to visit via video conferencing with their families. There are three family sites located in Philadelphia, Pittsburgh and Erie County. There is no limit to the number of visitors permitted in the community site and visits last approximately 55 minutes. Contact: Scotland Yard Toll Free: 877-658-8474.

Project IMPACT

Since 1986, Project Impact at the PA State Correctional Institution at Muncy has provided visiting opportunities in a home-like environment for inmate mothers and their children. This modular unit is located on prison grounds and includes a kitchen and living room. The purpose is to strengthen the bond and provide important contact between children and their incarcerated parent. This is accomplished by providing age appropriate activities, crafts, snacks and monthly themes. Children's birthdays are celebrated and all children receive holiday gifts during the month of December. Any inmate who is in general population with no restrictions may use the center when they are having a visit. Children through age 17 may use the center. Priority is given to mothers and their own children; however Aunts, sisters and grandmothers also use the facility with the children in their lives.

One Family

One Family Provides child-friendly contact visits for 500 children whose parents are in jail in San Francisco each year. Parents, both those involved with child welfare and those who aren't, are eligible for up to 60 hours of rigorously researched parent education while in jail and certification fulfills parenting requirements in child welfare service plans. Families, including children, may participate in pre- and post-release Family Transition Circles to heal the harm of parents' criminal behavior and incarceration and discuss parents' transitions back into their children's lives. Community Works, a nonprofit, runs the program in conjunction with the Sheriff's Office and the 23-member San Francisco Children of Incarcerated Parents Partnership. Contact: Kelli Finley: kfinley.cw.onefamily@gmail.com or 415-575-4468.



Keeping Your Rights! What You Should Do Now If You are Incarcerated And Your Child is in Foster Care or County-Paid Kinship Care

When your child is in foster care or kinship care, the law says you can't wait to act. You need to take steps now to protect your rights. Know your rights and responsibilities and stay involved with your child's life during your incarceration.

YOUR RIGHTS

If your child is in foster or kinship care, you have the **right** to:

Have a say where your child is placed. If you have a safe relative or family friend who can care for your child, tell your Agency caseworker. The Agency must try to first place children with relatives.

Visit your child. Unless a judge said you can't, you have the right to regular, in-person visits with your child.

Know how your child is doing and where your child is living. The Agency must keep you informed about your child's health, education, and development. They must give you the address of where your child is staying, unless a judge says not to.

Help make plans for your child. A Family Service Plan (FSP) will be made and you will be given goals to meet. The Agency must involve you in making the FSP, and you should have a say about what goals and supports will help your family.

Help to meet your goals. The Agency must make "reasonable efforts." That means that the Agency should help you stay in contact with your child and support you in meeting your goals.

An attorney. If you can't afford an attorney, you can request that the court appoint you one. Your attorney must communicate with you and represent your wishes in court.

Participate in court hearings. If you can't be taken to court for your hearing, ask to participate by phone.

YOUR RESPONSIBILITIES

If your child is in foster or kinship care, you have the **responsibility** to:

Make regular contact with your child. Have in person visits, send letters and ask for phone contact. You can also send cards and gifts, no matter the age of the child. Staying in touch is good for your child and shows the judge and the Agency that you care about your child.

Stay in touch with your children's workers. Make sure you have the names, phone numbers, and addresses of the Agency workers who work with your family. Let them know about the progress you are making and ask them for updates about your child.

Work on your Family Service Plan goals. Do everything you can to meet the goals you have been given while incarcerated. Tell the Agency and your attorney if goals on your FSP aren't possible in jail.

Participate in court hearings. If you can't be there in person or by phone, ask your attorney to represent your wishes in court.

Stay in touch with your attorney. Tell your attorney about your progress on your FSP goals and any problems you are having. Be sure to give your attorney any papers you have that show you are working on your FSP goals. This information can be given to the court.

Help in planning for your child. Help to make educational, medical, and treatment decisions for your child. Stay informed about how your child is doing and what supports your child needs.

Your Parental Rights: What You Need to Know

The Adoption and Safe Families Act (ASFA) says that if a child has been in foster or kinship care for 15 of the past 22 months, the Children & Youth Agency must file to terminate parental rights (TPR) so that the child can be adopted. But, the Agency does **not** have to do this in certain situations, like if your child is living with a relative or if adoption is not a good idea for your child. This decision is made on a case-by-case basis. The most important thing you can do to prevent losing your parental rights is to work on having a strong relationship with your child.



SAMPLE PROTOCOL & PRACTICES FOR ENGAGEMENT OF INCARCERATED PARENTS

CASE PLANNING & DELIVERY OF SERVICES

Inclusion of incarcerated parents in the case planning process and delivery of services is critical. Inclusion must occur at the onset of the case, or at least when it is discovered that a parent is incarcerated. Many parents who are incarcerated are serving minimal sentences in county jails, or are incarcerated pretrial and will be released while the permanency goal is reunification with a parent. If incarcerated parents were engaged in case planning and working on family services plan goals while incarcerated, it is possible that reunification could occur shortly after release from incarceration. ***Remember, incarceration does not relieve the agency of making reasonable efforts or offering reasonable services to assist the incarcerated parent with meeting their family service plan goals.***

For the Agency

Once it has been determined that a parent is incarcerated, the caseworker should meet with the incarcerated parent and make the same assessments as with non-incarcerated parents.

- The caseworker should **meet with the incarcerated** parent and explain why the agency is involved with the family and if the children are in care, the issues that led to the removal of the children.
- If relative caregivers or supports have not already been identified, the caseworker should **ask the incarcerated parent about relatives and utilize Family Finding.**
- The caseworker should try to **ascertain when the parent might be released** from incarceration, so that the case plan includes the incarcerated parent's discharge plan.
- The caseworker should **give an overview of the court process to incarcerated parents and provide the incarcerated parent with information on obtaining legal representation.**
- If the family service plan was created prior to incarceration or before it is discovered that a parent is incarcerated, upon discovery that a parent is incarcerated, **the family service plan should be amended to include goals for the incarcerated parent.**
- The caseworker should **determine whether assessments have been made in the facility** and what steps the incarcerated parent has taken to complete or comply with treatment recommendations.
- The caseworker should **assess the availability of services in the facility** that would assist the incarcerated parent in meeting family service plan goals.
- Once a parent is released from incarceration, the caseworker should meet with the incarcerated parent and **amend the family service plan once the parent is released from incarceration** to reflect the change in the parent's status.
- The caseworker should **send notice of all meetings and court hearings** to the incarcerated parent.

The following practices are useful for engaging incarcerated parents in case planning.

- **Family Group Decision Making** should be used to assist in the development of case planning for incarcerated parents.
- **Videoconferencing** should be utilized to enable caseworkers to meet with incarcerated parents and to enable the incarcerated parent to appear at family conferences, family service plan meetings, and permanency planning meetings.
- The caseworker should **speak with the social worker in the jail** or prison before meeting with the incarcerated parent to gather information about why the parent is incarcerated and when

release is likely, to develop an understanding of what services are available in the institution and to discover whether the incarcerated parent has already been assessed and is receiving services.

For the Judge or Master

Although case planning is largely the function of the agency, judicial oversight is important to ensure that the rights of incarcerated parents are protected. Accordingly, the following is recommended with respect to judicial oversight in the case planning process.

- The judge or master should **"set the tone"** and make it clear that **it is EXPECTED that the caseworker meet with the incarcerated parent** and include the incarcerated parent in case planning.
- At every hearing, the judge or master should **ask whether the caseworker has met with the incarcerated parent** and whether that parent has been included in the family service plan.
- The judge or master should **write a court order that sets forth, in clear and concise language, what is expected** of the caseworker with respect to the incarcerated parent and what the court expects the incarcerated parent to do during the period of incarceration.
- It is also recommended that the judge or master **order the incarcerated parent to contact the caseworker within 72 hours of discharge** from incarceration so that the caseworker will know where the parent is residing and so that the parent can be assessed and the family service plan can be revised to take into account that the parent has been released.
- The court should **allow the caseworkers and the lawyers to utilize court videoconferencing equipment and space** to facilitate meetings and family conferences.

For the Parent Attorney

Good representation can ensure that the parent is included in the case plan. Upon appointment, the parent attorney should meet with the incarcerated parent and make the same assessments as with non-incarcerated parents.

- The lawyer should **meet with the incarcerated parent** and explain why the agency is involved with the family and if the children are in care, the issues that led to the removal of the children. **Videoconferencing, teleconferencing and letters can facilitate communication** between lawyer and client.
- If relative caregivers or supports have not already been identified, the lawyer should **ask the client about relatives**.
- The lawyer should **give an overview of the court process** and **explain the ASFA timelines** to the parent and stress the importance of working on family service plan goals during incarceration.
- The lawyer should **maintain contact with the parent** on a regular basis and keep the parent informed of all court dates.
- The lawyer should **speak with the social worker in the jail or prison** to develop an understanding of what services are available in the institution and to discover whether the incarcerated parent has already been assessed and is receiving services.
- The lawyer should **assist the parent in collecting documentation** of participation in or completion of programs in the institution.

THE COURT PROCESS

Participation in court hearings is critical for an incarcerated parent. It should be “the rule, rather than the exception” for incarcerated parents to attend court hearings. After all, the incarcerated parent

is a captive audience. Appearances at court hearings provide an opportunity for the court to observe the interaction between parent and child. In cases where it is difficult for a child to visit an incarcerated parent, appearances at court hearings provide an opportunity for the parent and child to have contact. Appearances at court hearings also enable the court to engage the parent and to encourage the incarcerated parent to participate in the case planning. To this end, the following practices and protocol can ensure that incarcerated parents meaningfully participate in the court process.

For the Judge or Master

- The judge or master should **automatically appoint counsel** to represent a parent who is incarcerated.
- The judge or master should **order the incarcerated parent to appear at every hearing**. The court can order the parent to be transported to the hearing or can order appearance by videoconference or teleconference.
- The judge or master should **set forth, on the record, the expectations for the incarcerated parent**. It is important that the judge or master speak on the record, as the incarcerated parent may not receive or read the court order. The judge or master should address the issue of visitation and contact with the child in the order of court.
- At the conclusion of the hearing, **issue the transportation order for the next hearing**.

For the Parent Attorney

- The parent attorney should **insist that the client attends every court hearing**. While it may not be feasible to transport the incarcerated parent to every hearing, videoconferencing, and teleconferencing makes it possible for incarcerated parents to participate in the court process.
- The parent attorney should **speak with or communicate with the client before the hearing** to explain what the agency's recommendations are, to ascertain what the client has accomplished since the last hearing or review, and to determine whether there has been compliance with the court order(s).
- The parent attorney should **challenge the recommendations of the agency**, if necessary.
- The parent attorney should **make sure that the parent is present for all hearings** and should **make sure that a transportation order has been issued** if the client is to be brought to the hearing.

For the Child Attorney

- The child attorney should **speak with or communicate with the client before the hearing** to determine **whether the child wishes to be present in the courtroom with the parent** and if not, request that the court interview the child prior to the parent being brought to the courtroom.
- The child attorney should **speak with or communicate with the client before the hearing, to ascertain what the child wishes with respect to visitation and contact** with the incarcerated parent.
- The child attorney should **speak with or communicate with the client before the hearing**, to find out whether the child has had contact or visitation with the parent **and report to the court how the child feels about the visitation and contact**.
- The child attorney **should present the child's wishes to the court**.

VISITATION & CONTACT

Survey results established that agency workers, judges and masters, wardens and superintendents, and children overwhelmingly believe that, in most cases, children wish to maintain contact with their incarcerated parent and that it is in the children's best interest to have visitation and contact with their incarcerated parent. However, we do recognize that there are some cases in which visitation should NOT occur. Accordingly the following should be considered.

When Visitation Should NOT Occur

Note: These are the same set of factors that you would consider in ANY case regarding whether or not visitation is appropriate between a child and a parent.

- Visitation should **NOT** occur **when the child is the victim of the crime for which the parent is incarcerated AND there is a grave threat of harm to the child.**
- Visitation should **NOT** occur **when the child is scheduled to testify as a witness at trial against the incarcerated parent.**
- Visitation should **NOT** occur **when a qualified mental health professional trained in grief and loss has stated that it would be emotionally harmful for the child to visit with the incarcerated parent AND you feel this is an appropriate recommendation.**
- Visitation should **NOT** occur **when the child does not wish to visit with the incarcerated parent AND you feel it is an appropriate request.**
- Visitation should **NOT** occur **when the child is medically fragile and a qualified physician indicates that visitation in a prison should not occur due to the child's health condition.**

Remember:

- ANY one of these factors may be temporary in nature. **CONSIDER** if adding additional services and support would eliminate the factor(s).
- **REVIEW** each of these factors for relevance at every court proceeding. It is possible that the issue is no longer relevant.
- **ASK** at every court proceeding if these issues are resolved.

For the Judge or Master

It is important for the judge or master to take an active role in ensuring that, when appropriate, a child maintains contact with an incarcerated parent. Many institutions will not permit contact visitation if it is not court ordered.

- In deciding whether to order visitation, including contact visitation, **the judge or master should consider the following:**
 - the type of contact the child had with the parent prior to the incarceration and adjudication of dependency,
 - the child's needs and wishes,
 - the age and special needs of the child,
 - the distance the child will have to travel to attend the visitation,
 - the visitation schedule in the facility, and
 - the wishes of the incarcerated parent.

- The **court order should set forth in clear and concise language**, whether contact visitation should take place, and whether the visitation needs supervision other than the security in the institution. If the court requires some other type of supervision, observation, or coaching, then the order should reflect this and who will be responsible for the supervision. Remember, the job of the corrections officer is to keep the institution secure and not to supervise court-ordered visitation!
- The judge or master should **order the same person to transport the child to and from the visitation** (if possible). This will enable observations and consistent assessments to be made of the child's mood and behaviors. This will also allow for debriefing by a person with whom the child is familiar.
- The judge or master should **order additional visitation by videoconference** (if available) and the judge or master should **order an incarcerated parent to also maintain contact with the child through letters, cards, telephone calls, etc.**
- Sometimes, it is not in the best interest to have siblings visit together in a jail or prison. Accordingly, **when appropriate, the court should order separate visitation for siblings.**
- The judge or master should **order that the visitation occur outside of the institution**, if a parent is permitted to leave the jail or prison on work release.
- Follow the protocol, above, for When Visitation Should Not Occur.

For the Agency

- The caseworker should **develop a visitation plan for the incarcerated parent** that is incorporated into the Family Service Plan.
- The caseworker should **utilize FGDM to develop the visitation plan.**
- The caseworker should **meet with the parent to prepare him or her for the visitation and assist the parent in developing a plan or structure for the visitation.**
- The caseworker should **encourage parents to maintain additional contact with their children through letters, cards, and telephone calls.**
- The caseworker should **ensure that the child is "de-briefed"** after the visitation to make sure that the visitation was appropriate and to be prepared for any behavioral changes that might occur.

For the Parent Attorney

- The parent attorney should **request visitation**, on behalf of their client, at every hearing.
- If visitation was ordered and has not occurred, the parent attorney should **present a motion to the court to enforce the order for visitation** and to inform the court that visitation has not taken place.
- The parent attorney should encourage the parent to maintain additional contact with their children through letters, cards, and telephone calls.

For the Child Attorney

- The child attorney should **request visitation**, on behalf of their client, at every hearing, if the child is requesting visitation.
- If visitation was ordered and has not occurred, the child attorney should **present a motion to the court to enforce the order for visitation** and to inform the court that visitation has not taken place.

- The child attorney should explain to the child **what might take place at the visitation** (going through security, visitation behind the glass, waiting, etc.)
- The child attorney should **speak with the child after the first visitation** and inquire how the visitation went and to address any concerns of the child.
- The child attorney should **speak with the caregiver(s) after the first visitation** and inquire how the visitation went and to address any concerns of the caregivers.

York County Children and Youth Services Policy & Procedure Manual	Subject: Incarcerated Parents		
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<i>Revision Due Date: 5/1/09</i>			

Incarcerated Parents

Purpose:

All parents are to be given the opportunity to participate in planning for the safety, permanence, and well-being of their child. The Agency must ensure efforts are made to inform all parents of agency involvement and engage all parents in the service process. Incarcerated parents and their children have the right to maintain a relationship; this includes the right to contact and/or visitation and to actively participate in family service planning.

Policy:

All staff will make outreach efforts to incarcerated parents, both custodial and non-custodial, from the point of intake and throughout the process of in-home and/or placement services to facilitate the timely achievement of permanence for children. Staff shall make initial contact with incarcerated parents and maintain regular contact when appropriate. Incarcerated parents shall be notified and included in all aspects of service planning, service delivery, and case reviews, both court related and administrative. Potential relative placements suggested by an incarcerated parent must be explored.

Procedure:

Upon case acceptance, the caseworker will have identified the whereabouts of all custodial and non-custodial parents. If a parent's whereabouts are unknown the caseworker shall conduct a diligent search for all parents (see Family Outreach Part I – Diligent Search for Parents). Whenever a parent is found to be incarcerated the following steps must be taken:

1. The caseworker will immediately send all pertinent paperwork, including the *case acceptance letter* and if the child is in placement, the *“What is Foster Care” letter and booklet*. Attach copies of any previous court orders, FSPs, and placement amendments that the parent does not already have. If there is an identified reason why the foster / resource family does not want their contact information released to the parent, you must first obtain a court order to withhold this information.
 - a. Update all documents that list the parent's address and notify all relevant parties of their address.
2. If the parent is in a local prison, an in person meeting must be scheduled with the parent within **10 days** of sending the initial contact letter and information. Discuss the following issues with parent, as they pertain to the child's circumstance:

- a. Explain the agency's involvement and your role.
 - b. Get all pertinent consents and releases signed, including a release to talk to their prison social worker.
 - c. Gather all pertinent information during the meeting to accurately complete the risk assessment.
 - d. Explain their rights as a parent of a child involved with YCCYS and their rights if their child is in out of home placement. Bring all applicable paperwork to thoroughly review with the parent during the visit. Make sure you explain the following rights:
 - i. to participate in court hearings, family service planning, and case reviews
 - ii. to receive copies of all-important papers, such as FSP's, court orders, etc.
 - iii. to assist in planning for the child's future in relation to Agency involvement and their safety, permanence, and well-being

In addition to the above rights if their child is in out of home placement be sure to explain the following rights:

 - iv. to maintain a relationship with the child, i.e. letters, cards and phone calls, if appropriate
 - v. to visitation, unless prohibited by court order
 - vi. to have all relative and other placement resources investigated
 - e. Discuss the child's permanency goal and concurrent goal. If the child is in placement the caseworker will do the following:
 - i. Assess the parents' ability and/or willingness to be a reunification resource for the child.
 - ii. Explain the law under ASFA, with regard to the need to permanently place a child who has been in placement the last 15 of 22 months and the possibility of adoption.
 - f. Discuss and develop an FSP with the parent and/or review the current FSP plan to include any updates for the incarcerated parent. FSP development should include a discussion regarding what prison offered services are available to the parent. If the parent is unsure of the services available, contact the prison social worker for an up to date listing. Prisons generally offer drug and alcohol groups, parenting classes and parenting support groups, GED classes, and other services. These services should be incorporated into the FSP goals for a parent when suitable.
 - i. Make sure that the goals are reasonable and achievable.
 - g. Explore any possible placement or family support resource – temporary or permanent, include all viable relatives and community resources.
3. If the parent is not in a local prison and an in person meeting is not feasible, ensure all initial and ongoing paperwork explaining their rights as a parent of a child involved with YCCYS and their rights as a parent of a child in placement is sent, and encourage the parent to contact you.

- a. If you cannot meet with them in person to develop the FSP, coordinate a time to talk to them on the phone regarding service planning. Draft an FSP and mail it for their review and signature.
 - i. Complete 2. (a – g) through phone calls and written correspondence.
4. With the parents permission, contact and coordinate with the prison social worker to explain your role, identify treatment needs, and find out what services are available and what services the parent is currently participating in. When applicable, available prison services will be incorporated into the FSP goals for the incarcerated parent.
5. If the child is currently in placement due to YCCYS involvement, establish a visitation plan with the incarcerated parent. Contact the prison social worker or prison staff to determine applicable visitation and contact policies; each prison may have specific procedures to follow. *(See Attachment A for information on the York County Prison Visitation Policy).*
 - a. This plan should include identification of the person responsible for transporting and supervising the visits. This could be a CYS caseworker or case aide, a provider social worker, the foster / resource parent, a relative with permission, or any other CYS approved person.
 - b. Help prepare the child for the visit, include any mental health professionals that may be working with the child.
 - c. Remember collaboration, communication, and the best interests of the child must be considered when making this plan.
 - d. Discuss any issues or concerns with your supervisor. Under the law, incarcerated parents are entitled to the same visitation as other parents *(please reference and follow regulations outlined in the Visitation for Children in Placement Policy).*
 - e. If you think that visitation would be detrimental to the child, court action will be necessary to suspend or modify visitation. Consult your solicitor to see if you have sufficient grounds. Make sure you have appropriate documentation and evaluations. Obtain any necessary court orders.
6. The caseworker shall maintain regular contact with the incarcerated parent by telephone, in person meetings at the prison, and / or in writing. The caseworkers ongoing contact with the incarcerated parent will focus on the service plan goals, an assessment of progress, other key issues, and visitation planning. With the parent's permission, the caseworker shall also maintain contact with the prison social worker for updates on the parent's incarceration and participation in applicable prison offered services.

Approved:

Director

Date

YORK COUNTY PRISON VISITATION POLICY INFORMATION

(Incarcerated Parents Policy, Attachment A)

Minimum Security and Outmate Status Inmates

Minimum Security inmates are defined as those who are convicted of a non-violent crime, have been sentenced, and have a release date scheduled. Outmate Status inmates are those participating in the work release program.

- Contact visits are allowed for both female and male inmates who have minimum security and/or outmate status.

General Population

General Population inmates are those inmates who have not yet gone to court for sentencing and their case is considered pending. Approximately 50% of the prison population falls into this category at any given time.

- As a general rule no contact visits are allowed for general population inmates however, with a court order contact visits are allowed for *female* inmates only. Please contact the prison counselor supervisor (Angie Alvarez) to arrange a contact visit.

Additional Information

Any responsible adult with proper identification may accompany a child to a visit. They should bring proof that the child is actually the child of the inmate. Check to make sure the inmate is still there prior to bringing a child for visitation. A list of current inmates is available on the Internet. Information is also available to YCCYS staff regarding how long an inmate is scheduled to be at York County Prison, the next of kin listed, sentencing status, and who is on their visitation list.

Currently, there are 18 prison counselors, 2 for the women and 16 for the men. The inmates may call CYS and their attorneys from the counselor's office; otherwise it is a collect call. YCCYS staff with ID can meet with an inmate at any time. A bring down order is necessary for court hearing attendance or inmates can participate via the video conferencing system as scheduled.

Visitation Hours

- 7 days a week on a first come first served basis:
 - 8:30 – 11:15am
 - 12:30 – 3:00pm
 - All visitors must be older than 14 and have 2 forms of ID (birth certificate, social security card, drivers license)
 - No: purses, gum, cell phones, lighters, tobacco
- Children's visits:
 - Thursday and Friday from 3:30 – 5:15pm
 - Sunday for women prisoners only from 12:30 – 3:00pm

American Bar Association
Westmoreland County Permanency Barriers Project

Incarcerated Parents Policy – effective May 1, 2012

Purpose:

All parents are to be given the opportunity to participate in planning for the safety, permanence, and well-being of their child. The Agency must ensure efforts are made to inform all parents of agency involvement and engage all parents in the service process. Incarcerated parents and their children have the right to maintain a relationship; this includes the right to contact and/or visitation and to actively participate in family service planning.

Policy:

All staff will make outreach efforts to incarcerated parents, both custodial and non-custodial, from the point of intake and throughout the process of in-home and/or placement services to facilitate the timely achievement of permanence for children. Staff shall make initial contact with incarcerated parents and maintain regular contact when appropriate. Incarcerated parents shall be notified and included in all aspects of service planning, service delivery, and case reviews, both court related and administrative. Potential relative placements suggested by an incarcerated parent must be explored.

Procedure:

1. Upon case acceptance or discovering the whereabouts of an imprisoned parent, the LSI paralegal will contact the prison/jail to determine the name of the incarcerated parent's prison counselor.
 - a. The LSI paralegal will obtain inmate number for inclusion in all correspondence from relatives or from inmate locator website.
2. The LSI paralegal will then fax a release of information and a cover letter to the counselor to ask the parent's permission to allow the WCCB caseworker and LSI paralegal to speak to the prison counselor.
3. If the parent signs the release, the LSI paralegal asks the prison counselor to fax a signed release back to him/her, as well as the following information:
 - a. Prison assessed service needs of the parent/parents' service plan
 - b. Current services parent is actively participating in
 - c. Parent's min/max sentence
 - d. First date eligible for parole
 - e. Information on the prison's parenting program and visitation policy
 - f. Inmate number, if not already obtained
4. The LSI paralegal shares all information obtained with the caseworker.
5. If the parent does not sign the release, the caseworker contacts the parent for follow up and to explain the process.

6. Upon receipt of the case, the WCCB caseworker mails the parent the following documents both first class mail and certified mail. Make sure to include the inmate number on all documents.
 - a. Application for court appointed lawyer (IFP) and cover letter
 - b. Emergency custody order and date of shelter care hearing
 - c. Notification of Protective Custody
 - d. Notification of suspected abuse, if applicable
 - e. Parent handbook
 - f. Relative search letter (see kinship policy)
 - g. EPSDT letter
 - h. Notification of placement, unless restricted by court order
7. If the parents whereabouts are discovered after the case has been open for a few months, the caseworker will also send copies of any previous court orders, FSPs, and placement amendments that the parent does not already have in their possession.
 - a. The caseworker should also update all documents that list the parent's address and notify all relevant parties of his/her current address.
8. If the parent is in a local prison, the caseworker **must schedule** a face to face meeting with the parent within **10 days** of sending the initial contact letter and information. The meeting **must** occur within **30 days** of child's placement or discovering the whereabouts of an imprisoned parent. The caseworker will discuss the following issues with parent, as they pertain to the child's circumstance:
 - a. Explain the agency's involvement and your role.
 - b. Get all pertinent consents and releases signed.
 - c. Gather all pertinent information during the meeting to accurately complete the risk assessment.
 - d. Explain their rights as a parent of a child involved with WCCB and their rights if their child is in out of home placement. Bring all applicable paperwork to thoroughly review with the parent during the visit. Make sure you explain the following rights:
 - to participate in court hearings, family service planning, and case reviews
 - WCCB is required to request a transport order for the shelter care hearing **only**, the parent's attorney must request the order for all subsequent hearings.
 - If the parent is incarcerated in Westmoreland County prison, WCCB may also complete the transport order for the adjudicatory hearing as well.
 - to receive copies of all important papers, such as FSP's, court orders, etc.
 - to assist in planning for the child's future in relation to Agency involvement and their safety, permanence, and well-being
 - e. In addition to the above rights if their child is in out of home placement be sure to explain the following rights:
 - to maintain a relationship with the child, i.e. letters, cards and phone calls, if appropriate
 - to visitation, unless prohibited by court order (see #10 below regarding visitation)
 - to have all relative and other placement resources investigated

- f. Discuss the child's permanency goal and concurrent goal. If the child is in placement the caseworker will do the following:
 - Assess the parents' ability and/or willingness to be a reunification resource for the child.
 - Explain the law under ASFA, with regard to the need to permanently place a child who has been in placement the last 15 of 22 months and the possibility of adoption.
 - g. Discuss and develop an FSP with the parent and/or review the current FSP plan to include any updates for the incarcerated parent. Have the parent sign the FSP, if in agreement.
 - Make sure that the goals are reasonable and achievable.
 - h. Explore any possible placement or family support resource – temporary or permanent; include all viable relatives and community resources. Complete the Kinship Caregiver Identification Form with the parent.
9. If the parent is not in a local prison, the caseworker will meet with their supervisor to discuss the feasibility of a face to face contact. Distance alone does not determine the feasibility of meeting with the parent face to face. Each case must be assessed individually.
- a. If it is determined that a face to face meeting is not feasible, the caseworker must ensure that they send the parent all initial and ongoing paperwork explaining their rights as a parent of a child involved with WCCB and their rights as a parent of a child in placement . They should also encourage the parent to contact the caseworker.
 - b. If the caseworker cannot meet with them in person to develop the FSP, coordinate a time to talk to them on the phone regarding service planning. Draft an FSP and mail it for their review and signature.
 - Complete 8 (a – h) through phone calls and written correspondence.
10. If the child is currently in placement due to WCCB involvement, establish a **visitation plan** with the incarcerated parent. Contact the prison counselor or prison staff to determine applicable visitation and contact policies; each prison may have specific procedures to follow.
- a. Document if the parent is not eligible for visitation due to prison rules.
 - b. The visitation plan should include identification of the person responsible for transporting and supervising the visits. This could be a WCCB caseworker or case aide, a provider, the foster / resource parent, a relative with permission, or any other WCCB approved person.
 - c. Help prepare the child for the visit, include any mental health professionals that may be working with the child.
 - d. Remember collaboration, communication, and the best interests of the child must be considered when making this plan.
 - Make sure the resource parent is aware of the possibility of visitation between incarcerated parent and the child.
 - e. Discuss any issues or concerns with your supervisor. **Under the law, incarcerated parents are entitled to the same visitation as other parents.**
 - f. If you think that visitation would be detrimental to the child, court action will be necessary to suspend or modify visitation. Consult your solicitor to see if you

have sufficient grounds. Make sure you have appropriate documentation and evaluations. Obtain any necessary court orders.

- g. If face to face or virtual visitation is not possible, facilitate a plan to help the parent keep in touch with the child, ie. letters, phone calls.
11. The caseworker shall maintain regular contact with the incarcerated parent by telephone, face to face meetings at the prison, and / or in writing. The caseworker's ongoing contact with the incarcerated parent will focus on the service plan goals, an assessment of progress, other key issues, and visitation planning.
 12. The caseworker will notify the LSI paralegal **3 days** before the hearing if they determine that the parent wants to participate in a hearing by phone.
 13. The caseworker should encourage foster parents and children to send photos, cards, letters, etc. to foster communication with parents in prison.

<p>San Francisco Human Services Agency Family and Children’s Services Handbook</p> <p><u>Effective Date: 8/11/09</u></p> <p><u>Revised Date: 9/4/09</u></p>	<p>Family Maintenance & Preservation Services</p> <p>Section 54-4</p> <p>Arrested and Incarcerated Parents</p>
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<p>HSA FCS Policy Statement</p> <p>Date of Approval 8/11/09</p> <p><u>(signature on file)</u> Debby Jeter Deputy Director, FCS</p>	<p>An arrest of a parent in itself is not grounds for an allegation of child abuse or neglect. Incarceration of a parent may be an additional risk factor and, in all cases, decisions regarding an incarcerated parent should follow laws and Child Welfare regulations.</p> <p>The following protocol is for Protective Services Workers communicating with and providing services to parents who are arrested and incarcerated. This policy is designed to provide Protective Services Workers with guidelines and procedures for providing appropriate services to arrested and incarcerated parents.</p> <p>The Human Services Agency (HSA), Family and Children’s Services (FCS) has contracted with a national organization, Friends Outside, to provide services to incarcerated parents.</p>
<p>Rights of Arrested and Incarcerated Parents</p>	<p>Incarcerated parents/legal guardians have the right to child welfare services and reunification as ordered by the Court. Welfare and Institutions Code indicates that: <i>If the parent or guardian is incarcerated or institutionalized, the court shall order reasonable services unless the court determines, by clear and convincing evidence, those services would be detrimental to the child. Reunification services are subject to the applicable time limitations imposed.</i></p> <p>Services provided to the parent or guardian may include, but are not limited to:</p> <ul style="list-style-type: none"> • Facilitating contact between parent and child through collect phone calls. • Transportation services. • Visitation services. • Reasonable services to extended family or foster parents providing care for the child if the services are not detrimental to the child. <p>An incarcerated parent may be required to attend counseling, parenting classes or vocational training programs as part of the service plan if these programs are available. <i>Welfare and Institutions Code Section 361.5 (e)(1).</i></p> <p>At time of arrest parents/legal guardians have the right by law to name the person they choose to take temporary custody of their children and identify an appropriate placement for their children. Unless there is compelling evidence to the contrary (obvious drug abuse, weapons or indicators of an unsafe environment) parental choice for placement shall be respected.</p> <p>When the parent has made an appropriate decision about placement, there may be no reason for FCS to continue involvement.</p>

<p>Rights of Incarcerated Parents <i>(cont'd)</i></p>	<p>If FCS needs to have ongoing involvement, either because the parent hasn't made a choice, there are not appropriate relatives, or child(ren) may need ongoing child welfare services, the HSA preference for placement is with a relative including, a "non-relative extended family member" (NREFM). FCS will release the child to a parent, guardian or responsible adult who poses no risk or danger to the child and a relative/NREFM approval is completed. HSA maintains the ultimate responsibility for determining placement in the event a parent/legal guardian does not designate a placement.</p> <p>If the HSA is involved, a 300 petition is filed and the incarcerated parent has the right to a lawyer. If an arrested parent arranges for the care of their child without the court's involvement they will need to be responsible for arranging their own legal assistance.</p>
<p>Arrest Protocol Agreement between P and</p>	<p>Numerous studies have documented the negative affect of children witnessing violence and witnessing parental arrest. There have been a number of situations nationally and locally in which young children were without adult care in the aftermath of parental arrests.</p> <p>The goal of responding officers and PSW shall be to minimize disruption and unnecessary trauma to the children by providing the most supportive environment possible after an arrest, and to determine the best alternative care for the child(ren). The purpose of this protocol is to determine the best methods of working with PSWs and first responding officers.</p> <p>Nothing in this protocol negates parental rights to choose appropriate placement for their children. Unless there is compelling evidence to the contrary (obvious drug use, weapons or other indicators of an unsafe environment) parental discretion shall be respected. FCS maintains the ultimate responsibility for determining placement in the event the parent does not designate placement, or the designated placement is not safe for the child(ren).</p> <p><i>For the purpose of this protocol, a child is defined as a person under the age of 18 years.</i></p> <p>Responding officers shall assist FCS by adhering to the following procedures:</p> <ol style="list-style-type: none"> 1. When officers make an arrest, they shall inquire about the presence of a child or children for whom the arrested adult has responsibility. If the arrest is made in a home environment, the officer should be aware of items which suggest the presence of children such as toys, clothing, formula, bunk bed, diapers, etc. 2. Whenever it is safe to do so, attempt to make the arrest away from the children at a time when the children are not present. 3. Whenever it is safe to do so, allow parent to ensure the child or children that they will all be okay and the child or children will be provided care. If this is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurances to the child or children that both parent and child or children will be taken care of.

Arrest Protocol
Agreement
 between Parents
 and
 (cont'd)

4. When an arrest or search warrant is planned, the age and likely location of the children shall be considered when determining the time, place and logistics of the arrest. Whenever possible, after the arrest has been made, notice should be provided to FCS if such information will not compromise the investigation. In ideal situations, FCS will provide on site support.
5. If a child or children are present, and the other parent is not available, officers shall attempt to locate an adult relative who is willing to take responsibility for the child or children. Preliminary criminal background checks of the relative shall be completed. Any history of sexual crimes, 290 registration status or violence against children shall make adult ineligible to assume responsibility for the child or children. This does not apply, however to the parent not in custody, unless there is a court order limiting contact with the child or children. In any event, this information shall be made available to the PSW. **(Refer to DGO 7.01 III A. 1 through 6 for 300 W&I criteria.)**
6. Officers shall include the names and contact information for other family members they have identified whether or not the children are placed with them. This information is crucial for PSWs if future placement becomes necessary.
7. FCS shall be contacted prior to placing any child with an adult other than the non-arrested parent. Placement for the child shall be done only after consulting with FCS. The PSW shall provide the officers with any child abuse history and authorize temporary placement. Officers shall call 558-2650, identify themselves and the nature of their call and ask for an expedited response or call back from FCS. The PSWs have been advised to expedite these calls to officers and/or supervisors in the field.

 Officers can make these decisions in some cases without involving FCS.
8. If the child or children are currently in school, the responding officer shall contact the School Resource Officer (SRO) of that school. If an SRO is not available for that school, the responding officer shall advise the school principal or the principal's designee of the parent's arrest and his/her stated preference for placement.
9. Reporting officers shall include the names and contact information for the adults with whom the child is left. Officers shall also include the name of the PSW or school personnel contacted in their reports.

<p>Visits for Children with Incarcerated Parents</p>	<p>Refer to FCSHB Section 50-4 “Visiting Policy for Parents, Children and Siblings” and Section 51-3 “Contact Requirements”</p> <p>Visitation is the right of the family including the child and parent. The agency shall encourage the maximum parent child and sibling contact possible, when in the best interest of the child.</p> <p>Incarceration of parents is not an automatic barrier to the safety of the child or directly related to parenting abilities. A determination for visits for a child with an incarcerated parent must be made in the best interest of the child when developing a visit plan. It is important for a child to maintain connection with and/or resolve their relationship with their parent even if they may never be able to live with their parent.</p> <p>The San Francisco Children of Incarcerated Partnership (SFCIPP) is “a coalition of social service providers, representatives of government bodies, advocates and others” who collaborate to improve visiting for families with an incarcerated parent in county jails.</p> <p>SFCIPP developed the Children of Incarcerated Parents, “A Bill of Rights” that includes the child’s rights to safety, support and care in their parent’s absence, inclusion in decisions made about them, contact and a lifelong relationship with their parent. www.sfcipp.org “A Bill of Rights”.</p> <ol style="list-style-type: none"> a. Visits should not be limited, restricted or non-existent because of parent’s incarceration. b. PSWs should coordinate visits for a child with the incarcerated parent with the Friends Outside Program Liaison. c. The FOP Liaison will inform PSWs of the rules, policies, requirements or special circumstances for visits in the jail or prison facility. d. Most children manage parental incarceration better if there are visits. e. Visits reassures a child that they have not been abandoned
<p>Considerations for Visit Plan</p>	<p>Considerations for visit plans should include:</p> <ol style="list-style-type: none"> 1. The best interest of the child 2. Court order prohibiting visits 3. Prior relationship of the parent and child 4. Age of the child 5. Child’s perspective regarding visits

<p>Considerations for Visitation Plan (Cont'd)</p>	<ol style="list-style-type: none"> 6. Input from child’s therapist particularly in sexual abuse cases; therapeutic visitation must be considered for sex abuse case 7. Accommodation for visits in the jail/prison facility 8. Negative reactions to the situation that impact the child 9. Visits that include siblings, relatives or other significant people in the child’s life that will help minimize the impact on the child 10. Distance to the facility <p>The plan should include:</p> <ol style="list-style-type: none"> 1. Completion of the Visitation Plan, 1044 VP form with parameters, expectations and details for the visit 2. Prior visit to the facility ahead of visit with child to prepare 3. Preparation for the child’s visit in a jail/prison setting 4. Facility rules and procedures for visits 5. Structuring visits to accommodate the child’s needs 6. A plan that allows for normal parent child interaction as possible 7. Sibling visits, if not contraindicated 8. How to end the visit 9. Manageable consistent plan that has minimal disruption to the child’s life 10. On going review of the visitation plan <p>For more information on visitation refer to FCSHB Section 50-4 Visiting Policy for Parents, Children and Siblings.</p>
<p>Professional Responsibilities</p>	<ul style="list-style-type: none"> • The PSW will facilitate, to the extent possible, the parent’s participation in relevant services while the parent is in custody, making reasonable efforts (or active efforts in an ICWA case) to assist the parent in reunifying with their child. • The PSW will maintain contact with parent and provide parent with information regarding the child’s well being. • The PSW may make a referral to the Friends Outside Program Liaison. Friends Outside can support parent in accessing in-jail/prison services to support case plan and reunification. Friends Outside can also supervise parent child visits in the jails and provide monthly visits to parents in prisons.

<p>P</p> <p>Res</p> <p>onsi</p> <p>ities</p> <p><i>(cont'd)</i></p>	<ul style="list-style-type: none"> • A referral packet can be obtained from the Friends Outside Program Liaison which includes information and all forms to be completed. Required forms can also be found on the HSA Intranet, "O" or in hard copy in the forms section of each worksite location. • PSWs will conduct monthly visits with incarcerated parents in SF County jail facilities or if court ordered utilize Friends Outside or request an exception to contact to reduce the visit requirement if the parent is incarcerated in a correctional facility outside of San Francisco or California. • Develop a service plan with the parent and make referrals for relevant services for the parent while incarcerated and upon release. • Facilitate regular contact of the dependent child with the parent, absent a court order that no services are offered, including visitation, telephone call or mail contact.
	<p>oc</p> <p>entation</p>
	<p><u>Referra</u></p> <p>For all new or existing cases with a parent that has been arrested and incarcerated the PSW may make a referral to the Friends Outside Program Liaison. The completed packet can be faxed to the Liaison at worksite location.</p> <p>PSWs completes:</p> <ol style="list-style-type: none"> 1) Form 1685 - Incarcerated Parent Information Request Form 2) Form 1005C Monthly Contact, Incarcerated Parent 3) Form Addendum 1084A - Relative ID and Location Form 4) Form 8014/8015 - Authorization to Release Information 5) Attach Copy of court report, and case plan if applicable with referral

<p>P</p> <p>Responsibilities <i>(cont'd)</i></p>	<p style="text-align: center;">□ □ □ □ □ □</p> <p>For all new or existing placements of dependent children with a parent that has been arrested and incarcerated the information must be entered into CWS/CMS.</p> <p>PSWs must:</p> <ol style="list-style-type: none"> 1) Complete Form 1685-Incarcerated Parent Information Request Form and import into CWS/CMS. Electronic copy of form available on “O” drive. 2) Enter incarcerated status of parent in Client Management Section (Blue) (Refer to Practice Guide to Document Incarceration of Parent in CWS/CMS) 3) Enter Case Plan and Contact/Visitation Waiver information in Client Management Section (Green) (Refer to Practice Guide to Document Incarceration of Parent in CWS/CMS) 4) Enter a contact for the referral in the Services Management Section (Orange), including the appropriate case management service or referral provided in the Case Management Services/Referrals grid (for example, “CM-SW Plan Contact,” “Ref-Referral for Substance Abuse Services,” etc). (Refer to Practice Guide to Entering Contacts and Associated Services in CWS/CMS)
<p>Locating and Notifying Incarcerated Parent</p>	<p style="text-align: center;">Notice of Hearing</p> <p>Parents who are incarcerated in federal or state custody are entitled to notice of all court hearings involving proceedings affecting their child as required by law. (Pursuant to Section 2625 of the Penal Code). Notice to parents whose parental rights have been terminated is not required.</p> <p>Failure to provide proper notice to incarcerated parents will not only result in denial of the parents’ fundamental rights, but will result in court continuances and possible sanctions against the Human Services Agency. Ensuring that parents receive timely notice will help to reduce continuances for improper notice and delay in children achieving permanency in a timely manner.</p> <p>The procedural information included in the FCS Handbook describes the form notices must take, the manner of service and the appropriate time frame in which notice must be provided to parents in advance of court proceedings.</p>

<p>Locating and Notifying Incarcerated Parent <i>(cont'd)</i></p>	<p style="text-align: center;">Locating the Incarcerated Parent</p> <ol style="list-style-type: none"> 1) If the parent is known or thought to be incarcerated in California, call the Department of Corrections at (916) 445-6713 to determine the parent's current location. 2) If the parent is known to be in federal custody, call the United States Bureau of Prison at (202) 307-3126. 3) If the parent is known to be in the state custody outside of California, call the State's Corrections Department. <p>For a list of names, addresses and phone numbers of California state prisons and other correctional facilities, federal correctional facilities and out of state prisons see Information/Resources below.</p>
<p>Friends Outside Program Incarcerated Parent Liaison</p>	<p>Friends Outside is nonprofit community based organization that provides services to inmates, ex-offenders and their families. It is a national organization with independently incorporated local chapters or affiliated collaborations providing programs and services to families and individuals involved in the criminal justice system since 1955. Their mission is; <i>“to improve the quality of life of families and children impacted by incarceration, and assist with successful community reentry and family reunification for those transitioning from confinement to freedom.”</i></p> <p>Family and Children's Services has contracted with the Friends Outside Program to assist Protective Service Workers with providing services to incarcerated parents. All services required for incarcerated parents should be coordinated through the Friend's Outside Liaison.</p> <p><u>Friends Outside Liaison Services</u></p> <ol style="list-style-type: none"> 1) Conduct interviews at State or Federal facilities or coordinates an interview of the parent by a Case Manager at County facilities, within California. 2) Conduct emergency interviews for PSWs and facilitate communication with an arrested parent. 3) Assist PSW with accessing information and resources for a parent if the parent is incarcerated outside of California. 4) Conduct or coordinate emergency interviews with the incarcerated parent regarding family and friends for placement resources. 5) Facilitate communication and access to inmate services within all correctional facilities.

<p>Friends Outside Program for Incarcerated Parent Liaison <i>(cont'd)</i></p>	<ol style="list-style-type: none"> 6) Consult with PSW staff and participates in case plan regarding services for the incarcerated parent. 7) Assist PSWs with accessing inmate case management services to provide case plan, reunification and concurrent planning services. 8) Coordinate the visitation of the incarcerated parent by the PSWs or other parties (e.g. court ordered service providers). 9) Coordinate and facilitate the visitation of the incarcerated parent and any other visiting services to support visitation between the child and the parent. 10) Provide information about transportation resources for visiting parties to correctional facilities. 11) Coordinate resources available to incarcerated parents and facilitate the provision of services such as (substance abuse services, parenting education, counseling, support groups and release planning) within the facility as requested. 12) Maintain records of referrals by PSWs and contacts with correctional facilities. 13) Provide documentation to PSWs of services by the inmate services case managers as requested.
<p>Resources and Links</p>	<p><u>Publications</u></p> <p>SF Children of Incarcerated Parents Partnership: Children of Incarcerated Parents Bill of Rights.</p> <p>Resource Guide for Teens with a Parent in Prison or Jail Getting Out & Staying Out, A Guide to San Francisco Resources for People Leaving Jails and Prisons.</p> <p>Friends Outside: Resource Guide to San Francisco County Jails Incarcerated Parents Manual: Legal Services for Prisoners with children & Prisoners Legal Services.</p> <p><u>Website Links</u></p> <p>SF Children of Incarcerated Parents Partnership: www.sfcipp.org</p> <p>Friends Outside: www.friendsoutside.org</p> <p>Legal Services for Prisoners with Children: www.prisonerswithchildren.org</p> <p>Project What: www.community-works-ca.org</p> <p>Correctional Facilities information: www.cdcr.ca.gov/Visitors/Facilities</p>



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Governor

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Gladys Carrión, Esq.
Commissioner

Administrative Directive

Transmittal:	11-OCFS-ADM-7				
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies				
Issuing Division/Office:	Strategic Planning and Policy Development				
Date:	June 15 th 2011				
Subject:	Incarcerated Parents and Parents in Residential Substance Abuse Treatment with Children in Foster Care: Termination of Parental Rights and Other Issues				
Suggested Distribution:	Directors of Social Services Child Welfare Supervisors				
Contact Person(s):	See pg. 9 Section V “Contacts”				
Attachments:	Attachment 1 “Connectivity Between Children and Their Incarcerated Parents” (Power Point) Attachment 2 “ <i>You Don’t Have to Stop Being a Parent</i> ” (A & B) Attachment 3 Model Release of Information Form				
Attachment Available Online:	Yes attachments 2 A & B are on the OCFS Website (www.ocfs.state.ny.us) under “publications”				
Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
98 OCFS INF-3		18 NYCRR 431.9 (e)	SSL 384-b (8) SSL 409-e		

I. Purpose

The purpose of this Administrative Directive (ADM) is to inform social services districts (districts) and voluntary authorized agencies (agencies) of Chapter 113 of the Laws of 2010 (Chapter 113) which was signed into law on June 15th, 2010. Chapter 113 amends Social Services Law 384-b by adding additional considerations to the requirement that social services districts file petitions to terminate parental rights (TPR) when a child has been in foster care for 15 of the most recent 22 months. An exception to the requirement

to file a TPR may apply to some parents who are currently incarcerated or in a residential substance abuse treatment program or to parents whose past term of incarceration or participation in a residential substance abuse treatment program was a significant factor in the child's remaining in foster care for 15 of the most recent 22 months. In such cases, before filing a TPR petition the agency must assess whether the parent maintains a meaningful role in the child's life and whether terminating the parent's rights is in the child's best interests. For purposes of this law, the term "incarceration" includes a parent's placement in Office of Children and Family Services' (OCFS) custody.

In assessing whether the parent maintains a meaningful role in the child's life, the agency must base its determination on evidence, including but not limited to the parent's communications with the child, the parent's communications with the district or foster care agency, and information regarding the parent's participation in services to assist him or her in complying with the service plan. The district or agency should gather input from the parent, the child, the child's attorney, the parent's attorney, individuals of importance to the child's life and individuals providing services to the parent. If the district assesses that a parent maintains a meaningful role in the child's life, it must then determine whether the continued involvement of the parent in the child's life is in the child's best interests. An exception to file for a TPR exists only if both these conditions are met.

Additionally, Chapter 113 requires the court to take into account the particular barriers and challenges faced by a parent who is or has been incarcerated or in a residential substance abuse treatment program during the child's placement in foster care when determining whether a child is permanently neglected. The law requires districts and agencies to distribute information provided by OCFS to these parents, outlining their legal rights and obligations and providing information on social and rehabilitative services available in the community to which they will return.

Finally, Chapter 113 requires the family's service plan to reflect the special challenges of a parent who is incarcerated, or in a residential substance abuse treatment program, and allows the district or agency to utilize available technology, such as video or teleconferencing, as a means for the parent to participate in reviews if it is impractical to hold such consultations in person.

II. Background

In 1997, the federal Adoption and Safe Families Act (ASFA) was enacted to address the needs of children "adrift" in long-term foster care without achieving permanency. ASFA requires agencies to file a termination of parental rights (TPR) petition when a child has been in foster care 15 of the last 22 months, unless there is a compelling or other reason for not filing such a petition. New York State enacted comparable ASFA legislation: Chapter 145 of the Laws of 2000. For more information about compelling and other reasons not to file a TPR, refer to 18 NYCRR 431.9 (e) and 98 OCFS INF-3.

Chapter 113 was enacted to address the situation of foster children with parents who are currently incarcerated or in residential substance abuse treatment and foster children with

parents whose past incarceration, or placement in residential substance abuse treatment, is a significant factor in why the child remained in foster care for 15 of the most recent 22 months. This legislation provides a possible exception to the requirement to file a TPR against these parents and sets forth other provisions specific to these parents.

III. Program Implications

Chapter 113 applies to parents of foster children who are currently incarcerated or in residential substance abuse treatment programs. It may also apply to parents of foster children who in the past were incarcerated or in a residential substance abuse treatment program, but only if that past term of incarceration or time in a residential treatment played a significant factor in the child's presence in foster care for 15 of the most recent 22 months. In some cases, parental incarceration or time in a residential substance abuse treatment program may form the basis of an exception to the requirement to file a TPR petition when a child has been in foster care for 15 of the last 22 months. This must be determined on a case-by-case basis.

In order to determine whether an exception to the requirement to file a TPR is warranted, Chapter 113 requires that the agency or district assess whether the parent maintains a meaningful role in the life of a child and, if so, whether the continued involvement of the parent in the child's life is in the best interests of the child. Chapter 113 defines evidence of the parent's meaningful role in the life of the child to include, but not be limited, to the following:

- a parent's expression or acts manifesting concern for the child such as letters, telephone calls, visits, participation in planning, and other forms of communication with the child; and
- efforts by the parent to communicate and work with the district or agency, the child's attorney, the foster parent, the court, the parent's attorney and others providing services to the parent, such as correctional, mental health, and substance abuse treatment program staff.

The agency is required to gather information from the parent, the child and others providing services to the parent for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship. This includes correctional, mental health and substance abuse treatment program personnel, the child's attorney and the parent's attorney.

When determining whether the parent's continued involvement in the child's life is in the best interests of the child, districts and agencies are encouraged to consider the following:

- whether the parent was the child's primary caregiver prior to the child's placement;
- the parent's role in the child's life prior to the parent's incarceration or residential substance abuse treatment;
- the parent's current role in the child's life;

- the age of the child at the time of the child's placement;
- the length of the parent's period of incarceration or residential treatment;
- the length of time the child has been in foster care;
- the child's primary attachment;
- any special needs or vulnerabilities of the child; and
- whether the parent has addressed safety concerns, if any.

The parent/child assessment and best interests determination must be documented in the child's periodic Family Assessment and Service Plan (FASP), and all efforts made to reach the permanency goal of the child must be documented in the case record.

During the child's placement, agency and district caseworkers are to make suitable arrangements with a correctional facility, or a residential substance abuse treatment program, for the parent to visit with the child within the facility or program unless such visiting would be harmful to the child.

The initial family service plan and the ensuing Service Plan Reviews (SPRs) must be done in consultation with the incarcerated parent, or parent in a residential substance abuse treatment program, unless such consultation is deemed harmful to the child. If it is impractical to hold such consultation in person as a result of incarceration, or placement in a residential substance abuse treatment program, such consultation may be done utilizing available videoconferencing or teleconferencing technology.

In addition, social services districts and agencies must provide information developed by the Office of Children and Family Services to these parents outlining their legal rights and obligations. (See Attachment 2, "***You Don't Have to Stop Being a Parent.***" Version A is for Incarcerated Parents, Version B is for Parents in Residential Substance Abuse Treatment Centers.) Social services districts and agencies must also provide parents with a list including, but not limited to, social or rehabilitative services available in the community, including family visiting services to aid in the development of a meaningful relationship between the parent and child. When possible, such information should include transitional and family support services in the community to which an incarcerated parent, or parent in a residential substance abuse treatment program will return. This information must be provided as soon as the district or agency has located the parent and must include information on how the parent is to communicate with the agency or caseworker. Attachments 2 A and 2 B, "***You Don't Have to Stop Being a Parent.***" translated in Spanish, are forthcoming.

IV. Required Actions

For Parents Incarcerated in New York State Department of Corrections (DOCS) Facilities

The agency and district caseworkers must familiarize themselves with the means to access NYS DOCS facilities by reviewing the attached PowerPoint: “Connectivity Between Children and Their Incarcerated Parents: How to Navigate the New York State Department of Correctional Services.” **See Attachment 1**

Once the caseworker has information that a child in foster care has a parent incarcerated in a DOCS facility, the caseworker must gather information about that parent in order to locate him or her using the DOCS Lookup website.

In order to successfully utilize the Inmate Lookup, agency or district caseworkers should attempt to learn the following information regarding the incarcerated parent:

- Full Name and any aliases
- Date or year of birth
- County of commitment

The Inmate Lookup will provide the incarcerated parent’s Department Identification Number (DIN) and facility location. It is essential that all correspondence to the incarcerated parent include the parent’s DIN, according to NYS DOCS inmate mail procedures.

The DOCS Inmate Lookup is available at:

<http://nysdocslookup.docs.state.ny.us/>

The DOCS Facility Lookup is available at:

<http://www.docs.state.ny.us/faclist.html>

The NYS DOCS website is available at:

<http://www.docs.state.ny.us/>

Once the incarcerated parent has been located:

1. Caseworkers must contact the deputy superintendent of the appropriate facility to determine the parent’s corrections counselor. Deputy superintendent phone numbers can be found on the NYS DOCS website (URL above). The deputy superintendent at any NYS DOCS facility is reachable at extension 4000.
2. The inmate-parent must be mailed “*You Don’t Have to Stop Being a Parent*” (see attachment 2 Version A also posted on the OCFS website)

www.ocfs.state.ny.us under publications # 5113). A list of social or rehabilitative services available in the community, including family visiting services, to aid in the development of a meaningful relationship between the parent and child must be included. Despite the fact that an adult's incarceration and the location are public information, any programmatic information such as drug treatment, mental health treatment, etc. is still confidential and would require a release of information form signed by the parent. A model release of information form is included in this ADM as attachment 3. The district or agency should include a "release of information" form for the parent to sign allowing the agency or district, and the facility staff, to communicate with each other regarding the parent. The district or agency must clearly identify its return address. DOCS recognizes correspondence from districts and agencies as "legal mail" and the parent's receipt of mail from the agency or district will be documented by DOCS staff.

3. Once a parent's corrections counselor is identified, the caseworker must initiate contact with the counselor to discuss visiting arrangements between the parent and foster child, the parent's participation in SPRs, and any other pertinent information.
4. The caseworker should also determine the availability of videoconference or teleconference capacity within the facility in order to accommodate the parent's participation in Service Plan Reviews. The use of alternate technology, where available, is required by law when a parent's physical attendance is impractical.
5. The caseworker must coordinate with the corrections counselor to obtain an acceptable time for phone contact with the parent.
6. The caseworker must contact the parent by phone to explain any court or Service Plan Review dates, visitation schedules, and provide an update on the progress of the child.

Any correspondence between the caseworkers and the corrections counselors is to be mailed directly. DOCS has advised OCFS that the deputy superintendent of the correctional facility is to be contacted should there be any communication difficulties with the parent's correctional counselor.

For Parents in a Residential Substance Abuse Treatment Program

The process for assisting parents in a residential substance abuse treatment program is somewhat different from the process used to assist incarcerated parents because treatment programs are prohibited by law from disclosing any information about their clients without a signed release of information. If the parent is there as the result of a court order, the caseworker should make every effort to get a release signed by the parent before the parent goes into the treatment facility. If the parent is already in a

treatment facility and the caseworker knows where the parent is located but does not have a release the caseworker must mail a blank release to the parent in care of the facility. The caseworker should include a cover letter explaining the purpose of the release and should enclose a self-addressed stamped envelope so the parent can mail back the signed release. The agency fax number should also be included in case the facility is willing to fax the signed release back to the caseworker and then mail the original. Once the caseworker has the signed release, a copy should be faxed to the facility. At this point, information may be exchanged between the parent's counselor/clinician at the facility and the caseworker. If the caseworker wishes to share information regarding the parent and child with the treatment provider, the release must also authorize the child welfare agency to do that.

In cases where the parent has entered treatment voluntarily, and has not notified the caseworker of his or her location, the caseworker will have to learn the parent's location from family members or other collateral sources. Once the parent's location has been determined, the caseworker must follow the procedures above.

The signed release must be included in the child's record and a copy should also be retained by the identified treatment provider. Even if a parent refuses to sign a release, the caseworker must document the efforts to obtain a release and keep copies of all correspondence in the case record. Once the release has been signed, caseworkers must again contact the program manager in order to determine the primary counselor/clinician for the parent. A model release of information form is included in this ADM as attachment 3. The caseworker must then follow steps 2-6 above (using attachment 2, Version B: ***"You Don't Have to Stop Being a Parent while you are in a residential treatment facility"*** OCFS Publication #5114) to satisfy the requirements of Chapter 113.

Here is the link for New York State Office of Alcohol and Substance Abuse Services (OASAS) program directory:

<http://www.oasas.state.ny.us/providerDirectory/index.cfm>

OCFS has provided OASAS with a list of social services districts and foster care agencies. In addition, OASAS recognizes correspondence from districts and agencies as "legal mail."

For Parents in OCFS Custody

The process for assisting parents in OCFS custody is described below. Caseworkers must work with facility directors and youth counselors in OCFS facilities. In the event that the parent in OCFS custody is placed in a facility at a known location, caseworkers will utilize the Division of Juvenile Justice and Opportunities for Youth web page for the Regional Listing of OCFS facilities and directors located at:

<http://www.ocfs.state.ny.us/main/rehab/regionalListing.asp>

In the event that a parent in OCFS custody and his/her placement location is not known, the following procedure must be followed due to the confidential nature of placement location of juvenile delinquents and offenders:

- The caseworker must fax a release of information form to the OCFS Legal Division's Juvenile Justice Unit at **518-402-6526**. Once the release of information is approved, the Legal Division's Juvenile Justice Unit can provide the location and refer inquiries to the website for the contact person.

Caseworkers must contact the appropriate facility director who will identify the Youth Counselor I (YCI) who has the parent on his or her caseload. The caseworker must, with the assistance of the YCI, follow steps 2-6 above to satisfy the requirements of Chapter 113. A model release of information form is attached to this ADM as attachment 3.

In the event that a parent is incarcerated or placed in a facility other than NYS DOCS, an OASAS licensed residential substance abuse treatment center, or an OCFS facility, the caseworkers is to initiate the appropriate contacts with that facility. These other facilities may include parents incarcerated in county jails, federal prisons, or immigration detention facilities. Once contact is made, the caseworker is to follow steps 2-6 above to satisfy the requirements of Chapter 113.

Below are additional websites to assist caseworkers in finding parents in local jails, federal prisons and immigration detention facilities:

New York City Department of Correction inmate lookup:

<http://a072-web.nyc.gov/inmatelookup/>

Other county inmate lookups:

http://www.theinmatelocator.com/New_York_Inmates_Search.html

Federal Bureau of Prisons inmate lookup:

<http://www.bop.gov/iloc2/LocateInmate.jsp>

US Immigration and Customs Enforcement inmate lookup:

<https://locator.ice.gov/odls/homePage.do>

V. System Implications

There are no system implications at this time. It should be noted that CONNECTIONS HELP has not been updated to add incarceration or placement in residential substance abuse treatment as possible exceptions for filing a TPR.

VI. Contact Information

Any questions concerning this release should be directed to the appropriate Regional Office, Division of Child Welfare and Community Services:

Buffalo Regional Office- Dana Whitcomb (716) 847-3145

Dana.Whitcomb@ocfs.state.ny.us

Rochester Regional Office- Karen Buck (585) 238-8200

Karen.Buck@ocfs.state.ny.us

Syracuse Regional Office- Jack Klump (315) 423-1200

Jack.Klump@ocfs.state.ny.us

Albany Regional Office- Kerri Barber (518) 486-7078

Kerri.Barber@ocfs.state.ny.us

Spring Valley Regional Office- Patricia Sheehy (845) 708-2499

Patricia.Sheehy@ocfs.state.ny.us

New York City Regional Office- Patricia Beresford (212) 383-1788

Patricia.Beresford@ocfs.state.ny.us

Native American Services- Kim Thomas (716) 847-3123

Kim.Thomas@ocfs.state.ny.us

Any questions concerning this release as it pertains to parents in OCFS custody should be directed to the OCFS Juvenile Justice Unit in the Division of Legal Affairs:

Kristen Northrup, Senior Attorney (518) 402-6723

Kristen.Northrup@ocfs.state.ny.us

VII. Effective Date

Chapter 113 was effective on June 15, 2010 and this ADM is effective immediately.

/s/ Nancy W. Martinez

Issued By:

Name: Nancy W. Martinez

Title: Director

Division/Office: Strategic Planning and Policy Development