

Visitation: Through the Eyes of a Child

An important message is worth repeating. Earlier *Practice Notes* dealt with general aspects of “Visitation.” We return to the topic, but with a special emphasis on two situations of separation and loss requiring specific attention: sibling separation and children with incarcerated mothers. We have taken the perspective of the Children’s Justice Initiative: “Through the Eyes of a Child.”

Although keeping siblings together continues to be emphasized as the preferred placement plan, separation may be necessary under circumstances, which research and evaluation will outline in this edition of *Practice Notes*. When siblings cannot be placed together, then a visiting and maintenance plan is required.

The power of the sibling bond is a persistent theme in sibling studies. In some cases, sibling relationships are more influential than any other, including those with parents. The bond may even be stronger for brothers and sisters from dysfunctional families. The courts have recognized this. Much of the legal literature deals with cases in which siblings have been separated and are seeking either to be reunited in placement or granted visitation rights.

Turning to the children who have been separated from their incarcerated mothers, we are confronted again with the responsibility of supporting visitation that can minimize the trauma of separation and loss.

Women now make up the fastest growing segment of the prison population. Women imprisoned for drug law violations increased 421% between 1986 and 1996. Eighty percent are mothers and 75% of these women have children under the age of 18.

Siblings Have a Legal Right to Visit One Another

Some courts have recognized a constitutional right to association among siblings. In cases in which siblings have been separated, courts have found that it is in the best interest of the child to maintain visitation with individuals to whom the child was close, including siblings. However, the siblings’ rights of association are weighed against the competing rights of biological, foster, or adoptive families, and their attachment to one another is only one of several issues considered in determining the “best interest” of the child.

Source: Elstein, S.G. (1999). Making decisions about siblings in the child welfare system. *ABA Child Law Practice* 18(7), p. 115.

Youth in foster care are also voicing their desire to be with their brothers and sisters and to have the opportunity to maintain relationships even when not living together. The National Center for Youth Law has developed a brochure for children entitled *My Rights in Foster Care* that includes information on their right of association with siblings.

Source: National Center for Youth Law. *My Rights in Foster Care*. Oakland, CA: Author. Available online at <http://www.youthlaw.org/fcpam.htm>

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Helping children cope with the fact of incarcerated mothers has its own “best practices,” which this edition of **Practice Notes** records. The highly regulated and coercive environment of prison creates a context which has specific meaning for children. The shame and humiliation of children dealing with their peers and the worry about leaving mothers in unknown circumstances are among the factors that require counseling. Who provides a therapeutic relationship for children who often maintain a painful silence shrouded in embarrassment?

We were fortunate to have an interview with Diane Hagen, Parent/Family Program Coordinator, Minnesota Correctional Facility, Shakopee, and the observations of the Child Services Unit of Hennepin County and other experienced child protection workers to provide details that were not available in the literature.

We spoke to many social workers who were concerned about children caught in these poignant separations. To all of them, we extend our deep appreciation for their help.

E.W.

Many factors should be taken into consideration when assessing the intimacy of sibling relationships.

- ✧ Has one sibling assumed a parental role? If yes, is the impact of this on the sibling group positive or negative?
- ✧ Have the siblings been separated in the past? If they have been apart, have they maintained contact?
- ✧ Do the siblings have the same father and mother, are they half siblings, or are they totally unrelated but bonded?
- ✧ Are there any risk factors associated with the sibling relationship such as sexual or physical victimization?

The Continuum Reflecting the Intensity of the Sibling Relationship:



Sources: Elstein, S.G. (1999). Making decisions about siblings in the child welfare system. *Child Law Practice*, 18(7).

BJS Sourcebook (May, 2000). *Mothers in prison: Facts you need to know about women in US prisons*. Retrieved from <http://circlevision.org/archive/events00/MIP/MIPpages/mipfacts.html>

Source: Sisters and Brothers Together Project (2002). *Sibling decision-making matrix*. Unpublished. Northeast Ohio Adoption Services. For further information contact Connie Mascheier, conniem1014@aol.com.

Hegar, R. (1988). Sibling relationships and separations: Neglected dimension in child care practice. *Social Services Review*, 62 (3), 446-467;

National Adoption Information Clearinghouse (2002). *The sibling bond: Its importance in foster care and adoptive placement*. Retrieved from http://www.calib.com/naic/pubs/f_siblin.htm.

Separation may be necessary when:

- ✦ The child has resided for a significant period of time and formed an intense attachment to current caretakers who offer permanency.
- ✦ The child has special needs that can only be met by separation.
- ✦ The risk of recurrence of physical harm or sexual aggression of a more powerful sibling victimizes a younger sibling; therapeutic intervention has not diminished these high risk behaviors in a timely way.

If separation is necessary, a sibling visitation plan is in order.

Coordinating sibling visits is a time-consuming task requiring consideration of the following factors: transportation, school schedules, costs, cooperation of foster parents, and selection of visiting sites.

- When sibling groups must be separated, plans for sibling visitations should be initiated immediately.
- The children should be consulted in the planning process. Children's wishes concerning the nature and frequency of contact should be honored.
- When children are state wards, a concerted effort must be made for sibling visits. These visits are necessary to minimize the degree of loss experienced by children when termination of parental rights occurs.

Visitation plans should include:

- Frequency of face-to-face visits, phone calls, letters, etc.
- The parties responsible for coordinating, transporting, initiating and carrying out visits
- The names, addresses and phone numbers of the foster/adoptive home where all the siblings are living
- The signature of all parties involved, including children
- Copies for each individual, including the children
- A designation of responsibility for maintaining the plan

Source: Keck, G.C. & Kupecky, R. (1998). Siblings: the old, the new, the feelings! In *Adopting the hurt child: Hope for families with special needs kids* (pp. 119-130). Colorado Springs, CO: Pinon Press.

Best Practices

- Place children in close proximity so they live within the same school district
- Place children in foster or adoptive homes where parents have been trained, instructed, or encouraged to maintain contact among them
- Assign one worker for all siblings
- Have children create life books
- Make sure that siblings have phone numbers and e-mail addresses for each sibling
- When distance keeps sibling from visiting one another, encourage letters, birthday cards, photos, etc.
- If possible, arrange joint therapy sessions, shared vacations, and weekend respite care to bring siblings together

To be considered:

- A specialized worker charged with coordinating sibling visitation.
- Contracting with a community agency to coordinate sibling visitation.

Still to be Resolved

There are several issues still to be resolved in sibling placements. Therapists see children as individuals, not as members of a family. Planning for sibling visits is an arduous, costly, and time-consuming task. The framework to begin dealing with these issues may be shaped through asking the following questions.

- Can an overburdened child protection worker be required to make sibling visits a priority?
- How do we use information from supervised visitation in case planning for permanency?

Features of Innovative Programs Designed to Maintain Sibling Contact

Neighbor to Neighbor: A program in Chicago, Illinois, where foster caregivers are Hull House Association employees who receive extensive training to meet the needs of sibling groups. An assortment of social, emotional and educational support services are provided to the children, their foster parents and their biological parents. Website: <http://hullhouse.org/>

Camp to Belong: A non-profit organization that aims to reunite brothers and sisters placed in different foster homes for events of fun, emotional empowerment and sibling connection. Their signature event is a weeklong summer camp. Website: <http://www.camptobelong.org/>

Sources: Casey Family Programs National Center for Resource Family Support. (2001). *Resources on siblings in foster care*. Washington, DC. Retrieved from http://www.casey.org/cnc/policy_issues/siblings.htm.

A Recent Development

The Center for Crime Victims Services in the Minnesota Department of Public Safety has established, with a federal grant, eight visiting centers. They are sometimes known as Family Safety Centers. They are used chiefly for visitation in contested divorce and custody proceedings and in domestic violence situations. These centers have play areas and are secure, staffed, and supervised.

Family Safety Centers are rarely used by child protection for sibling visitation. They should be explored as an additional resource for sibling visitation.

Source: Cecilia Miller, Grants Director, Center for Crime Victims Services, telephone conversation, January 10, 2003.

Through the Eyes of a Child: Understanding Children with Mothers in Prison

A Profile

Nationwide, 75 percent of women in prison are mothers, and a large share (72%) had children under 18 living with them before entering prison. Ten percent of the children are living in a non-relative foster home or institution. Twenty-five percent are living with friends or kin, and more than half (65%) are living with grandparents. More than half (53%) never had a visit from their children. Unlike Minnesota, women, nationally, are likely to be incarcerated far away from home, because there are fewer prisons for women. A high proportion of women inmates are imprisoned for drug-related offenses. The number of Minnesota women in federal prison is not available at this time.

How Children Respond

The trauma of separation due to the mother's imprisonment is severe. How children respond to the pain of separation varies according to age and may change over time: children may have seen their parent commit a crime, witnessed the arrest, and fear the prison milieu for their parent and themselves.

Children respond in these ways:

- **Self-image:** Children identify with the incarcerated parent. They are aware of the social stigma with having a parent in prison and suffer from low self-esteem.
- **Thinking:** Children will experience intrusive thoughts about their parents. They have concerns about the future and may experience flashbacks.
- **Emotions:** Children will experience a wide range of emotions ranging from fear, anxiety, sadness, loneliness, withdrawal, and abandonment, to embarrassment, guilt and fear.
- **Mental Health:** Children with incarcerated parents may suffer from depression, eating problems, sleeping problems, anxiety, attention problems, hyper-arousal and Post Traumatic Stress Disorder.
- **Behaviors:** Children with parents in prison may exhibit aggression, acting out, and disruptive behaviors and often become involved with the juvenile justice system.

CWLA-Federal Resource Center for Children of Prisoners. *An overview of statistics.* Retrieved from <http://www.cwla.org/programs/incarcerated/>

The Curry School of Education, University of Virginia. *Incarcerated women in the United States: Facts and figures.* Retrieved from <http://curry.edschool.virginia.edu/prisonstudy/subpages/facts/facts.html>

The U.S. Department of Justice (2000). *Almost 1.5 million minor children have a mother or father in prison.* Retrieved from <http://www.ojp.usdoj.gov/bjs/pub/press/iptc.pr>

Preserving the Child's Connection to the Parent

- A practice principle for responding to the child: attempt to alleviate the child's uncertainty. What has happened? When will they see the parent again? What happens next?
- Explain what is the same and what will be different while the mother is in prison.

Counseling for Children

Children have their most intense and stressful response following visits and at the time of release, when reunification is to take place. Young children have grown accustomed to living without the inmate mother . . . both child and mother have changed in the interim of imprisonment. Identify who will be available to support the reunified family with counseling, psychotherapy, and respite care.

Best Practices

- Provide opportunities for mothers to plan for and help their children.
- Establish regular visitation as soon after arrest as possible.
- Prepare foster parents on how to handle visits, in both pre and post stages.
- Coach inmate mothers on leave-taking.
- Arrange for inmates and children to meet in separate groups after the visits to discuss how things went.
- Consider the development of a specialized caseworker. This worker would develop expertise in designing plans for this population that are appropriate and in the child's best interest. The specialized worker would develop relationships with the staff at the corrections facility and establish policies that allow for a better flow of information.

Beckerman, A. (1998). Charting a course: Meeting the challenges of permanency planning for children with incarcerated mothers. *Child Welfare*, 77(5), 513-529.

The Shakopee Model

The Minnesota Correctional Facility, Shakopee, houses adult women convicted of felonies. The number of women offenders is small (approximately 416) compared to the male inmate population (7,000). Minnesota has one of the lowest rates of women offenders in the nation. Most women offenders have children and have been the sole parent before entering Shakopee. When mothers enter prison, their children most often live with a family member, but a portion of them live in non-kin foster care.

Visitation Arrangements

This correctional facility emphasizes the importance of visitation, reflecting its commitment to restorative justice principles. Pamphlets, instructional leaflets, and a book for children, “Help for Kids! Understanding Your Feelings About Having a Parent in Prison or Jail—For Kids Ages Six and Older” are provided. Diane Hagen, social worker and Parent/Family Program Coordinator, visits with every offender entering Shakopee and outlines visitation procedures. Visitation is encouraged to help offender mothers restructure and preserve the family unit during their incarceration. Diane Hagen leads several parent education and support groups.

Procedures

The Visiting Room (with space for 60) is provided for family members and other visitors. There are accommodations for infants and toddlers. Visits may be arranged two or three times a week. There are a few special visiting programs: children under the age of 12 may visit overnight on Fridays; older children may visit for a day, once a month. Both programs demand good behavior on the part of inmate mothers.

The following guidelines exist for visitation with children:

- It is usually the inmate mother’s responsibility to arrange visitation by contacting the custodian of the child: the relative/foster care provider/child protection worker.
- The escort must be on an approved list, if they are taking part in the visit.

- Under special circumstances, a therapist or child protection worker may recommend against visiting (e.g. inmate mother’s deep depression/episode of serious mental disorder).
- If visitation is denied, inmate mothers, depending on the circumstances, may appeal to the court.
- Privacy in general visiting is not allowed.
- Permission for supervised visitation (with child protection staff, guardians ad litem, etc.), with responsibility for observational notes can be arranged during non-visiting times.

Restrictive Procedures: The Issue of Contraband

A large portion of offender mothers are imprisoned for drug-related offenses, therefore, several rules enforce limitations of physical contact.

- Children pass through safety metal detectors.
- Once inside the visiting room, children cannot leave (e.g. children may not leave to go to the toilet and then return).
- In the visiting room, young children may sit close to the inmate mother and embrace. But children over the age of 12 must sit opposite from their mother—approximately five feet away. Physical touching is not allowed except for a brief hug before and after the visit.
- “Kissing on the lips” carries the punishment of halting contact visitation for three months.

Sources: Interview with Diane Hagen, LICSW, Parent/Family Program Coordinator, Minnesota Correctional Facility, Shakopee, December 10, 2002.

Carole Gesme, with consultation with Michele Kopfmann (1993). *Help for kids! Understanding your feelings about having a parent in prison or jail—for kids ages six and older*. For information contact Pine Tree Press, 4036 Kerry Court, Minnetonka MN 55345, (612) 938-9163.

Issues for Consideration

The Permanency Plan

For children under eight, the six-month limit for permanency planning is problematic. At Shakopee, there are a range of services such as substance abuse, mental health, and sex offender treatment that may not be available in a timely way for case planning. Consequently, flexibility is required, but is generally not addressed. (The Adoption and Safe Families Act, 1997, allows courts to terminate parental rights, if a child is in foster care for 15 months out of any 22-month period.)

TPR

When termination of parental rights is imminent, a judge has the power to order visits and frequency. At Shakopee, the final visit is described as an anguishing event. The offender mothers are counseled: "Give permission for your child to be happy with another family." A peer support group for offender mothers is available to cope with the finality of TPR. How judges deal with TPR and offender mothers is not well known. The responsibility in a child protection system to respond to a child's trauma in a termination procedure (TPR) has not been standardized.

Adoption

Offender mothers hope for an "open adoption" possibility. This would assure having pictures and messages of growth, development, and achievements. Occasionally this occurs, but open adoptions are not uniformly discussed with adoptive parents when the mother is a long-term inmate.

"Children of women offenders are not receiving services and are suffering trauma and separation."

Source: The Honorable Karen Asphaug, Judge, First Judicial District, Hastings, Minnesota (September 19-20, 2000). *The women offender's symposium*. Minnesota Correctional Facility, Shakopee and the Department of Correction, St. Paul, Minnesota.

For Further Reading

Katz, P.C. (1998). Supporting families and children of mothers in jail: An integrated child welfare and criminal justice strategy. *Child Welfare*, 77(5), 495-511.

Smith, B.E. & Elstein, S.G. (ABA Center on Children and the Law); Laszlo, A.T., Akomoto, M.C., Ayres, M.B., & Smith, J.B. (Circle Solutions, Inc.). (December, 1994). *Children on hold: Improving the response to children whose parents are arrested and incarcerated*. Final report submitted to The Children's Bureau, Administration on Children, Youth and Families, U.S. Department of Health and Human Services. Washington, DC.

Wright, L.E. & Seymour, C.B. (2000). *Working with children and families separated by incarceration: A handbook for child welfare agencies*. Washington, DC: CWLA Press.



<http://sww.che.umn.edu/cascw>

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