

BARRING FATHERHOOD: INCARCERATED FATHERS AND THEIR CHILDREN

"What I want more than my freedom is a relationship with the person I love more than life itself—my daughter."



The Issue

More than 1.6 million children under 18 have a father who is in jail¹ and ten million children have a parent who at some point has been in jail.² These are the country's most vulnerable children. They most often grow up in poverty before, during and after their father's imprisonment. They live in poor neighborhoods exposed to violence, drugs and mental health problems. These children are at the very highest risk for poor academic achievement, school dropout, gang involvement, delinquency substance abuse and early parenting.

The majority of incarcerated fathers have two or more children, and it is estimated that they owe more than \$122 million in child support.³ The number of men who are going to prison is increasing quickly; prison populations have more than doubled since 1985, with more than 35 percent of men returning to prison because of parole violations (as compared to 18 percent in 1980).⁴

The profiles of many incarcerated fathers reveal a lifetime of poverty and crime. The majority of these men grew up without their father, witnessed parental substance abuse and more than one third experienced the incarceration of an immediate family member.⁵ Seventeen percent spent time in the foster care system, and 12 percent report that they were physically or sexually abused as children.⁶

Upon entering correctional facilities, these fathers are young and lack education, employment and financial resources. At least half of state prisoners are not violent offenders, and more than half of them are men of color. Many

are not married to the mother of their children, and may have fathered children with more than one woman. They are less likely to pay formal child support, and may accumulate massive arrearages while incarcerated—making it difficult to pay back once they are released.

Research reveals that the role of fathers in child development is important and that parental separation and absence has a negative impact on children. It is the negative impact on children that serves as a catalyst for the development of prison programs for fathers because there are millions of children who are affected by a father's incarceration. "We used to think that the juvenile justice system was feeding our criminal justice system. Actually, our criminal justice system is driving our juvenile court system because these young kids are growing up without their fathers then following in their footsteps," according to John Jeffries at the Vera Institute of Justice.

Research on the family status and characteristics of fathers in prison is limited. What is known is that incarcerated fathers care about their children and about how their children perceive them as fathers.⁷ If a father in prison has a bad relationship with his children (as measured by level of closeness, involvement and contact), he is more likely to be experiencing depression.⁸ Prisoners who maintain family connections have considerably greater success once released.⁹ Family ties matter, even to fathers in prison and their families.

Meeting the Challenge—Policy Options for States

Very few family-focused services are available for men in prison or their children, because there are numerous challenges to providing family services to incarcerated fathers. Prison itself presents major barriers to maintaining family connections. "Prisoners are not at liberty to see or talk to their children whenever they like. They cannot engage in their children's daily care, nor can they be present to assure their

children's safety. They have no control over their own jobs or income and are not likely to have much to contribute to their families' financial support."¹⁰ Visiting hours are restricted, and visiting space is not meant for children. Collect-calls made to home can be very costly to families, and

communication by mail can be intimidating for fathers who have reading and writing difficulties. The physical location of many facilities presents transportation barriers for families to actively visit. Additionally, for fathers who have not established relationships with their children, knowing how to start a relationship can be difficult, particularly if the relationship with their current or former partner is strained due to their incarceration.

Men in prison do not make enough money to satisfy their child support order and are unaware they can petition for a downward modification to their order. Once released these fathers often face a child support debt that is so

"Fathers who are in prisons and jails are not just convicts. They are parents too. They have the same dreams and aspirations for their children as other men. Their children and families have expectations of them as well, although those expectations are frequently limited or altered by the realities of prison confinement."

—Dr. Creasie Finney Hairston,
Dean, Jane Addams College
of Social Work

"I'm supposed to be a father to my son, even in here. He's 15 now, but was about 11 when I was sentenced. Since I started this program, I began writing and talking to him on the phone. I haven't gotten return letters, and I mentioned that to him. He said, 'Dad, I look forward to that letter from you every week.' That said a lot to me."

—Gary Robbins, 37, participant
in the Horizon program at Tomoka (Fla.)
Correctional Institution.

high they may never realistically be able to repay it.

Projects that provide services to fathers are attempting to create numerous positive results for families and children, realizing that building strong marketable skills and family ties are crucial indicators that men will not return to prison once released. These services range from parent education and anger management to job development and literacy.

Family Strengthening

As discussed, fathers come into the prison system with a variety of barriers to maintaining or building successful relationships. Issues like anger management, substance abuse, domestic violence, parenting or others may need to be addressed before men can successfully participate in developing relationships with their families. Some states are finding ways to develop father-specific programs for men and their families. Programs understand that not all fathers should be in contact with their children and that not all children benefit from a relationship with an incarcerated dad. The best interests of the child have priority, and fathers who are targeted for services tend to have committed less serious crimes and have a higher chance of parole.

The Tomoka Correctional Facility in Florida is undertaking a unique and innovative approach to help men develop better relationships. The Horizons program is a collaborative between the Cor-

rectional Facility and Kairos—a faith-based organization—and the Florida Commission on Responsible fatherhood. Program participants are housed in a separate dorm, where they occupy “pods” which function as a surrogate family for the inmates. These pods develop working relationships with each other and their own form of governance. The inmates participate in a relationship and anger management curriculum. Each inmate is paired with a community volunteer that acts as a “godparent.” The godparents conduct weekly visits, write letters and act as a support system for the inmates to help them learn to build trusting and positive relationships. The program designates a time block specifically for letter writing and communication between families. Additionally, they provide stamps and writing materials to help inmates communicate with family members on the outside. Kairos also offers support groups for families of the inmates. The program has received excellent review by the department of corrections as a positive and worthwhile investment. One inmate explained, “Before the program, I had not talked to my son in five years. I started writing him every week and for the first time, I got a letter and a Christmas card from him.”

Other states are making similar efforts to help inmates learn to build and manage relationships. **Illinois** offers a Life Skills program in almost all of its correctional facilities. The multifaceted curriculum includes parenting, consumer education, finance management,

and the importance of balancing home and work responsibilities. Parenting is taught in three courses: Parenting I focuses on relationships between fathers and their infants or toddlers, Parenting II highlights the needs of elementary school children, and Parenting III deals with parenting adolescents. **Maryland** uses Department of Human Resources staff and local coordinators to conduct training in basic child care, child development, discipline of children, decision making, money management, job preparation, sexual awareness, stress and anger management, and effective communication.

In **New Jersey**, The Department of Corrections provides parenting classes to discuss responsible parenting and family relationships. The programs involve groups of 10 to 15 inmates who attend weekly one and one-half hour meetings once per week for 12 weeks. Topics include fathering from prison, what children need and mending broken relationships. The Fathering Group has goals of improving inmates’ parenting skills, reducing recidivism by increasing commitment to family and increasing the ability of inmates to be responsible fathers.

The **Vermont** Department of Corrections and North East Kingdom Community Action provides a playgroup for incarcerated men and their children. The playgroup also includes the mothers or grandparents so that the fathers can build better family relationships. In order to participate, men must agree to focus their attention on the children,

Barriers to Involvement For Incarcerated Fathers

- Fathers feel as if their children do not need them, or that they have nothing to contribute.
- Fathers have not developed relationships with their children before becoming incarcerated and do not know how to begin a relationship from prison.
- Visitation rooms are not conducive to family interaction. They have nothing for kids to play with and are noisy, crowded and unwelcoming.
- Prison security is intimidating and frightening.
- Prison facilities are often in rural areas and are difficult to reach using public transportation.
- Children are dependent upon caregivers to facilitate visits—many caregivers cannot afford the cost of transportation, are not able to take time from work and do not believe that prison is a safe environment for children.
- Relationships between mothers and fathers may be strained, resulting in little access to children.

be involved with the child for the full duration of the playgroup time, and put aside differences with the child's mother in order to meet the needs of

record. All of these issues contribute to high rates of further crime and recidivism.

to visit the prison to conduct interviews regarding paternity. If an inmate agrees he is the father of the child, he signs a voluntary acknowledgment of paternity form and becomes the child's legal father. Once the father reaches a work release center, child support orders are established and income withholding begins. This strategy helps to ensure that fathers are connected with the formal system and increases the likelihood that they can establish a regular and realistic cycle of payment once released.

Using prison-based fatherhood programs to shift attitudes about family also can increase the incentives for fathers to find and maintain employment when they return to the community. "The desire to keep a job could be enhanced by the desire to become more involved in the lives of their children, which in turn can lead to more voluntary payment of child support. The more ex-offenders work and pay child



Inmate participants in the Horizons program, Tomoka Correctional Facility, Daytona Beach, Fla. L to R: Edwin Serrano, Johnny Kimbrough, Bruce Gordan, Michael Gaddy and Jorge Lopez.

A handful of states are beginning to link job assessment and training, child support, and community support systems to the inmates who are entering the pre-release and released phases of their sentence. In **North Carolina**, child support orders are automatically modified once a person is incarcerated to reduce the accumulation of large debt and to make it more likely inmates will pay child support once released. **Colorado** notifies new inmates of their legal right to ask for a downward modification of their order if

the child. The group meets two hours per week for up to eight weeks.

their income is too low to pay at the current level.

Facilities in **Connecticut** and **Florida** and use literacy skills as a way to help fathers maintain connections. By teaching basic reading and writing skills, fathers are able to make tape recordings of themselves reading children's books. The recordings are then sent to families. Writing skills are taught so inmates can begin correspondence with their families.

Skill Building and Planning For Release

Almost half of all incarcerated men are in prison for violating parole. Former inmates' chances for returning to prison facilities are high because they return to society with limited job skills, education levels and community systems to actively support their reintegration and family connections. Often, fathers find that upon release they owe huge child support arrearages that have been accruing for years because they never modified their child support orders. This and numerous other factors make it extremely difficult for men to find housing and a job with a criminal

The Department of Corrections in **Colorado** is starting a reintegration program for fathers who are six months to a year from release. Inmates complete a question and answer session on child support enforcement with a child support technician and attend a session with a family law attorney to discuss the legal barriers fathers will face upon release. The project also will assess inmates' job skills and connect them with a Welfare-to-Work case manager who will assist them with employment and other family services upon their release.

In **Illinois**, the child support enforcement (CSE) staff conducts computer matches of child support cases and a monthly listing of state inmates provided by the Department of Corrections. When matches are found, CSE informs inmates that they have been named as an alleged father, and CSE sends paternity establishment liaisons



NCSL advisory committee members and inmates at the Tomoka Correctional Facility, Daytona Beach, Fla.

support, the lower the welfare caseloads. Government can facilitate multiple incentives to assist with these efforts."¹¹ Programs argue that working with soon-to-be released men to prepare them for employment through job training and skills development should be just as much a priority as preparing them for fatherhood.

Legislators have an important role to play in supporting and developing policies that can affect incarcerated fathers and their children. Incarcerated men have been the clients of many state systems—the courts, child welfare, juve-

nile justice, welfare, education and child support. Facilitating collaboration between agencies and giving these institutions the tools to allow them to serve clients with different needs can have lasting impacts on their children. Coordination of policies, services and funding streams all contribute to improving the outcomes for incarcerated fathers and their families. Clearly, prisons have a role in punishing those who break the law. However, this role can be expanded to support the transition of those who have paid their debt to society in a way that does not create a new debt they will not be able to repay—to their families and their children.

—By Jenna Davis, NCSL

Notes

1. Cynthia Seymour, “*Children with Parents in Prison: Child Welfare Policy, Program and Practice Issues*,” *Child Welfare Journal of Policy, Practice and Program*, (September/October 1998): 469-493.

2. Eric Brenner, “*Fathers in Prison: A Review of the Data*,” *National Center of Fathers and Families Brief* (Virginia: National Center on Fathers and Families, 1998): 2.

3. Karen Rothschild Cavanaugh and Daniel Pollack, “*Child Support Responsibilities of Inmates*,” *Corrections Compendium* (May 1998): 7.

4. “*Children with Incarcerated Parents: A Fact Sheet*,” Child Welfare League of America: 1999. URL <http://www.cwla.org/cwla/prison/facts99.html>.

5. Ibid.

6. Ibid.

7. Creasie Finney Hairston, “*The Forgotten Parent: Understanding the Forces that Influence Incarcerated Fathers’ Relationships with Their Children*,” *Child Welfare Journal of Policy, Practice and Program*, (September/October 1998): 622.

8. Ibid.

9. Brenner, 2.

10. Hairston, 623.

11. Brenner, 3.



Need to know more about prison programs? Contact the NCSL Criminal Justice Project at (303) 830-2200.