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Counseling Kids With Incarcerated Caregivers

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This paper examines the impact of parental/caregiver incarceration on children and proposes skills and techniques that counselors could employ when working with this population. Statistics related to incarcerated parents and their children are presented as well as the common characteristics of those children. Existing policies related to this issue are outlined and the need for more policy and protocols is called for. The process of incarceration from the crime to completion of probation, the types of incarceration, and the security levels and characteristics of facilities that house the incarcerated are discussed. Finally, strategies, skills, and techniques that counselors can use when working with children throughout their experience of their caregiver's incarceration are presented.

Counseling Kids With Incarcerated Caregivers

It is estimated that 1.5 million children in the United States have parents who are incarcerated. This number has grown by 82% over the last 20 years. The rate of mothers who are incarcerated has grown 122%. Currently, approximately half of all inmates have

children (Schirmer, Nellis, & Mauer, 2009). Commonly, these children have experienced disrupted living situations with more than one placement and a reduced quality of care. Most have limited financial resources and lack contact with parents. The conditions these children endure put them at risk for poor academic achievement, substance abuse, and delinquency (Dallaire, 2007). Furthermore, children of incarcerated parents are at risk for future incarceration (Seymour, 1998). It is clear that children of incarcerated parents are in need of care from the counseling profession to assist in reducing the above risks and promoting opportunities for these children to live more fulfilling lives.

Counselors who serve children of incarcerated parents can provide better services when educated regarding the following: the characteristics common to said children, the policies and lack of policies in place for assisting families impacted by incarceration, the various types of incarceration, the process from arrest to the completion of probation, and especially the experience and emotions of children with incarcerated parents. This paper will serve to provide insights and awareness of each of the above critical components of counselor knowledge as well as descriptors of helpful counselor interventions.

Characteristics of Children With Incarcerated Caregivers

The statistics regarding the characteristics of children with incarcerated caregivers are staggering. One in 43 American children has at least one parent in prison. One in 15 black children, one in 42 Latino children, and one in 111 white children has a parent in prison (Schirmer et al., 2009). An August 2000 report from the U.S. Department of Justice stated that approximately 335,300 U.S. households with minor children were affected by the incarceration of a resident parent. Of children with a parent in prison, 22% were under the age of five while 58% of the minor children were under the age of 10 with the average age being eight. Of these children, an alarming number have not had any visits with their incarcerated parents. Indeed, more than half of state correctional facility inmates and nearly half of federal inmates with children never had a personal visit from their children. Rates of visitation have dropped 28% since 1997 (Mumola, 2000).

The experience of children of incarcerated parents may well be different than other children even before the incarceration. Almost 60% of parents in state prisons reported having used drugs in the month before their offense, and 25% reported a history of alcohol dependence. More than one third of the parents in state prisons committed their offense while under the influence of alcohol. Seventy percent of parents in prison have no high school diploma, and 70% of children of incarcerated parents do not perform well in school. Furthermore, approximately 60% of parents lived apart from their children in the month prior to their imprisonment (Mumola, 2000). None of these conditions are optimal for children.

Policies Related to Children of Incarcerated Parents

Despite the number of children who are impacted by having an incarcerated parent, little exists and even less is known when it comes to policies pertaining to children of incarceration. Indeed, in a study by Smith and Elstein (1994), 500 child welfare, law enforcement, and correctional officials were contacted from across the United States. Of those contacted, 80% stated that there were no policies in place for

working with children whose parents were incarcerated. There are some. When it comes to policies intended to assist in working with families with incarcerated parents, two are noteworthy. The Adoption and Safe Families Act (ASFA) authorized the termination of rights of parents with children living in foster care for at least 15 of the last 22 months (McGowan, 2005). While this act is not regularly enforced, it is clear that the potential ramifications are mixed. While the termination of parental rights might open the door to adoption or another form of more permanent placement for some children, the permanent loss of a parent to whom a child may be attached can be detrimental to that child. Obviously, the best course of action related to parental rights is not easily determined.

The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) provides for the potential of a life-time ban on cash assistance and food stamps for people convicted of a drug offense (McGowan, 2005). While the notion of eliminating the waste of resources in drug expenditure is appealing, a child of a person so convicted and banned from cash and food assistance stands to suffer under this act. Short of these two acts, little policy is in place to attend to the needs of children with incarcerated caregivers. Consequently, there is no systemized method for attending to children of incarcerated parents across states, within any one state, or across levels of incarceration. One child's story might be quite different than another's even when the parental conditions are similar. The enforcement of policy, lack of enforcement, and lack of sufficient and effective policy only partially contributes to the differences children experience. The type of incarceration can be another contributor.

Type of Incarceration

There are several types of incarceration ranging in severity from minimum security to high security and varying by state and federal jurisdiction. The following includes a brief overview of the range and types of incarceration.

Jail vs. Prison

The terms "jail" and "prison" are not interchangeable. When an author mistakenly used the word "prison" for a child's father's incarceration, the little boy clarified emphatically, "He's in jail, not prison. He would never go to prison." It was critical to understand that jail was not seen to be nearly as negatively as prison (S. Leeks, personal communication, 2002).

While both are places of incarceration, jail refers to those that are local and typically operated by the county. In the U.S. there are approximately 3,600 jails. A person incarcerated in jail is most likely going to be near home. A person held in custody who is recently arrested, who has not yet paid bail, who is being held pending trial, or who has been convicted of a minor crime with a 2 year or less sentence is most likely held in a jail. Jails are typically sparse in amenities, offering only the basic necessities and occasionally some work-release and/or substance abuse programs as well as vocational assistance ("Difference Between Prison and Jail," n.d.).

Prisons, on the other hand, are operated by federal and state governments and are often very far away from the home of the incarcerated parent's children. On the federal level, there are about 100 prisons, detention centers, and correctional institutions with the capacity to hold over 83,000 inmates—people convicted of a federal crime. On the state

level, there are over 1,300 state prisons with the capacity to hold well over a million inmates—people convicted of state crimes (“Difference Between Prison and Jail,” n.d.).

Many people incarcerated in prisons are sentenced for decades, including lifetimes. Given the duration of time a person will spend in prison, more amenities are usually provided. These include work-release, half-way houses, extensive vocational training including education in classrooms, recreation facilities, and entertainment conveniences (Federal Bureau of Prisons, n.d.).

Levels of Security

The type of crime for which one is incarcerated generally dictates the incarceration level of security. Security range includes minimum, low, medium, and high security. Parents sentenced to terms in minimum security facilities, also called federal prison camps (FPCs), are typically made to work on the military bases or larger institutions that are usually located nearby. They reside in cubicle-style sleeping quarters with low inmate to staff ratios and little to no perimeter fencing. Low Security Institutions (LCIs) have higher inmate to staff ratios and strong work and program components. A child visiting an inmate of an LCI would encounter a double-fenced perimeter but would likely not see the cubicle style room. Medium Security Institutions (MCIs) might be more intimidating for a visiting child with cell-style housing surrounded by strengthened perimeters, greater internal controls, a wider variety of work and treatment programs, and even higher inmate to staff ratios. High Security Institutions, also known as United States Penitentiaries (USPs), have the highest inmate to staff ratios, highly reinforced perimeters, and cell-style housing. Should a child visit a parent there, stricter rules and intensified structure would be found (Federal Bureau of Prisons, n.d.).

In addition to prisons, Federal Correctional Complexes (FCCs) contain several institutions of varied security levels in close proximity to one another, sharing services, staff, and resources. There are additional facilities at both state and federal levels called Administrative Facilities for the detention of extremely dangerous or chronically ill inmates. Another type of alternative facility is a Satellite Camp, which is a small, low-security institution located adjacent to larger ones (Federal Bureau of Prisons, n.d.).

It is important to note that although the Bureau of Prisons “encourages visiting by family, friends, and community groups to... develop the relationship of the inmate and family members,” federal law requires that inmates be granted only 4 hours total of visitation per month (Federal Bureau of Prisons, n.d.). The warden of a particular facility has the authority to grant more hours for visitation and sets regulations for visitation. Hence, even if a child could travel to visit a parent at a state or federal facility, the amount of time is likely to be quite limited (U. S. Dept. of Justice, Federal Bureau of Prisons, 2003).

The Process of Incarceration

Crime

Before a parent is incarcerated, there is usually a process leading to incarceration that has an impact on the child. This process begins when the caregiver commits a crime. A crime is a violation of a law for which a penalty of some sort is attached, which can include incarceration and/or a fine (Law.com Legal Dictionary, n.d.). The impact of the

parent's crime on a child includes the following emotional and behavioral ramifications. Children who witness traumatic events such as the crime of a parent may suffer from nightmares and flashbacks and decreased sense of safety (Kampfer, 1995). They may exhibit higher levels of distress, anxiety, fear, and worry, especially about the safety of others and demonstrate increased sensitivity (Simmons, 2003).

Investigation

The next stage is often the investigation stage during which time evidence is collected by law enforcement officers to determine if a crime has been committed. During this process children may still be home, placed with grandparents, or in foster care and may be asked to answer questions regarding their parent's crime. This can be a confusing period for children as they grapple with their own perspectives of their parent's crime and the impact of that crime. During investigative periods, children may withdraw, make anger or hate statements, act out, and/or demonstrate regressed behavior (Hairston, 2007).

Arrest

The arrest is the point at which one's rights are taken away with legal authority (Law.com Legal Dictionary, n.d.). The parent is usually detained and taken into custody at the county jail ("Difference Between Prison and Jail," n.d.). One in five children of incarcerated parents witnesses the parent's arrest. Those who don't witness the arrest may recreate it in their minds (Simmons, 2003). In either case, it can be traumatizing. During the time surrounding the arrest, the child may experience many emotions including fear, abandonment, confusion, anxiety, shock, and other difficult emotions (Dallaire, 2010).

Arraignment

The arraignment period can be confusing for most adults, let alone for children. This is the time when the parent is formally charged, and a plea is entered (the parent states guilt or lack of guilt). It is determined if the parent can be released, if bail is necessary, or if they cannot be released at all pending trial (Law.com Legal Dictionary, n.d.). The child often realizes that something has happened, but the child is rarely at the arraignment and usually does not know what the process is or what will become of the parent. This is a time of anxiety and uncertainty for many children.

Bail/Bond

If a parent has been allowed bail, and if the parent has money to post bail or can produce a bond, the parent can await the trial at home rather than in jail. Sometimes children are confused by how quickly bail is posted and a parent is at home making it seem like all is as it was before or like nothing will happen further. During this period, nightmares, anxiety, anger, and other acting out can occur (Adalist-Estrin, 2003a).

Trial

The trial is that part of the process where evidence is brought before a judge and/or jury to determine the guilt or innocence of the accused parent (Law.com Legal Dictionary, n.d.). A trial may be short, lasting only a day, or long, lasting weeks or longer. In any case, it is a stressful time for the parent and for the child. As trial

preparations commence, children might be asked more questions about their parent's crime. They may have to participate in trial preparations and maybe even the trial. Confusion is often rampant during this time, and children can feel violated, at odds with parents and with those investigating, and put in very difficult positions, especially if asked about their parent's activities. During this time, children often exhibit anxiety and worry and demonstrate a lack of concentration and focus (Dallaire, 2010).

Judgment

Trials culminate in a judgment. The judgment is the decision made by the jury or judge regarding the guilt or innocence of the parent of the alleged crime (Law.com Legal Dictionary, n.d.). Judgment is a time when a child often feels most confused and rattled. Anger is common for children when the judgment is negative. It is also common for children to experience both relief as the trial has ended and fear of what will happen to both the parent and themselves (Adalist-Estrin, 2003b).

Sentencing

Sentencing follows judgment, but it is not necessarily immediate. Sentencing the point at which the judge announces to the convicted parent what the punishment for the crime will be. Law typically determines the range of options for sentencing, though in many cases the judge can make a determination about the severity and duration of the jail or prison time required (Law.com Legal Dictionary, n.d.). Consequently, tension and confusion are common for children awaiting sentencing. When sentencing finally occurs, children are sometimes relieved of their confusion as they may now know what to expect regarding their parent's determination post trial (Adalist-Estrin, 2003b).

Implementation of Sentence

Sometimes the sentence that is given is activated immediately, but there can be a delay before the parent is remanded to a facility. The interim can be a very tense time for a child awaiting the incarceration of a parent. When the sentencing is implemented, children often experience the urgency of the loss of their parent. A resigned state often occurs followed by depression. Sadness, anger, loneliness, and emptiness are common conditions for children once the parent's sentence is enacted (Conway & Hutson, 2000).

Current research impresses the importance of preserving attachment bonds between caregivers and children (Johnson & Waldgofel, 2002). This is no less true for children of incarcerated parents than any other children. Nevertheless, there is no official protocol for any jurisdiction or agency for even asking whether prisoners have children, let alone to take measures to promote the child's welfare through systematized visitation (Conway & Hutson, 2000). Indeed, federal prisons are only required to allow 4 hours per month of any and all visitation for inmates allowed visitation (U.S. Dept. of Justice, Federal Bureau of Prisons, 2003). Individual wardens may increase this allowance, but there are no provisions for mandatory increases of visitation given the presence of or needs of the child. Consequently, as noted above, many children have little to no visitation with parents who are incarcerated.

Sadly, sometimes children are lied to or discouraged from maintaining relationships with incarcerated parents. While discouraging persons might be well-meaning, such action further confuses the child who wants to maintain a positive relationship with the incarcerated caregiver no matter what the crime. Children who have

been so confused may withdraw from caregivers, as well as friends and other family, and may demonstrate signs of depression, irritability, and regression in their behavior (Simmons, 2003).

In addition to the limited time allotted for visitation and discouragement from others, there are additional factors that inhibit regular frequent needed visitation. Distance is a prohibitive factor. State and federal facilities are often far from home and finances for families of inmates are often limited (Simmons, 2003). The process of attending visitations, from getting through security measures to the sterile conditions of the facility, and the often impersonal or even negative treatment toward visitors can be intimidating for anyone and all the more so for children.

Consequently, the period of time served by a parent often marks a great loss in the life of a child. The parent is often out of reach; visitation is limited to non-existent; finances are strained; the remaining caregivers are stressed; there may be new living arrangements and/or a new caregiver; and the duration may seem to be, if not truly be, a very long time from a child's perspective. It is no wonder children experience marked loss, sadness, loneliness, anger, and depression (Conway & Hutson 2000).

Release

While some parents are not ever released from their incarceration, most are allowed to return to life outside. This, and the period leading up to release, can be full of great hope for a child who dreams of a parent who will return and provide the care and attention the child longs to receive. Release can also bring further devastation as some parents do not return home or do return but not as the caregiver the child has hoped they would be (Yocum, 2011). In any case, it is another time of adjustment for the child.

Often, even if the caregiver does return home, release does not mean the he or she is rehabilitated nor does it mean that the sentence is completed. There may be other terms of the sentence to complete such as community service, restitution, probation, fines, and other required actions. This can lead to further confusion and disappointment for the child who longs to see the entire issue ended (Yocum, 2011).

Probation

Probation is the period during which the convicted individual, "the probationer," is subject to critical examination and evaluation (Law.com Legal Dictionary, n.d.). Probation is a trial period that must be completed before a person receives greater benefits or freedom. The caregiver has fewer restrictions (is not incarcerated), but has limitations imposed and ongoing supervision of their activities. This supervision may be as full as half-way house living or as limited as regular visits with a probation officer who evaluates the probationer's day to day activities in an attempt to ensure that no illegal activities are occurring and that the conditions of probation are being fulfilled. These conditions are spelled out upon release and usually require the parent to fulfill particular supportive practices such as psychological treatment or vocational assistance.

Probation can be a period of mixed emotions for a child. Elation that the parent has returned can be followed by disappointment that the return has not lead to met expectations of the child. Disappointment might also be experienced by those children whose parents do not choose to return at probation or those who do return but fall back into criminal lifestyles, further jeopardizing the child's security and attachment needs

(Phillips, 2010). For some children, probation is a fragile but hopeful time as children experience more effective parenting and bonding than before the incarceration began.

Completion of Sentence

Once the terms and accompanying obligations of sentence have been served, the parent is released from the process and is allowed to return to outside life. That said, it may be that the crime for which the parent was committed carries with it life-long ramifications such as restrictions from living in certain areas, denial of original rights to bear or own arms, and mandated reporting of whereabouts to the authorities, as is the case for sex offenders. Whether there are continued restrictions or not, the child cannot control the actions of the parent, and not all parents return home (Adalist-Estrin, 2003b). Some parents will remain law-abiding, and still others will return to the criminal activities held before the incarceration. In 2007, the recidivism rate of those on parole was 15.5% (Glaze & Bonczar, 2009). Some parents will work to reunite the family, and others will not. Both are fraught with challenges for the child. Consequently, the outcome for children is mixed with some gaining hope for a more stable lifestyle and others experiencing greater distress, anger, disappointment, worry, fear, and confusion. Ideally, probation can be a time of “winding down” from the whole ordeal of criminal life and incarceration so that by the time probation is over, the family has returned to or developed into a normal state (Phillips, 2010).

Summary of the Child’s Experience Throughout the Process

While there are many emotions experienced by various children who have parents who are incarcerated, each situation and each child contributes factors that make the experience unique to all parties involved. However, there are patterns of emotion that are typically seen in most children across the timeline of the process from criminal activity through to completion of the sentence. A brief summary of those patterns of emotions include initial shock, disbelief, and confusion early in the process. This is followed by ongoing confusion, fear, disappointment, loneliness, fear, worry, anger, and distress as well as immediate and minor to long-lasting sense of rejection. Toward the end, some children may find their negative emotions being replaced by hope, excitement, and even comfort and peace should a parent settle into a normal, healthy, legal lifestyle. Still, others may find deeper despair and sadness and/or anger and behavioral acting out. In any case, children of incarcerated caregivers can certainly benefit from assistance from well-prepared counselors.

The Counselor’s Role

Understanding the events involved in a parent’s incarceration from crime to sentence completion provides a basis for understanding the child’s position throughout that process. That understanding, coupled with an awareness of the child’s needs, can promote effective counseling intervention and support at the various stages of caregiver incarceration. The following depicts those interventions that are helpful throughout the process as well as particular skills, techniques, and strategies that are useful.

Assisting the child in understanding what may lie ahead and that there is an orderly sequence amidst the chaos can be helpful, and comprises the bulk of what a

counselor will do when working with children whose caregivers are incarcerated in conjunction with other skills and techniques. Mapping out the process on paper or in pictures can limit the unknowns which can assist the child in developing a sense of control over self and acceptance of what cannot be controlled. Children can achieve a sense of security when they have a good idea of what will and will not happen logistically and emotionally. Educating a child regarding the details of what his or her caregiver may experience and providing inoculation for the types of emotions he or she may experience may provide a sense of stability during a very tumultuous time.

Simple skills of attending are especially critical throughout the counseling process. Skills such as pace, use of voice, posture, animation, and minimal verbal and non-verbal responses demonstrate to the child the kind of presence that warrants trust (Adalist-Estrin, 2003c). From the point of contact with the child, no matter when in the criminal/incarceration process this occurs, the child is likely to need steady structure and encouragement and conditions for a positive and open relationship from the counselor (Adalist-Estrin, 2003a). Regardless of acting out, withdrawal, anger, or silence, the child will most likely form a solid working counseling relationship with a counselor who demonstrates great emotional intelligence and stability, exudes warmth, and refrains from a punitive stance, especially regarding the child and the child's caregiver, and offers the child structure that breeds hope in the child's efficacy for dealing with the current situation as well as what will yet come.

Techniques that assist the child in expressing frustrations and those that open the door for the child's questions and concerns allow the child to discover helpful information about what is happening and what lies ahead. At no time during the process of counseling with a child of an incarcerated caregiver should a counselor do anything to discourage or diminish the love and respect a child has for a parent or to deter the positive aspects of the parent-child relationship, even if the relationship appears to be minimal (Adalist-Estrin, 2003d). It can also be helpful for a child to be connected with other children whose parents are or have been incarcerated. This promotes a sense of universality, increases the child's hope that the situation is survivable, and provides insights from those farther on in the process as to what may come to happen. Furthermore, helping teachers, day-care providers, and other involved agents understand the struggles of the child of an incarcerated parent can solicit healthy, supportive, and safe environments in other areas of the child's life.

Counselors should encourage children to be "truth-tellers" and teach the value of honor. It can be critical to a child's self-concept and esteem that they understand that they are not responsible for their caregiver's illicit behavior. Stressing that all parties are truthful with the child can lead to less confusion, which is also a positive factor for children and can encourage them to be truthful with all parties in return. It can also be helpful if the counselor stresses that what is happening is in no way a result of something that the child did or something the child could have prevented. Assisting caregivers when possible to understand the child's dilemma and encouraging the caregiver to allow the child to share perspectives without undue influence can release a child from unwarranted guilt and confusion.

Offering interventions that promote emotional expression and time for that expression can be critical. Throughout the experience—from crime to completion of probation—children are often confused and scared. Such feelings can be relieved by

allowing emotional expression. For small children, and even older children who struggle with emotional expression, puppets, drawing, music, and role-playing can all be ways of making such a display one step removed and more likely to occur with positive outcome via release and relief (Russ, 2000). During this time, children are sometimes facing alternative living arrangements as well as a need to have the opportunity to express feelings and needs related to placement and the process in general. Assuring the child that all feelings are not only accepted, but welcomed and understandable with the counselor can open the door to sharing that the child might not do in any other setting.

In addition to the direct service offered the child, the counselor holds a responsibility to advocate for legislative change, for social programs, and for coordination of services between entities in the child's world including schools, mental health services, and state agencies, such as child welfare services and court systems (Bouchet, 2008). The counselor must maintain an active awareness of current policies, programs, and resources that can assist the child through the process of the parent's incarceration. Counselors should seek to support legislative change that secures visitation for children, parenting classes for incarcerated parents, and programs for re-entry that work to reunite and strengthen the family. Furthermore, the counselor can be an effective change agent by supporting community involvement via educational/awareness building activities and support groups in the community.

Indeed, the counselor's involvement with the child of an incarcerated parent must be grounded in an understanding of the incarceration process, strong relationship building, and the implementation of skill and technique aimed at assisting the child through each stage. Counselors banding together to build strong communities in which children of incarcerated parents can thrive, and legislation that promotes meeting the child's needs can assist this population in living more fulfilling and satisfying lives.

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