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More than Visiting Hours: Maintaining Ties Between Incarcerated Mothers and Their Children

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Abstract

The majority of people in America’s prisons are the parents of minor children. Incarcerated mothers, in particular, were likely to have been a part of their children’s lives before their imprisonment, and most will soon be returning to the community and to their children. Research has shown that it is in the best interests of the mothers and the children to maintain a relationship across the prison bars. In this article, we use the example of New York State to show how institutional policies and structures can impede or encourage efforts to maintain ties between women and their children and why demonstrating support for family ties must extend well beyond having visiting hours.

Introduction

So if I didn’t have a son at all, I wouldn’t be sitting here. I know I would be out there selling drugs, getting high, doing the things I was doing before, I know that. See, I can’t do that, because now I have a life that needs me, I have a life that looks up to me. I have a life that depends on me, and I’m not going to let him down the way I was let down. Nuh uh. (Iris [All names are pseudonyms.]; Michalsen 2007, p. 132)

[My oldest daughter], she always wants, if I’m in hell, she wants to join me in hell… She always wants to come. If I go to Riker’s, she wanted to come. I go in the street, always she want to come. Anywhere, she wants to come. (Keisha; Michalsen 2007, p. 131)

Most people who are incarcerated are parents of minor children, including about half of all incarcerated men and about two-thirds of the nation’s 200,000 incarcerated women (Glaze and Marushak 2008). Mothers and fathers who are incarcerated face the challenge of maintaining ties to their children and ‘parenting from the inside.’ For the most part, these parents, and the children left behind in the community, want and need to maintain relationships with each other (Michalsen 2007; Richie 1996). Correctional systems in the United States, however, are run in a way that prioritizes immediate security needs, rather than maintaining or nourishing prisoners’ family relationships. What’s more, most correctional systems see these as conflicting interests and view prisoners’ contacts with family members as a direct threat to security. Facility staff may be concerned that visitors will bring contraband items in or that incarcerated people may try to smuggle items out.

Most incarcerated parents, particularly mothers, were active as parents before their incarceration; two-thirds of incarcerated mothers and just under half of incarcerated fathers report that they lived with their children in the month before their arrest or
just prior to their incarceration; many more parents report significant involvement even if they did not have custody of their children (Glaze and Marushak 2008). The coercive separation inherent in imprisonment, therefore, disrupts homes and relationships. Not only is such separation difficult, but it is rarely permanent, especially for women. Because of differences in offense seriousness and prior record, on average, American women receive and serve for shorter sentences than men in prison (National Corrections Reporting Program 2005). (This is not true for New York State, however, where the Rockefeller Drug Laws have resulted in long sentences for women specifically because these laws do not consider factors such as prior record or role in the crime.) Almost 60 percent of mothers who had lived with their children before their arrest (and who, presumably, were planning to do so upon their release) have less than a year left to serve on their current sentence, compared to 40 percent of similarly situated men (Glaze and Marushak 2008).

Because so many incarcerated parents—and particularly mothers—were a part of their children’s lives before their imprisonment and will soon be returning to the community and to their children, it is in the best interests of the children and their parents to maintain a relationship across the prison bars. Sometimes, lip service is given to the importance of incarcerated parents’ maintaining ties to their children, but this is not routinely supported in practice (Owen 1998). Focusing on visiting as an intervention critical to children and families reveals an often overlooked, misunderstood, yet promising aspect of our country’s obsession with incarceration, one which has the potential to safeguard future generations from the adverse effects of incarceration.

While we recognize the significance of fathers in children’s lives, this article focuses on the relationship between incarcerated mothers and their children. Children are more likely to have lived with their mothers prior to incarceration (than with their fathers) and experience greater instability as a result of their mother’s incarceration, including the increased likelihood of poverty and stress in the lives of children’s caretakers and their resulting inability to facilitate visits. When a father is incarcerated, it is far more common for the children to live and/or remain with their mother and to maintain a fairly stable living environment (Dallaire 2007; Glaze and Marushak 2008). Incarcerated mothers face additional urgent challenges because of the caregiving arrangements in the community, with more grandparents and foster care stepping in. Women often have to make arrangements for their children’s placement and care and negotiate various relationships with family and their children’s caregivers, while at the same time negotiating their rights to parent and visit with their children from behind bars, where access to those on the outside is severely limited (Enos 2001).

In this article, we use the example of New York State to illustrate the role correctional institutions play in supporting or hindering parent–child relationships. While correctional facilities offer visiting hours, maintaining and strengthening family relationships requires more than visiting. The larger issue—and the focus of this article—is to examine how institutional policies and structures impede or encourage efforts to maintain ties between women and their children, and to identify opportunities to expand on supportive policies in this area.

New York State’s correctional visiting policies are not typical of visiting within many states. Indeed, New York is friendlier to children by virtue of the fact that contact visits are the standard, whereas in many states, non-contact visiting remains the (traumatic) norm for children. A close examination reveals, however, both practices worthy of replication elsewhere and further areas for improvement.
Criminal behavior is relatively rare among women, even among those who are disadvantaged and who are often stereotyped as prone to crime. In particular, mothers who commit crimes often do so as a last resort or in connection to an addiction or a desire to self-medicate other stressors in their lives. One study found that less than one in 10 welfare-reliant mothers generated extra cash in the illegal underground economy; only one in 100 women who relied on wages felt that the risk of losing respectability outweighed the risk of being caught committing a crime (Edin and Lein 1997). Overwhelmingly, the women recognized that criminal activity was incompatible with good mothering, and the vast majority of them did not routinely commit crimes to make ends meet.

Mothers who do engage in crime begin to offend via a variety of pathways (Dehart 2004). Women’s routes to crime often feature childhoods of abuse, abandonment, and poverty and lives punctuated by serious violence (Browne et al. 1999; Enos 2001; Richie 1996). Many turn to illicit drugs to dull painful memories or violent or highly stressful realities. A shortage of jobs and a lack of marketable skills make it difficult for many low-income women to find work. Getting pregnant at a relatively young age, leaving home, and dropping out of school combined with the life circumstances that often precede teen pregnancy such as poverty, foster care placement, isolation, and low self-esteem make it difficult to get a job, especially when one is unskilled or needs to arrange child care (Arnold 1990; Owen 1998; Rose et al. 2007). Some women engage in economically motivated crimes (such as commercial sex work, selling drugs, stealing, or fraud) to support themselves or their children, or to support a drug addiction. In this regard, being a mother, for some women, may act as a ‘catalyst and a rationale for crime’ (Ferraro and Moe 2003).

Many incarcerated women acknowledge their parenting deficiencies, and some have mixed feelings about raising their children (Dallaire 2007; Enos 2001; Michalsen 2007). In her research with formerly incarcerated mothers, the lead author of this article found that, despite great love between mothers and their children, mothers sometimes believed that their children might be better off living away from them, because of their own homelessness or drug abuse, or because the children had established another home during their mother’s incarceration (Michalsen 2007). Furthermore, mothers were often daunted by their children’s struggles, including substance abuse, mental and physical health problems, and juvenile justice system involvement.

Most incarcerated women subscribe to fairly traditional views, including a belief in the appeal of motherhood and a desire to be good mothers (Ferraro and Moe 2003; Owen 1998). Even though their parenting is not routinely acknowledged or valued by larger society, incarcerated women still value being mothers. For many, their ties to their children are inextricably entwined with their identity and their sense of self (Berry and Eigenberg 2003). Incarceration often dramatically changes women’s relationships with their children: any contact, from letters and phone calls to personal visits, becomes stressful, costly, and, without a supportive environment, even embarrassing for many mothers, children, and their caregivers. As a result, most incarcerated women have only limited contact with their children, although facilitated relationships have been found to be protective for both women and their children during a mother’s incarceration (Beckerman 1998). As this article will show, New York State has demonstrated that there are ways to improve families’ experiences of maintaining contact with incarcerated loved ones, and that there are also ways in which progress must still be made to improve mothers’ and children’s outcomes.
The importance of visiting and maintaining family ties

The constitutional right to parent does not automatically disappear when a person is incarcerated: under the Constitution (and the 14th Amendment’s due process clause), people have an essential right to create a home, and to the custody, care, companionship, and nurturing of their children (see Lewis 2004). While a woman’s incarceration may make it harder to be an effective parent, it does not automatically preclude her from being a parent, either legally or practically, or from benefiting from the provision of services to support parenting. Nor does the State have the right to discourage contact between a parent and child just because someone else might be in a position to do a better job or because it would be less complicated.

To be sure, a woman’s right to parent is not absolute. The rights of an incarcerated woman to be a parent must be balanced against the right of a child to be safe from imminent harm and to receive adequate care. However, while prisons certainly do house some women convicted of heinous acts against children, this is a very small proportion of the overall incarcerated population. Approximately one-third of women are incarcerated for violent offenses (most of these not against children), and fewer than 3 percent of all women are incarcerated for child abuse (Harrison and Beck 2006; James 2005).

Although neither the Constitution nor the law grant children a right to see or access their parents including while incarcerated, children of incarcerated parents claimed that right in 2005 by developing the *Children’s Bill of Rights* for children of incarcerated parents. The fifth Right (out of eight) states, ‘I have the right to speak with, see and touch my parent.’ The United States remains one of only two UN-member nations not to have ratified the UN Convention on the Rights of the Child; Somalia is the other.

In addition to the Constitutional basis for supporting incarcerated mothers in their attempts to maintain ties to their children, there is also a significant body of literature on attachment, child development, and brain development research that supports maintaining ties between children and their incarcerated mothers (Adalist-Estrin 1996; Bowlby 1982, 1988). The importance of this primary relationship in a child’s early years but also throughout the lifespan is now better understood, as well as the negative consequences of rupturing this bond. In other contexts (divorce, death, illness, and even military deployment), parent–child separation is viewed as a serious threat to children’s well-being with wrap-around services and counseling often put in place. While this is not the case with parental incarceration, the loss of the parent is felt just as deeply for the children left behind and the parent behind bars.

Thus, there is a practical basis to supporting this relationship: in most cases, maintaining the parent–child relationship (through visits, phone calls, and letters) is a critical part of supporting children and their healthy growth and development. The separation that accompanies incarceration is thought to lead to problems for women’s children that are not easily overcome. These include emotional problems, aggressiveness, impaired concentration, anxiety, distrust, hostility, alienation, and delinquency, to name a few (see review in Pollock 2002). Separation also has an impact on the women, themselves. Separation from one’s children can exact a huge psychological toll on many women, and feelings of grief, emptiness, anger, bitterness, guilt, and fear of loss or rejection are not uncommon (Berry and Eigenberg 2003; Enos 2001; Ferraro and Moe 2003).

Fortunately, these negative effects of separation are neither inevitable nor irreversible. Visits between a mother and her children are extremely important and an effective means of addressing the aforementioned repercussions of separation, reducing incarceration’s potentially devastating impact on families and futures, and supporting the rights of...
incarcerated mothers to contribute to the rearing and well-being of their children. Although visits have generally not been viewed as the critical intervention they can be, available research has found that visits between parents and children are associated with a greater likelihood of successful reunification post incarceration, and several positive outcomes for children, including fewer behavior problems, heightened self-esteem, gains in non-verbal IQ scores, better emotional and school adjustment, and better adjustment to foster care (Cantos et al. 1997; Mapp 2002; McWey and Mullis 2004; Young and Smith 2000). Being able to maintain ties to loved ones also has a positive impact on the incarcerated mothers. A number of studies have shown that people who maintain relationships with their loved ones during their incarceration are more likely to complete their parole without incident or have lower recidivism overall (Casey-Acevedo and Bakken 2002; Petersilia 2003).

The national picture

The widespread use of incarceration and the imprisonment of women in prisons far from their homes pose significant barriers to women maintaining relationships with their children. The numbers of mothers in prison have increased 122 percent since 1991, compared to a 77 percent increase in the number of fathers incarcerated (Glaze and Marushak 2008). The impact of incarceration on families would be offset if the United States did not rely so heavily on incarceration to begin with. Incarceration rates in the United States are four times higher than that of the world average, and the United States incarcerated three times more women than any other nation (Hartney 2006). The impact of the lack of support for visiting is disproportionately experienced by poor families of color. Current criminal justice policies and their racially disparate effects have deeply troubling (although unacknowledged) consequences for children: according to the Sentencing Project, one in 15 African-American children has a parent in prison, compared with one in 42 Latino and one in 111 white children (Schirmer, Nellis and Mauer, 2009).

Nearly two-thirds of women and 40 percent of men in state prisons are serving time for non-violent offenses related to drugs or property offenses, often economically motivated crimes (West and Sabol 2008). Women convicted of certain violent offenses can expect to serve at least three to four years before they are released (Hughes et al. 2001). However, many serve much longer sentences: in 2008, at the women’s maximum security prison where 818 women are kept in New York State, 141 women (17 percent) were serving minimum sentences of 20 years, and another 186 were serving minimum sentences of at least ten to twenty years (State of New York DOCS 2009). Yet, even a short period of incarceration can make a lasting impression and have a life-altering impact on a child.

Almost 60 percent of women incarcerated in state prisons report never having had a visit with their children (Glaze and Marushak 2008; Johnson and Waldfogel 2002). Only one in five women receive monthly visits with their children, and less than half reported monthly phone contact. Dallaire (2007) suggested that incarcerated mothers receive far fewer visits than incarcerated fathers because of the greater instability in their children’s lives and the caregiving arrangements that came into place upon their incarceration.

Most women are imprisoned in geographically remote areas, which makes it difficult to transport children for visits. More than 60 percent of all parents in state prison were held more than 100 miles away from their last place of residence (Mumola 2000). In many states (although not in New York), women and men are sent outside of the state to serve their sentences in contracted private prisons. In 2005, a survey of state
departments of corrections recorded at least 499 women in 43 states and 4,275 men who had been transferred to out-of-state facilities; most of these were private facilities (Amnesty International 1999; LIS, Inc. 2006). About half of state departments of corrections try to assign those incarcerated to facilities near their families; the other half do not (New York included), or cannot, because there is only one prison (LIS, Inc. 2002). In at least one state system, the department of correction seems to treat living near one’s family as a ‘reward’ for good behavior rather than a desirable goal undertaken out of a commitment to the preservation of ties between those incarcerated and their family members (LIS, Inc. 2002).

In addition to the distance, transfers to different facilities occur frequently and without notice; release dates are often unknown, and parole hearings can be emotionally wrenching for children and families, as well as for incarcerated parents, themselves. As a report by the National Council of State Legislatures noted, ‘in theory, corrections officials encourage visiting and maintenance of family ties. In practice, however, prison rules to ensure safety and security often impede such visits’ (Christian 2009, p. 4).

For these reasons and others, admittedly, some caregivers and some mothers prefer that the children do not visit. Especially when the visiting conditions are not suitable for family visits, caregivers, social workers, and parents alike may have reservations about children visiting a prison. According to the National Conference of State Legislatures’ report:

The prison environment can be frightening and traumatic for children, both in the attitudes and behavior of prison staff and the physical setting. Visits can include long waits; body frisks; rude treatment; and hot, dirty and crowded visiting rooms with no activities for children. These conditions do not encourage frequent visits between incarcerated parents and their children (Christian 2009, pp. 4–5)

Caregivers and parents alike may also be embarrassed by the fact of the incarceration and do not want the children to experience similar shame. A mother may not want her children to see her locked up or to be subjected to intrusive searches and long waits. She may prefer to avoid the painful good-byes. The children themselves may not want to see their mother for a variety of reasons, such as fear of not being able to say good-bye at the end or anger at her for leaving them. If the visit is a non-contact visit, children may decide not to experience the pain of visiting under these conditions or may react badly to a first visit like this and opt not to return. These realities, however, do not detract from the fact that parents and children have a right to see one another. While some children are hostile or indifferent to maintaining ties to their incarcerated mothers, most children wish to be or remain connected to their mothers but are prevented for doing so (Flavin 2009).

All of this makes the experience of parental imprisonment a complicated kind of loss for children. Add to this, the social stigma – the assumption that children are better off without these parents who are ‘criminal’ and therefore, by definition ‘bad’ parents – and the consequent ‘conspiracy of silence’ that surrounds this situation, and the complex and difficult nature of this experience for children come to light (Jose-Kampfner 1995).

The example of New York State

While New York State’s visiting policies and practices are not representative of other States, a close examination yields both some promising replicable practices and significant areas for improvement. New York State incarcerates 62,599 people, 2,754 of whom are women (New York State DOCS 2008). Nearly two-thirds of the State’s incarcerated...
population committed their crimes in New York City and its suburbs (New York State DOCS 2008). More than half of the State’s prisoners come from New York City neighborhoods, and two upstate prison hubs are populated with over 70 percent of prisoners from the New York City area (State of New York DOCS 2008). However, most of the State’s almost 70 prisons are located far away from New York City.

An estimated 10,000 or more children in New York State have a mother who is incarcerated (Women in Prison Project 2009). Although the facilitation of women’s contact with children may seem to be a simple issue, it is impacted and often curtailed by a number of different policies and procedures, from phone and in-person contact to placement in and transfer to prison locations.

**Letter writing and phone contact**

The New York State Department of Correctional Services reports that almost a third of women under custody in New York State read below the fifth grade level (Stately 2002), which makes letter writing and other written communication more difficult. On children’s side of the written correspondence equation, many children do not feel like writing a letter in the age of email, cell phones, instant messages and Facebook. Even when both mother and children do write to each other, letters can be awkward or even misunderstood, and all incoming letters are read by the Department of Correctional Services. Still, letters remain an important way to maintain contact under the circumstances of incarceration.

With two-thirds of the prison facilities located three hours’ drive or more from New York City, and proximity to family not automatically being a consideration regarding where people serve their time, telephone calls also become a critical means for families to keep in touch. Yet, incarcerated parents’ access to phones is extremely limited. Typically, they can only make expensive collect calls to pre-designated numbers; many caregivers cannot afford the additional expense of regular or frequent collect calls, particularly as they are often burdened with shouldering the additional expenses of providing for children for whom they had not planned on being financially responsible (New York State does not offer financial support for caregivers outside of the foster care system). A recent study of women released in the New York City area found that almost half had no phone contact with their children (Michalsen 2007).

Across the country, the costs of collect calls from prisons are surprisingly high because telephone companies pay ‘commissions’ to state prison systems in return for a monopoly on the service. Families of those incarcerated in New York State correctional facilities paid phone rates 630 percent higher than normal consumer rates (New York Campaign for Telephone Justice 2007). A kickback contract with MCI, Inc. (conducting business as Verizon) gave New York State Department of Correctional Services 60 percent of the markup. In January of 2007, then-Governor Spitzer agreed to forego the State’s share of the markup, but the corporate markup remained. In June of 2007, legislation was passed which stated that future contracts for telephone services would be based on achievement of the lowest possible cost to the telephone users, rather than on profit. Nationwide, the Campaign to Promote Equitable Telephone Charges (eTc) continues to push for legislation that would put an end to prisoners’ families being forced to foot the bill for exorbitantly priced phone calls. (In 2007, rates for inter-state collect call made from correctional facilities ranged from as little as $3.75 for a 15-min call in Nebraska to more than $17 in Arizona and several other states. Within-state area (IntraLATA) collect calls range from less than $2.00 to more than $13 for a 15-min call.)
Visiting

As with women incarcerated elsewhere in the United States, many women in New York are incarcerated far away from their families, which reduces the feasibility of frequent visits. In New York, about 40 percent of women are held in Albion Correctional Facility, located near the Canadian border. Albion is approximately 370 miles away from New York City, the most recent residence of most of the women who are incarcerated there (Women in Prison Project 2009). Perhaps at least partially as a result of this distance, a 2007 study of women released in the New York City area found that nearly two-thirds had no visits from their children while they were incarcerated (Michalsen 2007).

Currently, every New York State correctional facility has a different visiting policy, with different hours, and different rules about when and who can visit, what clothing and items can be allowed in, and what identification is required for children, which makes it difficult, if not impossible, for visitors to prepare for their visit. Dress codes for visitors are also variable. Family members sometimes travel far distances in the hot summer weather only to be told they cannot enter the facility because, for example, tank tops are not acceptable attire. If they are persistent and have the resources, they may drive to the local mall or shopping center (if there is one), which takes time away from the visit and funds away from their budgets, to return wearing plain white t-shirts. Family members can also be turned away for not having the proper identification or even for wearing the ‘wrong’ sneakers. For instance, one facility may ban New Balance sneakers while another facility may ban Air Jordan sneakers (usually because someone has recently tried to hide contraband in the particular item banned). General (not facility-specific) rules about allowed apparel are available on the New York Department of Correctional Services website, but family members may not have internet access, know how to access the materials, be able to read and understand the guidelines, or the list may have changed since it was last accessed by the family.

Explaining to a child why, after all that travel and preparation, she cannot see her mom is painful not only because it causes disappointment and sadness, but also because the explanation often seems inadequate or insufficient given the importance of the relationship and the visit to the child. The impact of preparing and traveling the distance for a visit that does not happen because of a visitor’s clothes or a sudden transfer of the incarcerated family member may be disappointing for adults, but it is devastating for children.

Waiting and visiting areas

Once the visit actually takes place, many visitors report that they feel treated like criminals themselves. Family members and child welfare caseworkers who escort children on visits report that they feel humiliated and/or treated poorly and disrespectfully (Braman 2004; Margolies and Kraft-Stolar 2006). In some New York State prisons, there are no indoor waiting areas: and despite the fact that visitor processing can take up to an hour or more at times, visitors have to wait standing outside, no matter what their age, ability, or the weather conditions. Sometimes, on the busiest visiting days, visitors are even turned away after long waits under these conditions.

Most prisons and jails fail to provide adequate or suitable space, staff, and resources to support family visiting. Visiting areas are often too crowded, too loud, or otherwise not conducive to good visiting. These poor conditions may discourage caregivers and social workers, as well as Family Court Judges, from the arrangement or encouragement of visits between a mother and her children.
Some prisons do offer child-friendly visiting rooms (attractively decorated and equipped with child-sized furniture, books, toys, pillows, crayons, and papers), playgrounds, and separate foster care visiting days or special family programs in hopes of providing a less intimidating and more natural setting for the visits. Most of the women’s prisons in New York State have separate Children’s Centers where children and their mothers can spend time together in an environment that looks like a daycare or playgroup setting. Several men’s prisons also offer these, although it is still the exception rather than the rule. (Catholic Charities oversees the most extensive Children’s Center at Bedford Hills, Hour Children runs the Children Center at Taconic, and the Osborne Association runs Family Centers in five men’s prisons.) Such spaces are often staffed by incarcerated women and men who have received training in child development and the facilitation of positive parent–child interaction. For children whose parents are serving long sentences, these places are sacred spaces. One mother serving over 20 years in a New York State facility described how her daughter grew up in the Children’s Center as if it was their living room. She was grateful that she had the support on the outside for her daughter to be brought to visit her frequently.

**Transfers**

Some visits do not take place because the mother has been transferred to another facility. Multiple transfers are a part of most prison sentences, with women incarcerated in New York State often spending some time in all five State women’s prisons. Transfers do not take into consideration visiting schedules or patterns of visits, nor do they take into account whether a mother is expecting a visit from her children. Children may have been anticipating a visit with their mom in Albion and have gotten up at 4:00 AM to fly there or have driven eight hours the night before, only to arrive (sleepy but excited) to be told their mother is not there. This can be distressing with ripple effects much greater than the disappointment of one canceled visit.

**Some promising directions**

When it comes to the maintenance of relationships between incarcerated mothers and their children, New York State’s policies and procedures are ahead of many other States but still have a way to go if the relationship between children and their mothers is to be valued and supported. Advocacy groups work behind prison walls to influence and collaborate with prison administrators to expand and maintain Children’s Centers, improve visiting policies, make information about visiting more accessible to families on the internet, and increase the use of community-based alternatives to incarceration.

**Prison nurseries**

About five percent of women are pregnant when they enter prison in the United States (Greenfeld and Snell 1999). Bedford Hills Correctional Facility in Bedford, NY, is one of a small number of women’s prisons in the United States that allows pregnant prisoners to keep a newborn with them in the nursery for the first year to 18 months of the baby’s life (the time spent on the nursery depends on the mother’s release date). A similar program at the neighboring Taconic Correctional Facility requires that the mothers remain with their child at all times, except when they attend a treatment or other approved program for an hour or two in the afternoon, during which time their infants...
are cared for by trained caregivers (who are also incarcerated women), most of whom are also mothers. Rikers Island, the world’s largest jail, located in New York City, also has a nursery that can accommodate up to 15 mothers and 16 babies, and infants may stay up to 12 months (Women’s Prison Association 2009).

Preliminary data from Bedford Hills Correctional Facility suggest that the babies in prison nursery programs are developmentally the same as other babies, even a year post release (Conova 2006). Despite this fact, the vast majority of children born to imprisoned mothers are removed from the mother immediately after birth and placed with family members or in foster care with strangers (Women’s Prison Association 2009). As the rate of female incarceration grows, the use of prison nurseries is also increasing in the United States: women’s prisons in nine states currently have nurseries. All but one of these programs (the Bedford Hills Program) opened within the last 20 years; four were created since 2004 (Women’s Prison Association 2009). Relatively well-funded programs such as the one at Bedford Hills are beneficial to mothers and children for the closeness and support they provide to mothers and children, but also because they have high expectations of the mothers and include other resources such as parenting education programs, support groups, and appropriate social and physical environments for children. Most nursery programs around the country have stringent requirements for participation in the few spots open in nursery programs; women with convictions for violent offenses or offenses related to child abuse or neglect are usually excluded from consideration (Women’s Prison Association 2009). These programs are a step toward realization of the importance of mother–child relationships despite the prison walls and can increase successful reentry for mothers and outcomes for children. Funding for both programs and evaluations of the programs are in everyone’s best interest.

Multi-system collaboration

In 2005, the San Francisco Children of Incarcerated Parents Partnership (SFCIPP) created the Children’s Bill of Rights, a set of eight principles viewing the criminal justice system from a child’s perspective (see SFCIPP 2003). This Children’s Bill of Rights, among other things, has acted as an organizing tool for groups of people around the country who wish to increase the visibility of and services to children of incarcerated parents. For example, in 1995, the Osborne Association launched The New York Initiative for Children of Incarcerated Parents and used the Children’s Bill of Rights as a roadmap for reform. The New York Initiative brings together a coalition of City and State agencies and community-based organizations to foster collaboration and direct action to affect the lives of children of incarcerated parents. The Initiative focuses its work on four areas: arrest, visiting, data collection and research, and youth empowerment and leadership development.

In the area of visiting and maintaining contact, the New York Initiative has a ‘HUB Near Home’ effort that advocates for proximity to children to be among the criteria considered when a parent is assigned to a particular prison. Currently, security, medical/health needs, and space primarily drive this decision. For years, the philosophy that has driven corrections was that prisoners might ‘earn’ their way closer to home as they neared their discharge date (this is currently the policy in New York State). This arrangement does not take into consideration the needs of children, the nature of attachment, the regulations governing the foster care system, the cost incurred to families of maintaining contact, nor – importantly in this current fiscal environment – the cost to corrections departments themselves of transporting incarcerated persons to family and criminal court. Incarcerating people closer to their children from the start of their sentence would make visiting easier.
for families, maintain the relationships that have been shown to reduce recidivism and could also result in cost-savings to corrections departments (Jacobson 2005).

The New York Initiative is also collaborating with the New York State Governor’s Children’s Cabinet via a Subcommittee regarding children and youth with incarcerated parents and exploring ways to improve visiting and creative ways children and parents can stay connected during incarceration. This type of collaboration is rare – it is also occurring in San Francisco (CA), in Washington State and in New Mexico – but is an important model for other states around the country looking to increase communication between police, child welfare/foster care, families, corrections, and community-based organizations in a way that serves the best interests of the children and families.

Another example of a unique, multi-systemic visiting program unique to New York State is the Children of Incarcerated Parents Program (CHIPP). Located within New York City’s public child welfare agency, CHIPP provides transportation and coordination to foster care agencies to take children to visit their incarcerated parents when in the child’s best interest. CHIPP worked closely with the local City jail to create a designated foster care visiting day – on Tuesdays only foster care visits take place. This allows for a different set of security rules to apply, ones that are child-sensitive and family-focused. For example, children eat snacks and play with toys, they have a two hour visit (regular visits are one hour), they take Polaroid pictures with their parents, and they celebrate important events such as birthdays and holidays. Modeled in large part after Bedford Hills’ visiting program, CHIPP works collaboratively with City and State Corrections and aims to improve the outcomes of children in foster care whose parents are incarcerated. To date, it is the only such program run by a public child welfare agency.

Visiting guidelines

Advocacy organizations are also working to improve visiting guidelines at correctional facilities in a way that improves family members’ access to each other and which strengthen the parent–child relationship. While there are organizations that facilitate children’s visits to their parents (e.g. transportation to facilities near and far, provision of toys for visits, and correctional officer trainings), the facilities themselves must be encouraged to prioritize the restructuring of visiting procedures in a way that maximizes the time available for visits and humanizes the process.

Another promising direction is the development of teleconference technologies for correctional facilities that allows for visits to happen remotely when in-person visits are not possible or cannot happen frequently enough. The New York Initiative for the Children of Incarcerated Parents has written guidelines that were presented to the New York State Department of Correctional Services. These Guidelines state, ‘television visiting (which may also be referred to as video phone calls, videoconferencing, virtual visiting, or televisiting) can offer an opportunity to supplement face-to-face visits and other forms of contact, and/or provide visits during periods of time that make frequent face-to-face visiting difficult (due to very long distances, for example). They should never be considered as a replacement for human contact between parent and child and whenever possible, should occur prior to or directly following a face-to-face visit.’

Community corrections: neighborhood-based residential parenting programs

So far, all of these ‘promising directions’ take for granted the current state of America’s incarceration of mothers, i.e., that female prisoners, mostly parents, and mostly incarcer-
ated for minor, non-violent crimes, will be held in secure facilities distant from their families and isolated from the civilian world. In such a state of affairs, nursery programs, Bills of Rights, and family-centered guidelines are necessary. The tide of public opinion, the failure of prisons to affect recidivism, the relatively low risk that convicted women in particular present to public safety, and America’s current state of fiscal affairs, however, have made alternatives to incarceration more attractive to many (Jacobson 2005). Another possibility is to permit women under criminal justice supervision to serve their sentences while they live with their children in the community. Such arrangements might require participation in either a residential program (e.g., a halfway house) or a non-residential program (e.g., one that requires day reporting or involves home detention) (MCCP 2001; Shilton 2001). Community-based correction programs are less expensive than incarceration (one year in prison costs about $37,000, while one year in jail costs almost double that amount; one year of residential treatment is generally less than $20,000) (Women in Prison Project 2008). They also allow people to maintain ties to their families and communities and (at least partially as a result) have been shown to be more effective at reducing recidivism. Funding for such programs (and evaluations of their effectiveness) is in the best interest of convicted individuals, their families, and the larger context of communities and American society.

Conclusions

Offering visiting hours is not enough to demonstrate the State’s commitment to strengthening parent–child relationships across prison bars. Many families are able to maintain strong connections during a loved one’s incarceration, but in light of the logistical, financial, and emotional obstacles the system presents, this is more of a testament to the strength of family members’ commitment to one another than a testament to the system’s commitment to the preservation of families and communities. Reforming policies to recognize visiting for its importance well beyond visiting hours would go a long way toward achieving the goals of children’s and family advocates, child welfare agencies, and corrections. Visiting not only is critical to safeguarding children’s well-being, but also has been shown to reduce recidivism and promote a smoother, successful re-entry. Visiting is more than an event for a child – it is directly related to their sense of themselves as valuable and cared for and to their sense of the world as a just, kind, and caring place; it is directly related to their future and how bright it will (or will not) be. Given this, it seems well worth the investment to revise our current visiting policies, starting by auditing them from a child’s perspective.

Many of the known negative impacts of incarceration could be offset if we made it easier for incarcerated women and their families to stay or become connected and provided more support to the caregivers ‘on the outside.’ Minimum visiting standards that govern all facilities should be developed. In New York, the Department of Correctional Services can systematize their visiting rules and then make these known and available to visitors. Given the range of resources available to the families of people in prison, such rules should be available in a number of formats: on the Internet, through a telephone hotline, and through brochures or hand-outs made available at public libraries and other public institutions. Correctional officers should be trained in child development and the impact of separation in children, including how their every action can be interpreted by a child and how to make the pre- and post-visit security process less frightening.

Although children have not been seen as within the purview of corrections, the fact that the majority of people in prison are parents, that the incarcerated population is so
large, and that visits are so critical to children’s well-being all necessitate that corrections shift its approach toward visiting. Compliance with these standards should be monitored and tracked, with consideration given to the implementation of a ‘Report Card on Visiting,’ which would evaluate each New York State prison’s visiting process and procedures, with fiscal or other significant incentives for positive performance and consequences for those that perform or rate poorly. Consideration should also be given to recognizing outstanding performance in this area through implementation of a ‘Correctional Commitment to Children and Families Award’ (or some other form of recognition/incentives).

With all that we know about the beneficial effects of parent–child relationships, it is our suggestion that the exceptional programs and collaborations mentioned here should be replicated to become the rule rather than the exception. Further, minimum standards should be created and uniformly applied to ensure better, more child-sensitive, standardized (for better monitoring and quality assurance) practices across the board. Ideally, however, women convicted of non-violent crimes would never be kept in prisons in the first place and would instead be allowed to remain in the community, close to their families, in community correction programs. All of these methods are not only cost-efficient, but are also humane ways to improve outcomes for future generations of children made stronger through family relationships.

Motherhood is, sociologist Barbara Katz Rothman observes, ‘a, and maybe the, prime relationship, primary in the lifespan of the person being mothered, primary in establishing our understandings of what it is to be connected with another human being’ (Rothman 2005, p. 53). When a criminal justice system supports an incarcerated mother’s efforts to establish or maintain ties to her children, it plays an important role in her rehabilitation and well-being, as well as the households and communities of which she and her children are a part. In doing so, we acknowledge not only a woman’s right to parent, but also society’s stake in seeing every child and family succeed.

Short Biographies

Jeanne Flavin’s research focuses on women and the criminal justice system. She is author of Our Bodies, Our Crimes: The Policing of Women’s Reproduction in America. She co-edited (with Mary Bosworth) Race, Gender, and Punishment: From Colonialism to the War on Terror (Rutgers 2007). She is an associate professor at Fordham University in the Bronx. She also serves on the board of National Advocates for Pregnant Women, an organization dedicated to ensuring the constitutional and human rights of pregnant women, including those who use illicit drugs or are incarcerated. In 2009, she accepted a Fulbright award to undertake a study of women, crime, and incarceration in South Africa. Some material included here was previously published in Flavin’s Our Bodies, Our Crimes: The Policing of Women’s Reproduction in America (2009).

Tanya Krupat, LMSW, MPH, is currently program director of the New York Initiative for Children of Incarcerated Parents at the Osborne Association. The New York Initiative works with government and community partners to raise awareness about and change policies and practices associated with the impact of parental incarceration on children. She was a Charles H. Revson Fellow at Columbia University, is the former Director of the Administration for Children’s Services’ (ACS) Children of Incarcerated Parents Program and Visiting Improvement Project, and the former Family Services Coordinator at Taconic Correctional Facility, a medium-security prison for women in New York State. Tanya Krupat’s observations do not necessarily represent those of the
Osborne Association and are the result of professional experiences drawn from over a
decade of working in various capacities within correctional settings and with children
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versity in Montclair, New Jersey. Previously, she was a researcher at the Women’s Prison
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