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Quaker United Nations Office

*Human Rights  
& Refugees  
Publications*



# Children Need Dads Too: Children with Fathers in Prison

*Jennifer Rosenberg*

*Foreword by Rachel Brett*

English Français Español



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## The Quaker United Nations Office

The Quaker United Nations Offices (QUNO) located in Geneva and New York represent Friends World Committee for Consultation (Quakers), an international non-governmental organisation with General Consultative Status at the United Nations. The Quaker United Nations Offices work to promote the peace and justice concerns of Friends (Quakers) from around the world at the United Nations and other global institutions. They are supported by the American Friends Service Committee, Britain Yearly Meeting, the worldwide community of Friends, and other groups and individuals.

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# Foreword

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Since 2003, the Quaker UN Office, Geneva, has been raising the issues of women in prison and the children of imprisoned mothers, and in this context has published a series of papers exploring the different elements.

Maternal imprisonment has particular aspects and creates special challenges for families, policy makers and prison authorities alike, including the question of babies and young children being in prison with their mothers. However, any parental imprisonment impacts on the children. Some of these impacts may be the same, or similar, irrespective of whether the imprisoned parent is the mother or the father. Others may be completely different. Since QUNO's previous research and publications have focussed primarily on the effect of maternal imprisonment, this paper, drawing on secondary sources, seeks to build on and complement these by identifying the similarities and differences in relation to the effect of paternal imprisonment on children.

QUNO is aware that the material used for this study comes primarily from the United States of America and the United Kingdom. In part, this appears to reflect the greater amount of research on this subject done in these countries and its ready availability. However, it also reflects QUNO's current linguistic limitations, in this case primarily to Spanish and English materials.

This paper is intended to stimulate interest and further consideration of the impact of parental imprisonment on children in general, and of paternal imprisonment in particular. QUNO would welcome responses and further information about any aspect of the subject.

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# Introduction

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Children are heavily impacted by parental imprisonment and greater attention should be given to their rights, needs and welfare in criminal justice policy and practice. Due to a variety of reasons such as mothers often being the primary or sole carer of children, complicated care arrangements, the likelihood of women prisoners being greater distances from home and a host of factors explored in detail in other QUNO publications, maternal imprisonment can be more damaging for children than paternal imprisonment.<sup>1</sup> However, it is important not to underestimate the damage that paternal imprisonment can have on children.

Children with incarcerated fathers experience many of the same problems as those with incarcerated mothers, including coping with loss, environmental disruption, poverty, stigmatisation, health problems and all of the difficulties involved in visiting a parent in prison. It appears that there are also some difficulties specifically associated with paternal imprisonment, such as a higher risk of juvenile delinquency and strained relationships between the mother and child.

The numbers of children separated from their fathers due to imprisonment is far higher than those separated from their mothers due to the vast majority of prisoners being men (globally over 90 percent of prisoners are male<sup>2</sup>). To ignore this group would, therefore, be to neglect the vast majority of children affected by parental imprisonment.

Large research gaps exist regarding the needs of children of incarcerated fathers. Not only are statistics on the numbers of children affected by paternal imprisonment lacking, but also information on how to maintain a healthy relationship with incarcerated fathers, positive parenting by men in prisons and how to deliver and evaluate family strengthening and child support programmes aimed at this group.<sup>3</sup>

One reason that the children of imprisoned fathers have been neglected in research, policy and support programmes is quite simply that they are easier to overlook. It is harder to ignore the parenting responsibilities of a pregnant woman or a woman with visible care-giving responsibilities.<sup>4</sup> Despite the fact that the overwhelming majority of prisoners are male and that, certainly in some jurisdictions, most of these men are fathers with parenting responsibilities<sup>5</sup>, the children of these men tend to have been 'out of sight and out of mind of community organisations',<sup>6</sup> practitioners and policy provisions. The meagre support that does exist for children of imprisoned parents has focused almost exclusively on female prisoners. This is legitimate but should not overshadow the contributions, both real and potential, of incarcerated fathers in their children's lives.<sup>7</sup>

The UN Convention on the Rights of the Child emphasises the need to protect children from any discrimination or punishment based on their parents' status or activities and that the child's best interests should be a primary consideration.<sup>8</sup> It also highlights a child's right to maintain contact with a separated parent.<sup>9</sup> It is important that provisions are made to care for the children of all imprisoned parents, and that work is done to protect a child's right to contact with imprisoned fathers as well as with imprisoned mothers as long as this is in the child's best interest.

This paper attempts to bring together available information on paternal imprisonment in order to identify the issues, raise awareness, promote further research and encourage changes in policy and practice. This should be done in ways that complement the necessary work of supporting women in prison and children of imprisoned mothers. The aim is to ensure that children are a central concern in all cases of parental imprisonment and that gender specific concerns are fully understood in order to enable effective policy creation and the promotion and protection of the best interests of the child.

# I. Numbers and Statistics

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The lack of information about children of imprisoned parents in general is particularly stark in relation to paternal imprisonment. It is difficult to gather statistics on how many fathers are in prison around the world, and how many children are, therefore, affected. The absence of figures is indicative of the invisibility of prisoners' families as an issue in general, the ease with which the children of an imprisoned father are overlooked in particular and the challenges and ethical issues involved in gathering data in this area.

Initiatives to gather statistics on parental imprisonment may be unsuccessful due to inmates' reluctance to disclose parental status if they fear losing their children as a result. Children may not provide information on parental imprisonment because of shame, fear of stigmatisation or the fact that they themselves have not been told that their parent is in prison. The number of children experiencing parental imprisonment may also be underestimated because very little is known about the occurrence of parental imprisonment over time.

The majority of available information on paternal and parental imprisonment that is available originates from the UK and the USA. This is partly due to the rapid increase in children with imprisoned parents in these countries in recent decades. Steadily rising imprisonment rates is a trend reflected by most western, industrialised countries.<sup>10</sup> A breakdown of some existing, country-specific statistics follows.

## I.1 United States of America

The USA has the dubious distinction of having the highest incarceration rate in the world.<sup>11</sup> The phenomenon of the US 'war on drugs'<sup>12</sup> and a 'tough on crime' approach is one of the most dramatic changes in US culture over the last 25 years.<sup>13</sup> Unfortunately this has meant that the USA has been 'tough on children' as well as on crime.<sup>14</sup>

- In 2007 there were 809,800 parents incarcerated in US prisons (a 79 percent increase since 1991).<sup>15</sup>
- Of these incarcerated parents, 92 percent were fathers.<sup>16</sup>
- Estimates vary as to exactly how many children in the USA have a father in prison. At any one time it is thought that around 2 million children have a parent in prison,<sup>17</sup> with around 3.5 million who have a parent on parole or probation.<sup>18</sup> Other scholars have suggested that more likely around 10 million children in the US are affected by current or past parental involvement with the Criminal Justice System.<sup>19</sup>
- Most of the prisoners in the USA are men, most of these men are fathers<sup>20</sup> and nearly half of these incarcerated fathers were living with their children before going to prison.<sup>21</sup>
- Even when these fathers were not residing with their children, they often contributed income, child care, and social support to their families.<sup>22</sup>
- There is also the matter of a father's emotional support and involvement in the lives of his children, although this is much harder to measure statistically.

## I.2 United Kingdom

Despite calls from lobby groups, no-one regularly monitors the parental status of prisoners in the UK and so there may be millions of unidentified children experiencing parental imprisonment.<sup>23</sup> Nobody systematically identifies children of prisoners, where they live or which services they are

accessing; where this information is collected, it is patchy and not always shared.<sup>24</sup> However, there are some statistics available that allow approximate figures to be calculated.

- The Home Office estimated that there had been a 47 percent increase in the UK prison population from 1993 to 2005.<sup>25</sup>
- In April 2004, the UK prison population was 75,324 and it is estimated that 92 percent of this population was male.<sup>26</sup>
- At the end of June 2002, there were 66,820 male prisoners and 4,390 female prisoners in England and Wales.<sup>27</sup>
- It is estimated that between 25 percent<sup>28</sup> and 32 percent<sup>29</sup> of imprisoned men in the UK are fathers.
- The National Prison Survey conducted in 1991 for England and Wales showed that 32 percent of male prisoners had dependent children living with them before coming to prison.<sup>30</sup>
- Murray and Farrington estimate that approximately 0.8 percent of children under the age of 18 had a parent in prison in England and Wales midyear 2006.<sup>31</sup>
- It is estimated that there are around 160,000 children with a parent in prison each year, although actual figures could be higher.<sup>32</sup> This is around two and a half times the number of children in care, and over six times the number of children on the Child Protection Register.<sup>33</sup>

Outside the UK and the USA figures are even more limited.

### 1.3 Australia

Research in 2003 estimated that there are around 38,500 children in Australia who experience the incarceration of a parent per year and that 145,000 children currently under the age of 16 have lived through such an event.<sup>34</sup> The number of people in Australia affected by the incarceration of a relative is increasing due to the number of prisoners in the country more than doubling over the last two decades.<sup>35</sup>

### 1.4 European Union

In the newly expanded European Union, an estimated 700,000 children are separated from an incarcerated parent.<sup>36</sup> The European Network for Children of Imprisoned Parents (Eurochips), developed the following chart of estimated figures.

Country	Number of children separated from an imprisoned father (extrapolation)	Number of children separated from an imprisoned mother (extrapolation)
Ireland	4,300	142
France	66,235	2,545
Italy	70,035	3,454
England & Wales	94,449	6,029
Sweden	8,902	629
Portugal	15,895	1,196
Spain	73,389	6,123
Netherlands	23,800	2,297

Source: Eurochips (based on International Centre for Prison Studies data 2005)

## 2. Children in Prisons with their Fathers

An obvious distinction between the provisions available for the children of imprisoned parents is that young children and babies are sometimes allowed to reside with their imprisoned mother whereas this is very rarely the case for the children of imprisoned fathers. A few notable exceptions can be found in the following countries:

### 2.1 Australia

Australia's policy on children living in prison does not differentiate between fathers and mothers, although there are no known cases of children living in prisons with their fathers at this time.<sup>37</sup>

### 2.2 Bolivia

Bolivia is a noteworthy exception to the general rule as children are legally allowed to live with both their mothers and fathers in prison until the age of 6 years.<sup>38</sup> However, many children remain in jail until they are much older 'because nobody else can care for them.'<sup>39</sup> This arrangement is a 'fiercely defended practice' in Bolivia.<sup>40</sup> Jorge López, the director of Bolivia's Penitentiary System believes that it not only serves to maintain bonds between a parent and child, but that it may also be the best option for the child, as it is often financially impossible for family members on the outside to support them.<sup>41</sup> Orphanages are not often a viable alternative in Bolivia, as 'children live in worse conditions... than in the prisons – and without their moms and dads.'<sup>42</sup> However, prison environments can also be detrimental to child wellbeing as can be seen in the following case study of San Pedro Prison in Bolivia.

#### *Bolivia - A Case Study*

San Pedro is the most populated male prison in La Paz and in 2005 it contained 200 children.<sup>43</sup> Children there receive meals and education under a government-sponsored programme. They are also supervised by humanitarian groups.<sup>44</sup> The government removed most children from prisons just over a decade ago after a young girl was raped and murdered. However with many families unable to support them, the children trickled back into the prisons.<sup>45</sup> For many Bolivian families, whilst prison is not the best place for their children to live, it may seem like the lesser of two evils when faced with abject poverty as the alternative.

Prison conditions are not often conducive to ideal childcare, but in San Pedro they are worse than in some others. The Inter-American Commission on Human Rights, commenting on South American prisons in general stated that it was 'concerned over the physical, psychological, and emotional well-being of children and adolescents who live with their fathers and mothers in the prisons visited, given the precarious state of infrastructure, sanitation, and security at those prisons.'<sup>46</sup> It has been reported that despite the international instruments as well as the national domestic legal provisions that protect the rights of prisoners and their children in Bolivia, a large gulf exists between legislation and practice.<sup>47</sup> Problems are said to include systemic killings, overcrowding, disease, torture, rape, corruption, and due process abuses.<sup>48</sup>

It is thought that 75 percent of individuals in San Pedro are still awaiting trial and yet many of their children know nothing but prison life.<sup>49</sup> There is a lack of separation between pre-trial defendants and convicts because the prison is organised according to how much prisoners can pay for their cells. Additionally, there are no security personnel at all within the prison of San Pedro, which increases the security risk to children inside the prison as well as being in violation of international, regional and national legislation.<sup>50</sup>

## 2.3 Denmark

Denmark is the only country in Western Europe known to allow male prisoners to have their children in prison with them. This only applies if the father is scheduled to be released by the time the child is 3 years old. It seems, however, that currently there are no children living with their fathers in prison in Denmark.<sup>51</sup>

## 2.4 The Netherlands

In the Netherlands, whilst children are not able to reside in prisons with fathers, there can be flexibility in sentencing to accommodate the needs of the children of convicted men. For example, one detained father requested that he be allowed to take care of his newborn baby as the mother was suffering from a postnatal syndrome. His claim to be a victim of discrimination under the equal treatment act was rejected by the Equal Rights Commission, as they concluded that it would not be in the best interest of the child to live in prison with the father, however he and other fathers who are detained and whose children do not have care provision are allowed to temporarily leave prison or the State will arrange care for the child.<sup>52</sup>

## 2.5 Norway

A similar example occurred in Norway when one father, the sole carer for his child, was to serve a prison sentence and sought backing from the Children's Ombudsman for Norway on the problem of childcare. The execution of the sentence was then delayed until the paternal grandfather could take care of the child.<sup>53</sup>

## 2.6 Spain

There is a facility in Spain's Aranjuez prison for whole families to live together in cases where both parents have been imprisoned and have children under 3 years old.<sup>54</sup>

## 2.7 Thailand

There have been reports of children living with their fathers in prisons in Bangkok, but exact details are not known.<sup>55</sup>

## 3. Children on the Outside

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Generally speaking, the likelihood of a child living in prison with their incarcerated father is slim and in most cases impossible. This means that children are almost always separated from their incarcerated fathers, often for long periods of time and typically for longer than those who are separated from their incarcerated mothers.<sup>56</sup> An average sentence for fathers in US state prisons is 12.5 years (approximately 5 years longer than the average sentence for mothers).<sup>57</sup> This highlights the importance of considering the situation of the millions of children left outside when their fathers are imprisoned.

### 3.1 Contact

Although the prison populations in the UK<sup>58</sup> and the USA<sup>59</sup> are the highest that they have ever been, prisoners' contact with family members has decreased. In the USA, between 1997 and 2007, monthly contact between children and parents incarcerated in federal facilities dropped by 28 percent, while those who reported never having contact with their children increased by 17 percent.<sup>60</sup> In state prisons in 2002, 40 percent of fathers in prison reported weekly contact with their children while 58 percent of fathers report never receiving visits from their children.<sup>61</sup>

The situation is similar in the UK. The number of prison visits (other than by a lawyer) fell by a third between 1999 and 2004 despite a rise of more than 20 percent in the prison population.<sup>62</sup> Official policy in the Prison Rules states that: 'Special attention should be paid to maintaining contacts between prisoners and their families' and that a prisoner should be 'encouraged' to develop contacts which best promote the interests of his family and his own social rehabilitation.<sup>63</sup> However, given the fall in the number of visits, this guidance clearly needs to be more actively promoted and followed.

Obstacles to family contact of course affect the children of both imprisoned mothers and imprisoned fathers. Visits are limited by many factors including geographic distance, transportation and financial barriers, the lack of child-friendly visiting contexts, harsh and disrespectful treatment by correctional officers and generally the demanding nature of visits on the time and emotions of children and parents.<sup>64</sup> However, there is some evidence to show that it is even harder for children to maintain contact with imprisoned fathers than with imprisoned mothers.<sup>65</sup>

Children face a high risk of disengagement from fathers who have been involved in crime and the criminal justice system.<sup>66</sup> Parent-child relationships during imprisonment are tenuous at best and fathers often report having fewer opportunities to provide emotional or social support to their children than do imprisoned mothers. In a UK study looking at HM Prison Service policy and the impact of case law on the rights of prisoners and family contact, it was found that whilst a father's rights for indirect contact are upheld, their rights are not respected as much as those of mothers in cases of direct contact.<sup>67</sup> Prisoner-fathers' rights also fare worse than those of prisoner-mothers where adoption of the child is being considered<sup>68</sup> against the imprisoned parent's will. This is discussed in greater detail in the following section, 'Gatekeeping'.

In the USA, children are consistently recorded as having more frequent contact with their imprisoned mothers than with their imprisoned fathers, with 78 percent of mothers compared to 62 percent of fathers reporting having some type of monthly contact with their children and 60 percent of mothers compared to 40 percent of fathers reporting at least weekly contact.<sup>69</sup> One recent study indicates that two-thirds of imprisoned fathers in the USA had never received a visit from their child.<sup>70</sup> In another study of three US prisons, inmate fathers explained the reasons for scarce or non-existent visits from their children, with 42 percent saying that there was no one to bring the child to the prison and 22 percent stating that the child's mother did not want the child to visit. Only 5 percent thought that the child did not want to visit.<sup>71</sup>

## 3.2 'Gatekeeping'

One significant issue affecting a child's contact with his or her imprisoned father is the role played by the mother. The majority of children with imprisoned fathers live with the mothers. In the USA, 88.5 percent of male prisoners with minor children report that their children are living with their mothers, while only 22.1 percent of female prisoners report that their minor children are living with their fathers.<sup>72</sup> The mother, therefore, often plays a central role in a child's contact with the imprisoned father. Her presence is usually needed to accompany children on prison visits and her influence is crucial in facilitating letter-writing or telephone calls.<sup>73</sup> This creates a large power imbalance between the father and mother, or any other person who is primarily responsible for caring for his children.<sup>74</sup> This moderating role is often referred to as 'gatekeeping'. There is a considerable body of literature on 'maternal gatekeeping' – a mother's attempts to restrict and exclude fathers from childcare and involvement with their children.<sup>75</sup>

Incarcerated fathers tend to view their relationships with their children and with the children's mother as being intertwined.<sup>76</sup> In a study of 258 paroled fathers in the USA, 23 percent of respondents cited their relationships with their children's mothers as a primary determinant of their relationships with their children.<sup>77</sup> Furthermore, it is not only relationships with the mother that can affect an imprisoned father's relationship with his child, but also the mother's extended family network. Mothers often enlist the assistance of their extended family in caring for the children while the father is in prison and these family members may have negative perceptions of the father. They may disapprove of his involvement with the children and, therefore, may also dictate whether fathers are able to see and spend time with them.<sup>78</sup>

There may of course be legitimate reasons why a mother and those around her feel that it is not in the best interests of the child to visit the father in prison. This could be due to the detrimental effect of the prison environment itself or to a concern that a relationship with their father might be damaging to the child. Contact with an imprisoned father must only be upheld where it is in the best interest of the child. Gatekeeping is of concern, however, when it is obstructing a potentially positive and safe relationship between a child and their imprisoned father on an unfounded assumption that contact with the father will be negative.

Statistics show that the majority of children with imprisoned fathers reside with their mothers. These have sometimes been interpreted as 'men resting comfortably in prison while their partners care for their children' as opposed to women in prison who often have no obvious alternative care structure in place for the children that they leave behind.<sup>79</sup> However it is necessary to account for the fact that many prison relationships fail. In some prisons the divorce rate for incarcerated men is estimated to be as much as seven times the national average.<sup>80</sup> Parental separation can result in a loss of contact between children and their fathers. The mother may also remarry and the child's new stepfather may petition a court to terminate the natural father's parental rights so as to adopt the child himself.<sup>81</sup> Whilst this can sometimes be in the best interest of the child, no presumption should be made to this effect.

Relationship status between an imprisoned father and the mother of his children largely determine father-child involvement.<sup>82</sup> In a study of fatherhood in English prisons, the imprisoned fathers tended to have complex couple relationships, which impacted directly on child-father visitation statistics. In essence it was discovered that a good relationship with the child's mother was 'critical for maintaining access to children.'<sup>83</sup> It is difficult enough for children to visit their fathers in prison when a mother is cooperative, and may become impossible if she is not.<sup>84</sup> For example, changes in US policies in the 1990s meant that a child's mother or legal custodian must escort them on visits.<sup>85</sup> Without services to help children maintain a relationship with their incarcerated father, they may become permanently estranged, particularly if the relationship between their mother and father breaks down.

### 3.3 State Care

If children are placed in state custody, parent-child bonds are at high risk of permanent rather than temporary severance. Many states in the USA make it easy for a foster care agency to petition for the termination of an incarcerated parent's rights, and the statutorily prescribed conditions required to maintain their rights may not be possible from prison.<sup>86</sup> For example, Nebraska Supreme Court held that a father's wilful criminal conduct which led to his incarceration constituted voluntary 'abandonment' of his daughter under the Nebraska Termination of Parental Rights Statute.<sup>87</sup>

Whilst the percentage of imprisoned mothers' children in foster care is higher than that of imprisoned fathers' (almost 9 percent of children of imprisoned mothers are in foster care, as compared to 1.7 percent of children of imprisoned fathers), due to the fact that there are so many more men than women in prison, there are actually more than twice as many children of incarcerated fathers in foster care than children of incarcerated mothers.<sup>88</sup> It is imperative, therefore, that protection of child-parent ties for children in foster care is available to children with imprisoned fathers as well as those with imprisoned mothers. If a father's rights are terminated, his child stands to lose not only the opportunity to maintain a relationship with him but all rights inherent in the legal relationship, including support, maintenance and the right to inherit.<sup>89</sup>

### 3.4 Double Standards and Gender Discrimination

Nearly half of all families lose contact with prisoners during their sentence<sup>90</sup> and this is particularly the case with regard to male inmates. In general family breakups often isolate the father and this is compounded when a father resides in prison.<sup>91</sup> This is in part due to gendered double standards regarding prisoner-family contact. For example, there are often no arrangements for imprisoned fathers to attend the birth of their child or to see their newborn child afterwards.<sup>92</sup> The Prison Reform Trust (in the UK) notes that this is a major issue for fathers and has many consequences, including making the couple more pre-disposed to split up<sup>93</sup> and therefore decreasing the likelihood of child-father contact.

Prison visits from children are also a matter of controversy when it comes to gender equality. Nebraska has been a focus for debate in this area due to some significant court cases. One of these dealt with the fact that children up to eight years old are allowed to visit mothers overnight at the York prison, but the programme does not apply to children of imprisoned fathers. Steve King, the spokesperson for the Nebraska Department of Correctional Services said 'We're just not set up for it, and we don't have the space.'<sup>94</sup> In 1994, the 8th US Circuit Court of Appeals ruled that security issues were a legitimate reason for Nebraska prisons to deny the children of imprisoned fathers the same visitation rights as those of imprisoned mothers, but cautioned against justifying a rule that may violate a constitutional right. The Nebraska chapter of the American Civil Liberties Union argues that denying children overnight privileges with their imprisoned fathers raises questions of equal protection.<sup>95</sup> New York State is one of the few US states that permits overnight visits to imprisoned men for wives and children.<sup>96</sup>

The US Sentencing Commission was established to create sentencing guidelines that 'provide certainty and fairness in meeting the purposes of sentencing' that are 'entirely neutral as to the ... sex...of offenders.'<sup>97</sup> Those who argue for a broad interpretation of this often take a gendered approach to the argument, stating that gender-neutral sentencing has a disproportionate impact on children with imprisoned mothers because women tend to be primary carers.<sup>98</sup> Whilst this is an important acknowledgement, those children with incarcerated fathers who were primary caretakers or partners in childcare before they were sent to prison, and those with fathers who are committed to parenting during their incarceration and upon release, also need to be given proper consideration.<sup>99</sup>

Most inmates' gender-based equal protection claims are rejected by courts which argue that those demanding equal protection are not similarly situated. Courts refuse to make programme-by-programme comparisons, finding it self-evident that programming disparities can and do legally exist between men's and women's facilities.<sup>100</sup> A clear example can be found in Mountjoy prison in Dublin, Ireland, which contains both a women's prison and a men's prison separated by a yard. The men's prison is a highly secured unit, where inmates are locked in cells for most of the day, including for meals. The women's prison is brightly coloured, cells are called rooms and some women even have keys to them. Near the women's section there is a playground and kitchen facilities where the women can cook for themselves and their children.<sup>101</sup> The latter is evidently a more pleasant environment for children to be in. However, courts must take cognisance of prison programming decisions that are impermissibly based on gender stereotypes. The US Supreme Court has recognised that 'maternal and paternal roles are not invariably different in importance' and has warned against relying on statistical data in equal protection claims.<sup>102</sup>

An obvious and gendered difference in prison facilities is the existence of units that accommodate children living in prison with their mothers but not their fathers. Within the UK mother and baby units (MBUs) have increased by over a third in the past decade.<sup>103</sup> These important facilities rightly cater for the distinct needs of imprisoned mothers and their young children. For example, a father does not have the same urgent need as a mother to be with a young baby in order to continue breastfeeding. However, this does not mean that child-father contact rights can be ignored, but rather that they should be facilitated in a different, gender appropriate, way.

There is a paucity of programmes that facilitate child-parent contact from prison in general. However those that do exist are largely devoted to mothers.<sup>104</sup> Family services, particularly health and sexual health services, have not traditionally targeted or engaged with fathers and tend to have a mother-centred approach.<sup>105</sup> Historically women have been primary caretakers in western society and in the 19th century, law and society literally 'confused womanhood with motherhood'.<sup>106</sup> Gender-based allocations of family labour have been translated into a presumption that fathers are second-class parents. 'Judges, lawmakers, and corrections officials, have for the most part, failed to recognise the important role that an imprisoned father can play in the lives of his children. More importantly they have failed to assess the dangers inherent in keeping him from that role.'<sup>107</sup> 'Sexual stereotypes are pervasive in the prison context and incarcerated men fail to receive support and programming for parenting in a similar way to the fact that female prisoners receive inferior vocational and educational program opportunities.'<sup>108</sup>

However, those advocating greater support of programmes for the children of imprisoned fathers have sometimes worried that this could result in cuts to programmes for children with imprisoned mothers and so have been afraid to challenge this exclusion.<sup>109</sup> The aim must be to boost rights for children of imprisoned parents of both sexes in an equal but gender appropriate manner. The children of incarcerated fathers must have the equivalent opportunities to those of incarcerated mothers to maintain the parent-child bond during a parent's incarceration,<sup>110</sup> always providing that this is in the best interests of the child.

It is important to acknowledge that in some families the removal of a dangerous burdensome father through imprisonment is a benefit and that continued contact with him may not be in the best interest of the child. In families with abusive and violent fathers, most children are better off with minimal contact.<sup>111</sup> Intense treatment is needed for men with histories of family violence and contact should be treated with caution if women and children face any risk of emotional, physical or sexual abuse. Thus family strengthening programmes should include screening of this nature and 'the goal of family strengthening efforts with this population must not be reunification at all costs, but the provision of interventions in situations where there is a reasonable likelihood of benefits.'<sup>112</sup>

On the other hand, the assumption that imprisonment means a man is a bad father must also be avoided. 'Even while many young fathers have trouble holding a job and may even spend time in jail, most have something to offer their children.'<sup>113</sup> In one set of interviews with families during prison visits, 81.6 percent of respondents believed that the incarceration of their father/husband had created problems for the family while only 29.8 percent believed incarceration had solved problems.<sup>114</sup> A key aim must be to facilitate family involvement for incarcerated men in ways that are meaningful and beneficial to his children and other non-incarcerated family members without putting them at risk.<sup>115</sup>

Children interviewed whilst visiting their fathers at one US prison placed a high value on prison visits, which seemed to help them come to terms with the conflicts that they experienced over the parental separation and frightening fantasies about prisons.<sup>116</sup> Children interviewed in the UK also expressed positive feelings about visiting their fathers in prison, although there were mixed views about the visiting arrangements. Paternal involvement has repeatedly been shown to have positive direct and indirect effects on a child's development, and despite the unique context of incarceration, father-child relations can continue to be beneficial to the child.<sup>117</sup> It cannot be assumed that a father is a negative influence on his children merely because he is imprisoned, and neither can it be assumed that contact with him is in the best interests of the child. This must be dealt with on a case-by-case basis, and where contact with an imprisoned father is denied, it should demonstrably be because contact goes against the best interest of the child in question.

## 4. Effects of Paternal Imprisonment on Children

Despite the lack of systematic data on the children of prisoners, some studies have begun to document the nature of detrimental effects of parental incarceration on children. The results are plentiful, diverse and complex and the literature on this takes a number of different viewpoints. Children's experiences of parental imprisonment are affected by age, gender, their position in the family, the type of relationship they had with their father prior to incarceration, the care and contact they receive during imprisonment, what they are told about their father's absence and the length of separation, amongst many other factors.<sup>118</sup> Most of the work on this is heavily descriptive and anecdotal with few empirical studies and significant methodological limitations and must, therefore, be used with caution.<sup>119</sup>

Firstly, there is the impact on children in those rare cases in which they are imprisoned alongside their fathers. In Bolivia, for example, one NGO representative noted that they see 'a lot of repression in the children' as they are subject to the same restrictions and punishments as their parents. Normal child behaviour such as waking up in the middle of the night and waking other inmates is forbidden in the prison. There is a lack of medical care and children sometimes receive additional punishments alongside their parents such as going into solitary confinement with them.<sup>120</sup> There are also problems such as a lack of facilities, education and exposure to the world outside the prison walls. If children are allowed to stay in prisons with their fathers, adequate and appropriate provisions must be made for them and safeguards put in place against their detrimental treatment.

For those children who are separated from their imprisoned parent, the effect of separation can be greater than for those who lose or are separated from their parent in other ways.<sup>121</sup> The child experiences a profound loss of control as none of the family is able to alter the fact of incarceration or control contact levels with the incarcerated parent.<sup>122</sup> There is also a demoralisation connected with imprisonment that is not found in other forms of involuntary separation<sup>123</sup> and children may be fearful for their parent in jail. Children can be affected by the trauma of forced separation, an awareness of the parent's offending behaviour, poverty, strained parenting by remaining caregivers, stigma and stresses of maintaining contact with the imprisoned parent.<sup>124</sup> Looking particularly at studies concerning children with incarcerated fathers, results demonstrate a complex set of difficulties that need breaking down in order to understand how best to protect these children.

### 4.1 Economics

One of the most visible effects on the children of imprisoned fathers is economic. The imprisonment of a father commonly has a negative financial impact<sup>125</sup> on their children, who tend to experience higher levels of social disadvantage than their peers.<sup>126</sup> Fathers separated from their children for reasons other than imprisonment are often able to continue contributing financially to their children's upbringing, whereas most fathers entering prison lose the ability to provide financially.<sup>127</sup>

At the time of their arrest, 61 percent of fathers incarcerated in US state prisons were employed full-time and 12 percent were employed part-time or occasionally. Over half of incarcerated fathers in the USA reported that they were the primary source of financial support to their children prior to their incarceration.<sup>128</sup> One 18-year-old son of an imprisoned father reflected in an interview that 'since he's been away, finances have been difficult. There was less money around to buy me the things other kids had.'<sup>129</sup> The linkage between men's prison experience and family wellbeing must be recognised in order to reduce the number of children growing up in recurring cycles of poverty.<sup>130</sup>

Finances are reduced through the loss of the prisoners' income and compounded by new expenses associated with the imprisonment such as sending money to the prisoner, phonecalls and

visiting costs.<sup>131</sup> Debt can be accrued due to the financial disruption and pressure on inadequate incomes.<sup>132</sup> Many families are left dependent on welfare, which may not cater well to their situation. A study on poverty and disadvantage among prisoners' families in the UK states that 'Welfare to Work' policies aiming to tackle poverty through employment do not take account of the fact that caring responsibilities often take priority over employment among prisoners' families. There is no adequate safety net for children living within workless families in the UK,<sup>133</sup> which includes many prisoners' children.

## 4.2 Other Carers

The effect of a father's imprisonment on a child's mother or other carers will often have a further impact upon the child. The potential emotional stress, parenting strain, work-family conflict, financial hardship and social stigma faced by the mother or other carers can result in poverty, fragile parenting, declining family health and the onset of changes in children's behaviour. Many parents/carers specifically report declining health for themselves and the children in these cases.<sup>134</sup> In one Danish study, prisoners' partners explained that, with work and visits to contend with, they no longer had any time for leisure activities with their children or alone. They described themselves as 'living in a prison without bars.'<sup>135</sup> Children are likely to be negatively affected by such high levels of stress in their mother or carer.

Many women have to give up work as a result of their partner going to prison. According to US based research, the proportion of women working declined from 89 percent to 64 percent after their partners were incarcerated because of the need for childcare and other issues.<sup>136</sup> Thus, the children potentially have to contend with the economic loss of two salaries, the primary loss of a father in prison and additionally changes in their relationship with their mother.<sup>137</sup> Furthermore, imprisoned fathers may put extra pressure on family members on the outside. One mother explains how her partner 'can't accept that things have changed since he went in...He makes demands such as that we are in the house at a particular time each day when he phones. There should be courses on family life before they come out of prison...It is head wrecking and this affects the children.'<sup>138</sup>

Instead of receiving extra attention and support, children may take on additional responsibilities and become 'helpers', possibly caring for younger children and/or taking on household chores. One 13-year-old explained 'me and my brother have to help Mum a lot with the chores in the house and garden that my Dad would normally do. We do it because she needs us to, but I'd rather I hadn't had to.'<sup>139</sup> Older children often end up bearing some of the emotional burdens of the mother as well.<sup>140</sup> Children interviewed in one study all said that 'the person they most wanted support from was there mum... their biggest concern, however, was that their mums needed support themselves and couldn't necessarily offer support to them if they were themselves upset and distressed.'<sup>141</sup> One 14-year-old described how when his father 'first went to prison I really missed him and used to cry a lot in bed at night. I didn't want my Mum to know I cried because that would have just upset her too.'<sup>142</sup>

Behavioural disorder in children of incarcerated or otherwise absent fathers has been closely linked to the psychopathology in the remaining carer.<sup>143</sup> There need to be more support networks available to help mothers and carers of children with imprisoned parents to minimise the negative effects of imprisonment on themselves and on their children.

## 4.3 Health

Children with imprisoned parents often suffer from a range of physical and mental problems such as depression, hyperactivity, aggressive behaviour, sleep problems, eating disorders, running away, truancy and poor school grades.<sup>144</sup> Other studies report feelings of fear, anger, loneliness, guilt, resentment and emotional withdrawal from friends and family.<sup>145</sup> There is also a high risk of these

children experiencing stigma, bullying and teasing from their peers and the local community.<sup>146</sup> The situation may be even worse if a parent has committed a crime against the child. In these cases the child might feel additional guilt or responsibility and that the arrest is a consequence of something they were involved in. Children who are victims of parental crime have been referred to as ‘double victims’ as a result of this.<sup>147</sup> It has been estimated that parental imprisonment can at least double the risk of mental health problems in children.<sup>148</sup>

There are, however, certain behavioural reactions that seem to differ depending on the gender of the imprisoned parent. There has been a tendency to overlook the specific effects of having a father in prison, yet the ‘children of incarcerated fathers live in a high-risk and potentially emotionally disrupting and damaging environment.’<sup>149</sup> Longitudinal data from the UK has shown that the involvement of a father or father figure has a significantly protective role against psychological problems in adolescents and that a father’s involvement is strongly related to children’s later educational attainment.<sup>150</sup>

The gender of the incarcerated parent has been correlated with the type of behaviour manifested in the children. Absence of the father is associated more with ‘acting-out’ behaviour (such as hostility, use of drugs or alcohol, running away, school truancy, discipline problems, aggressive acts and involvement in delinquent activities). Absence of the mother tends to result in ‘acting-in’ (which is more linked to ‘withdrawal’ such as daydreaming, unwillingness to engage in play, fear of school, a drop in school work, being highly emotional and having nightmares).<sup>151</sup> In one study, 32.6 percent of the child-related problems reported by imprisoned fathers were linked to discipline issues, compared to only 7.7 percent of those reported by imprisoned mothers.<sup>152</sup> This could be because it is precisely these areas where each parent would traditionally accept major responsibility for the rearing of children if living at home. In this way, the absence of the father, who normally assumes the role of disciplinarian, leads to acting-out behaviour.<sup>153</sup> This only really applies, however, when children are aware that the parent is absent due to imprisonment, so it is ‘a combination of parental absence and the knowledge that they are absent due to imprisonment’ that results in these gendered reactions for children.<sup>154</sup>

## 4.4 The Child’s Perspective

The vast majority of research on children of imprisoned fathers has been gathered through investigations concerning the inmates themselves from which conclusions are drawn about their children.<sup>155</sup> Other available data gathered from parents, teachers and informants on children’s behaviour can differ in their appraisals of whether problems have developed for children and to what extent, meaning that it is subjective and hard to generalise.<sup>156</sup> However, there have been a small number of valuable studies in which the children themselves are the source of the information.

UK research amongst young people aged 12 to 18 with a relative in prison demonstrated that children felt that the hardest time was directly after their parent’s arrest.<sup>157</sup> In one Danish study, young children said that the first visit to a prison had been especially important to them to be able to see that their parent was still alive.<sup>158</sup> Besides visiting, lack of information is a major concern amongst children, as well as a sense of uncertainty, shame and ‘feeling like they were treated as criminals themselves.’<sup>159</sup>

Interviews with 22 children of imprisoned fathers in Oregon, USA showed these children to be relatively isolated from usual social and peer relationships. This could be a result of stigmatising effects of the imprisonment, or it may have started beforehand. Within this group, 6 children admitted that they had no friends and 4 said that other parents would not allow their children to play with them because ‘dad’s in jail’.<sup>160</sup> One third of the children refused to discuss the matter or said they did not know much about it and a further third gave distorted versions of the truth, for example ‘he’s here to work and earn money’, or ‘he’s here because he stole a watermelon.’<sup>161</sup>

Nearly half of the children could relate a recent dream about their father and over half of these demonstrated coping methods around issues of the imprisonment. For example, one 7-year-old dreamed that 'some people want to leave here, but my dad doesn't; he wants to stay.'<sup>162</sup> When asked about their ambitions, 5 of the 10 boys said that they wanted to be policemen, which seemed to be a way of protecting them from association with their father's actions and the related stigma. Many of the children experienced inner conflict over the imprisonment of their father. They were forced to arrive at some understanding of and explanation for their father's situation whilst at the same time attempting to maintain some manner of positive relationship with him.<sup>163</sup> These conflicting emotions were also a feature of research conducted with prisoners' children in Ireland. One daughter was described as being: 'angry and bitter at what he has done, yet she loves him.'<sup>164</sup>

In interviews with children aged 3 to 19 with imprisoned fathers in the UK, the majority expressed feelings of sadness or distress and commented on the changes in their lives since the imprisonment.<sup>165</sup> Unsurprisingly, their school experiences were a key factor in most of these children's lives and they all had to deal in some way with their father's imprisonment in respect of this setting.<sup>166</sup> One 7-year-old boy described how kids at his school bully him and 'say nasty things. I don't let them know I care but sometimes I cry on the way home. The teachers don't know my Dad's in prison and I don't want to tell them.'<sup>167</sup>

Most children entertained a mixture of hopes and fears for their continuing and future relationships with their fathers.<sup>168</sup> One 14-year-old summarised his hopes for his father's 'sentence to be over... and just have a life and our family back to normal. I hope nothing like this will ever happen again...'<sup>169</sup> One 12-year-old feared that his father would not 'come home... even when he gets out, though he says he will.'<sup>170</sup> Younger children tended to remain preoccupied with the emotions they felt, whereas some of the older children had formed judgments of their father's behaviour and were dealing with the accompanying tensions. It is hard to generalise the responses, but 'it nevertheless remained apparent that none was untouched by the loss of their fathers to imprisonment. All would have preferred not to be in the situation in which they found themselves. Most appreciated any possible opportunity for contact and would have liked more if it were available.'<sup>171</sup>

## 4.5 Cycles of Criminality

One of the longest researched elements with regard to children of imprisoned fathers is whether paternal criminality leads to criminal behaviour in the next generation. There are numerous studies indicating that paternal imprisonment is a risk factor in children developing antisocial behaviour.<sup>172</sup> One US study found inmates' children to be 3 to 6 times more likely to exhibit violent behaviour than other children<sup>173</sup> and a UK report found that 65 percent of boys with a convicted parent go on to offend.<sup>174</sup> Other studies have found that a prevalent characteristic of young offenders is significant loss in childhood, much of it parental and a substantial amount paternal.<sup>175</sup> In 2008, 19 percent of fathers in US state prisons had themselves experienced paternal incarceration and 6 percent had experienced maternal incarceration.<sup>176</sup>

Much of the literature on this topic has emphasised the impact of paternal imprisonment on sons. One such study observed that boys at or near puberty may be at somewhat greater risk of antisocial behaviour or conduct problems with the incarceration of their fathers. However it was noted that this behaviour is more likely to emerge in the context of already existing family discord and dysfunctional family situations.<sup>177</sup>

Imprisoned fathers often struggle to present to their children, particularly their sons, the difference between their past behaviours and themselves as individuals. Whilst in some ways it is a boost to a father's morale when their children begin to model their behaviour, there is always a fear that they will also begin modelling past criminal behaviours. A thin line exists between discussing incarceration with their children openly without glamorising prison, or portraying themselves in stereotypical media images of 'super-macho' men.<sup>178</sup>

However, assertions that paternal criminality replicates itself in children should be treated with care. It is hard to find longitudinal studies, representative samples and appropriate control groups from which to establish general rules. Some studies also found contradictory results: for example, one researcher concluded that where children were in trouble with the police, they tended to have been involved in ‘problem behaviours’ prior to the parental imprisonment.<sup>179</sup> There are also variations in behavioural reactions of siblings in the same family and cases where a parent and child have become estranged or lost contact prior to the sentence, meaning that parental incarceration may have little impact on the child’s behaviour.<sup>180</sup> It is almost impossible to separate out risk factors to show the extent to which it is paternal imprisonment itself that triggers antisocial behaviour in children.

## 4.6 Pre-Existing Risk Factors

Whilst children of prisoners certainly do seem to be at increased risk of health and behavioural problems, little is known about whether parental imprisonment is actually the cause of these.<sup>181</sup> Parental imprisonment might in part be associated with negative child outcomes because the children of prisoners are disproportionately exposed to pre-existing social disadvantage and other environmental risks.<sup>182</sup> For example in 1997, most incarcerated fathers in the USA reported incomes below the poverty line prior to incarceration.<sup>183</sup> One Irish project found that imprisonment often aggravates underlying problems that are already putting strains on family life such as poverty, childcare problems, health problems, substance misuse and the threat of homelessness.<sup>184</sup>

That said it is undeniable that elements of parental imprisonment such as a traumatic separation process, economic strain, imitation behaviour, the loss of parental socialisation, stigma and societal labelling impact negatively on a child.<sup>185</sup> Children of incarcerated parents appear more likely to experience a range of negative outcomes than children of similar socioeconomic backgrounds who do not have an incarcerated parent.<sup>186</sup> Damage to children can also be more severe when parents are subject to repeated arrests and thus repeated separations,<sup>187</sup> implying that parental imprisonment itself does have a negative effect on children. Additionally, the magnitude of income loss due to imprisonment will be particularly destabilising in households already at risk due to pre-existing financial struggles.<sup>188</sup>

Families that are already vulnerable due to an accumulation of risk stemming from conditions that may have predated incarceration are put at an intensified risk due to the incarceration itself, which can jeopardise child development and is connected with the loss of opportunity.<sup>189</sup> It is clear that children of prisoners are, for multiple reasons, at higher risk than the wider child population and parental imprisonment thus presents an opportunity to identify children at risk and to offer support to mitigate the effects of both parental imprisonment and pre-existing family circumstance.<sup>190</sup>

## 5. Paternity Behind Bars

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Paternal imprisonment usually impacts negatively on children. This can be exacerbated by conditions of imprisonment that may prevent a man from fulfilling his role as a father. If children manage to maintain contact with their imprisoned father, and the father feels unable to parent effectively under prison conditions, the adverse effect on the children is likely to be amplified.

### 5.1 The concept of fatherhood

Other than biology, what is it that makes a man a father? Researchers have suggested that fatherhood relates to a man's motivations towards the fathering role, the nature of a man's behaviour and his internalised image or role identity.<sup>191</sup> Others have concluded that commitment to fatherhood as an identity can be measured by the value a father places on his relationships with his child and with others who relate to that child.<sup>192</sup>

The European Network for Children of Imprisoned Parents (Eurochips) has asserted that paternity, in contrast to maternity, is not founded on experience but rather is based on a statement or declaration. The mother informs the father that she is pregnant, and the father is then expected to assume his responsibilities. 'Becoming part of a paternal filiation entails acceptance of a genealogical principle which is based on a symbolic link, not an emotional one... This is why an analysis of the paternal role implies the analysis of the nature of the father's attachment to his progeny.'<sup>193</sup> It is important to try and bear in mind the meaning of 'paternity' and the cultural backdrop in which imprisoned fathers have to try and create their own personalised fathering script.<sup>194</sup>

In the UK and USA the normative context for the conduct of fathering has increasingly emphasised the importance of both emotional and economic commitment to children; being accessible and nurturing to a child as well as economically supportive. This is an extension and deepening of expectations found in earlier historical periods.<sup>195</sup> Fathers in these societies have also traditionally been seen as having the role of playmate and 'games-player' with their children, which is particularly hard to enact from prison. Young fathers in one study specifically expressed a desire for visits in which they are allowed to move around with their kids and actually do something with them such as swim, play football or go to a play area.<sup>196</sup> It may be hard for a father to relate to his children without being able to play with them and be active in this way.

The inability to perform what is seen as a normal fathering role can lead to a role reversal between fathers and children. Children, sensing that they have more power than their parents can become 'parentified', which can be confusing and frightening for them.<sup>197</sup> In some ways 'how often fathers see children is less important than what fathers do when they are with their children.'<sup>198</sup> One study suggests that the frequency of contact with non-resident fathers was not related to child outcomes in general but that feelings of closeness and authoritative parenting<sup>199</sup> (made possible through constructive visiting experiences) are positively associated with a child's academic success and negatively associated with a child externalising or internalising problems.<sup>200</sup>

### 5.2 Role Creation

Fathers must create their own role in prison as there are no clear social guidelines about how to manage and preserve paternal identity in this adverse environment.<sup>201</sup> Research has found that men's descriptions of incarcerated fatherhood centred around feelings of helplessness, difficulties in being a 'good father' and falling into an ambiguous role without definition.<sup>202</sup> An English study discovered similarly unsettled and fragmented identities in respondents' appraisals of their roles as fathers across three different prison sites. For many of these men, fathering was an activity that took place 'out

there' and 'not inside' prison.<sup>203</sup> One quarter of the men reported deterioration in their perception of the closeness with their child whilst in prison.<sup>204</sup>

An 'identity' has been described as 'a set of internalised meanings applied to the self in a social role.'<sup>205</sup> A father may hold many roles in relation to his child, such as 'provider', 'nurturer' and 'friend'. How he feels he should enact these roles make up his behavioural standard as a father. A feedback loop is established when the identity holder receives appraisal from others about his behaviours. However, the identity holder is thought to experience stress when there is a discrepancy between reflected appraisals and the identity standard, and/or when there is an interruption in the process.<sup>206</sup> Imprisonment is a significant interruption in the paternal identity confirmation process, which can subsequently affect family relationships.<sup>207</sup> It is possible that this interruption to the father-child relationship 'so affects a man's confirmation of his fatherhood identity as to force a change in the nature of his identity as a father.'<sup>208</sup>

If a father is unable to meet expectations of him whilst in prison, he may entirely change his behaviour towards his children. For example, if a father feels that he is unable to play with his children, protect them, be there for them emotionally or support them financially he may prefer to avoid any contact with his children at all.<sup>209</sup> Whilst it is impossible to cease being a biological father, a father may decide to abandon or 'give up' on this identity.<sup>210</sup> This can clearly be a hurtful process for his children.

This is not the case for all imprisoned fathers and there are many variables, including the pre-prison child-father relationship and how particular individuals react to prison. However, it is important to be aware of these issues when trying to facilitate fatherhood in a prison context in accordance with the best interests of his children.

### 5.3 Powerlessness

In order to promote positive fatherhood in prisons and limit the negative impact of paternal imprisonment on children, it is paramount to understand the various barriers that may hinder positive father-child relationships being fostered from jail.

Firstly, virtually all fathers entering prison lose the ability to financially provide for their children.<sup>211</sup> Even if prisoners are able to work during their sentence, prison pay may be too low to allow fathers to meet financial commitments. In addition, in the US child support debt often accrues during imprisonment and must be paid upon release. Fathers who lack employment and have few resources will find it difficult to pay these debts which can be a precursor for lack of child support, re-arrest and tense family relationships.<sup>212</sup>

Men have been traditionally viewed in Western societies as economic providers for their children rather than as 'nurturers'. This may partly explain why these societies see it as more acceptable for imprisoned fathers to have less contact with their children than imprisoned mothers. Additionally this economic role is seen by many men as fundamental to their role as a father. Eurochips confirms that 'for cultural reasons, the inability to support the family financially has a greater impact on imprisoned fathers than mothers... [and on] their sense of legitimacy as a parent.'<sup>213</sup> In one English study, many men implied that being unable to make an economic contribution to family welfare ruptured the development of a paternal identity.<sup>214</sup> It is critical to understand this economic provision model of fatherhood alongside the emotional connection when looking at imprisoned paternal identity.<sup>215</sup>

Economic impotence is part of a wider feeling of impotence that many men feel in prison. Recent studies have indicated that men equate being a good father not only with providing financially for their children but also being physically present to protect them and being in control. The prison sentence itself is imposed on fathers, often for an unknown amount of time that is not within their control, which differentiates absence due to imprisonment from other marital or work related absences.<sup>216</sup>

Being unable to control their own day-to-day routines, to make mundane decisions about their own lives or carry out traditional roles can encourage imprisoned men to perceive themselves as powerless and can devalue their role as parents.<sup>217</sup> A prisoner's life involves childlike dependency and their main responsibility is obeying rules. For many men this discourages the behaviours required to be a responsible parent or even a caring and compassionate adult.<sup>218</sup>

It has been suggested that the prison context overwhelms 'responsible' or 'active' fathering for prisoners.<sup>219</sup> In a US study of fifty-one incarcerated fathers at two correctional facilities incarceration seemed to represent a dormant period for men in terms of fatherhood. Participants felt helpless and dependent on non-incarcerated mothers or caregivers for contact with their children,<sup>220</sup> and that their fathering identities were largely overshadowed by their status and identity as prisoners.<sup>221</sup>

## 5.4 'Prisonisation'

Characteristics of prison life and the wider criminal justice system are clearly factors that shape the experience of fatherhood behind bars.<sup>222</sup> Incarcerated fathers must be understood in the context of the prisons that hold them.<sup>223</sup> An imprisoned father's parenting and identity in prison are uniquely shaped by a 'corrective power' and are bound to be substantially regulated, redefined and institutionalised, or 'prisonised'.<sup>224</sup> 'Institutionalisation' is the process of taking on the norms and values of an institution and modifying one's behaviour according to the new environment. 'Prisonisation' describes this effect specifically in relation to prisons.<sup>225</sup>

Prison culture has distinct norms of how the ideal man should act and ideas on masculinity which, if adopted, would most likely lead the incarcerated father away from an identity that supports his children's positive development.<sup>226</sup> For example, it may be less acceptable in a men's prison to admit to missing ones children and wanting to see them than it is in a women's prison. One man in Limerick prison in Ireland explained that: 'if you look for a priest or a counsellor you get a lot of slugging. If you do the crime you should be man enough to do the time if you get caught.'<sup>227</sup> This can result in imprisoned fathers being more reluctant to make public demands for contact rights with their children, meaning that the necessity of child-father contact is more likely to be ignored.<sup>228</sup>

## 5.5 Conclusions

These ideas, whilst useful, cannot be generalised to all imprisoned fathers as every situation and establishment is different and every inmate will react differently to imprisonment, as will their children. Prisoners' pre-prison family relationships are major determinants of the relationships that they have with their children during imprisonment and upon release. In some cases, an imprisoned father's pre-prison lifestyle may have involved little contact with his children, in which case imprisonment may not have a major impact on contact levels. However, even in these cases increased economic impoverishment and a sense of loss can be issues for the children. On the other hand, in cases where fathers were very much involved with their children pre-prison, pride, hurt, grief and a desire for their children to move on with their lives may cause these fathers to disengage from their families.<sup>229</sup>

Some fathers are able to maintain positive and active relationships with their children from prison. For example, one father imprisoned in the USA, realised that his two children were being mistreated by his former wife's boyfriend and so enlisted the help of social workers and relatives to protect them. He stated that 'of course it's possible to be a strong father figure from behind bars. I'm living proof, as well as thousands of other incarcerated fathers. We never get the credit because we are considered the lowest of the low.'<sup>230</sup> For some men, incarceration is a catalyst for new, more positive fathering intentions.<sup>231</sup> One third of the men interviewed in an English study felt that prison had been able to help them in some ways to become a better father by creating a positive opportunity to reappraise their lifestyle and family relationships.<sup>232</sup> However, this can only work if imprisoned fathers are given the opportunities to enact these changes with their children.

Many prisoners have serious social and emotional problems before entering prison that can inhibit their ability to parent effectively, such as substance abuse problems, repetitive criminal activity, abusive relationships, mental illness and health problems. In the USA 67 percent of incarcerated fathers in state prisons reported alcohol or drug dependence or abuse prior to arrest.<sup>233</sup> Reports of clinically meaningful symptoms of mental illness among fathers in state prisons were as high as 49 percent and 38 percent in federal prisons.<sup>234</sup> Because many men in prison may not really know how to be good parents, one positive element of prison on parenting can be the provision of parenting education and fatherhood programmes.<sup>235</sup>

Unfortunately research indicates that prison-based parenting programmes are only offered to a minority of fathers. In US state prisons, only 11 percent of fathers report ever participating in parenting or childrearing classes.<sup>236</sup> A recent survey of 315 state prisons found that 90 percent of female-only prisons offered or contracted out parenting programmes, while only 41 percent of male prisons and 55 percent of mixed prisons did the same.<sup>237</sup> These programmes should be made available to all parents in all prisons.

Many incarcerated fathers desire to strengthen their parenting skills,<sup>238</sup> express feelings of closeness with their children<sup>239</sup> and expect to live with their children after release.<sup>240</sup> However, the reality and practical restrictions of the prison context may make this difficult. Danger also lies in idealised notions of fatherhood that can develop in prison. Aspects of the relationship with his child can be exaggerated in a father's imagination, given that it cannot be experienced in reality. A survey of 51 incarcerated fathers in the USA revealed that over half of them felt that they had close relationships with their children despite the fact that 41 percent indicated that they never or rarely discussed their child with their partner and almost two-thirds reported never having had a visit from the child.<sup>241</sup>

The more a father misses his children, the more he invests in them and elevates them to idealised forms. 'It is as if the real child were competing with the imaginary child, and visits of a few hours each month is not enough to realign the father's dreams with reality. Over time the child feels increasingly alienated which sometimes results in an inability to communicate with the father.'<sup>242</sup> This can also result in great disappointment upon release if the visions of familial bliss are not realised. Children can experience conflict between striving for their own identity and independence and their desire to maintain a relationship with their father. As one child explained in an interview: 'sometimes he expects too much. He thinks he can have a say in my life even though he's not at home. He does not understand me anymore.'<sup>243</sup>

Fathers are not a homogenous group and an overwhelming barrier for one father may seem minor for another.<sup>244</sup> However, for many imprisoned fathers, the difficulties faced in sustaining a connection with their children 'operate to undermine paternal nurturing and provisioning', which are both central dimensions of contemporary paternal identity.<sup>245</sup> It can be upsetting for children if their father feels unable to parent them whilst in prison. The diverse personal, familial and public forces that inhibit imprisoned paternal identities must be paid serious attention<sup>246</sup> in order to allow incarcerated fathers to develop positive relationships with their children and provide them with the best care possible.

## 6. Young Imprisoned Fathers

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There are a number of young men in prison who are seen as children themselves and yet have children of their own. It is possible that this group is even more likely to slip through legal loopholes than adult male prisoners, and their children less likely to have their paternal contact rights recognised.

In the last 20 years the incarceration rates of young men in the USA and UK have risen dramatically. Between 1982 and 1992 violent crime arrest rates for US males under 18 years old more than doubled. There are currently around 100,000 juveniles in public and private correctional institutions, camps and treatment centres across the USA.<sup>247</sup> In the UK young adult males now make up 42 percent of first time offenders.<sup>248</sup> There is reason to believe that these numbers include a lot of young fathers.<sup>249</sup>

Few US states keep active records but the California Youth Authority suggests that 25 percent of juvenile inmates are fathers.<sup>250</sup> Some UK statistics also show that around one quarter of juvenile inmates are fathers,<sup>251</sup> whereas other estimates suggest that between one quarter<sup>252</sup> and one half<sup>253</sup> of men aged 18-21 in UK prisons know themselves to be fathers.

An overlap of risk factors means that incarceration and young fathering are both concentrated in the same impoverished communities, leading to a disproportionate representation of young fathers in prisons. Furthermore, young fathers appear more likely than their non-father counterparts to engage in delinquent behaviours and go to prison.<sup>254</sup> The Prison Reform Trust states that young men in prison are six times more likely to be fathers than those in the general population.<sup>255</sup> Despite these figures and the fact that juvenile delinquents and young fathers are both of national concern in the USA and the UK, little attention has been paid to these problems in combination and 'that large and growing numbers of... young fathers... are either in prison or are on parole.'<sup>256</sup>

Paternal imprisonment has far-reaching implications for children in these young families and it is 'imperative that we face the sociological challenges and policy issues presented by young and incarcerated... fathers.'<sup>257</sup> Research in the USA has shown that although 22 percent of imprisoned young fathers saw their children weekly, one third did not see their children at all.<sup>258</sup> The three main reasons given were: a lack of transport, the 'visiting list', and the conditions of entry into prison.<sup>259</sup> A particular problem was the existence of visiting list limits, in which men have to specify a few named individuals who will be allowed to visit them. This is especially problematic for men whose girlfriends are not the mothers of their children and men who have children from multiple relationships. It can mean that they have to make a decision as to which child they see.<sup>260</sup> This can obviously be distressing for their children.

Another problem that largely, although not uniquely, affects young men in prison is what is known as 'hard-timing'. This sometimes occurs when first entering into prison and the new inmate finds it hard to deal with both the difficulties inside and outside of the prison walls. As a result he may cut off contact with the world outside prison in order to deal with the pressures within. This can cause resentment in families and damage relationships with children, sometimes irrevocably.<sup>261</sup>

### 6.1 Supporting the Children of Young Imprisoned Fathers

Work with young imprisoned fathers has shown that many of them want to talk to somebody with experience of young fatherhood and that several are frightened by the idea of being fathers. These men tended to overstate how good they were with children and underestimate the stress that parenthood can cause. This is a widespread phenomenon but is particularly acute for these men because they have little real contact with their children and those taking care of them.<sup>262</sup> As has been

noted previously, it can be upsetting for children when imprisoned fathers develop idealised notions of them, or feel unable to parent authoritatively. Helping these new fathers to parent positively from prison could protect their children from much of the potential trauma caused by this situation.

One study on the ‘parenting possible selves’<sup>263</sup> of parents aged 18-21 in UK prisons found that the majority of the young men’s aspirations revolved around ‘being there’ for their children during and after prison. Their biggest fears ranged from general bad parenting, to aggression, separation, substance use, and intergenerational issues. Issues of violence or aggression dominated 19 percent of all of the fears expressed. This presents an additional challenge for practitioners in this area to work with these men on anger management and aggression in order to ensure that they do not put their children at risk. Recognising the specific needs and anxieties of young imprisoned fathers would enable them to work on their own goals to become better parents and build constructive relationships with their children.<sup>264</sup>

The continuous problem of research in this area is that it is almost always viewed from the perspective of the imprisoned father, rather than that of the children. There are rare exceptions such as Boswell’s study *Imprisoned Fathers: The Children’s View*, in which she interviewed the children themselves; however, she was unable to interview any children of fathers in Young Offender Institutes as the average age of the children was less than two years.<sup>265</sup> This presents a further difficulty in researching and obtaining recognition of the rights of these voiceless children.

## 6.2 Legal Considerations

Legally this matter has presented interesting problems, as demonstrated by the conflict in the UK between the Prison Act 1952, the Prison Rules 2000 and the Children Act 1989. In 2003<sup>266</sup> a UK court case determined that whilst the Children Act does not impose positive obligations on the Prison Service, it applies to children in Prison Service establishments, subject to the necessary requirement of imprisonment. Accordingly the positive functions and obligations of the local authority do not cease to arise merely because a child is in a young offender institution. It was judged as wrong in law that the 2000 Prison Rules stated that ‘The Children Act does not apply to under 18 year olds’ in prisons.<sup>267</sup>

The Prison Service has not yet shown that it has appreciated what is meant by the Act applying to *all* children held in custody, including young fathers and mothers in prison, and babies in MBUs.<sup>268</sup> Parents under 18 years old must have their rights as children *and* as parents recognised, and their children must be considered at all stages of the criminal justice process. What we do at the juvenile level has important implications for the future of these young men and their children.<sup>269</sup>

## 7. Release and Reintegration

The effects of parental imprisonment on children do not automatically cease once the parent is released from prison. Rather, the family must face new challenges in negotiating and coping with the reintegration of that person, or with the consequences of not having contact with that family member if relationships have irretrievably broken down.<sup>270</sup>

### 7.1 Renegotiating Relationships

It is likely that after a prison term the father and family members will have been through changes to which it may be hard to adapt. The children will be older and expectations of how they will behave and treat their newly released father may be different for them and for their father. Children grow and change and move on, but the ex-prisoner may feel as though time has stood still. A father may want his family relationships to be the way they were before his sentence. One mother explains: 'she was three when he went in. She is now 13 years. He still thinks of her as "my baby". He cannot accept the clothes she wears and the decisions she makes. There is a need for family counselling.'<sup>271</sup> If a child is very young when her or his father goes to prison it can be confusing and alienating for them to have this new unknown presence return to the home. Another mother describes how her daughter 'was just born when he went into prison. She hardly knows him. For her it is like having to accept a stranger in the house.'<sup>272</sup>

It is likely that conflicts will arise as the couple attempt to reorganise their lives and renegotiate their roles within both the relationship and the household after a prison sentence.<sup>273</sup> This can be a difficult time for any children in the family. There may also be new 'father figures' that have become involved in a child's life during their father's incarceration. In many cases this person is the mother's boyfriend but he could be an uncle, grandfather or other male relative.<sup>274</sup> Qualitative studies reveal that newly released fathers often feel jealous of these other men. This can sometimes lead to them relinquishing their attempts to be involved in their children's lives.<sup>275</sup> Not surprisingly, fathers have reported more frequent contact with their children after release when the children's mother is still single than when she is in a new intimate relationship.<sup>276</sup>

When children are placed in foster care, it can be hard for a father to locate them on his release.<sup>277</sup> Incarcerated fathers are rarely involved in decisions regarding the placement of their children<sup>278</sup> and support services should be put in place to ensure that this is not an insurmountable barrier to re-establishing father-child contact when it is in the best interest of the child.

### 7.2 Hangover Identities

Studies have shown that men in particular are likely to be influenced by 'hangover identities' from the prison setting. These can hinder reintegration<sup>279</sup> into society and the family and are potentially damaging for their children. The prison environment is highly structured and controlled, giving fathers little autonomy in any aspect of their lives. Displays of aggression and dominance are sometimes essential to safety and success in prison and fathers might learn to withdraw socially, becoming distrusting and psychologically remote. These characteristics run counter to the qualities that are likely to support close post-prison relationships re-forming between fathers and their children.<sup>280</sup>

These 'hangover identities' are not helped by the practical impact of a criminal record. Structural issues such as child support and child welfare may place limits on fathers' abilities to re-establish relationships with their children.<sup>281</sup> Many incarcerated fathers leave prison in debt and it is then difficult with a criminal record and often limited skills to find employment.<sup>282</sup> One 17 year old daughter expressed concern that even after his sentence, her father 'won't be able to find a job and we'll go on living without enough money.'<sup>283</sup>

Financial difficulties and unemployment can lead to recidivism, re-arrest and re-incarceration.<sup>284</sup> Thus the potential traumatic effect of parental crime and incarceration on children could be amplified and further tension with other family members and children's caregivers might be created. Furthermore, a criminal record can affect the employment opportunities of other family members as well as those of the ex-prisoner. This is particularly true in smaller communities where people tend to know more about each other's business and stigma can be harder to escape. For example, this issue was frequently raised by prisoners' families during a research project in Limerick in Ireland.<sup>285</sup>

Other post-prison structural problems can include the inability to vote, hold certain jobs, housing restrictions, or difficulties in obtaining professional licences. These ongoing sanctions threaten the notion of responsible parenthood for ex-inmates and limit their ability to reintegrate and maintain stable households that will be to the benefit of their children.<sup>286</sup> These denials of fundamental citizenship and parenthood status mean that for ex-prisoners, society becomes more like a prison,<sup>287</sup> in which it is harder to perform the role of regular citizen or father.

### 7.3 Support Services

Post-prison family connections services are limited for both mothers and fathers. However, those that do exist typically focus on women. For example, only 8 percent of fathers in the USA participated in parenting skills programmes during the year after their release from prison.<sup>288</sup> Again, any support for reuniting imprisoned fathers with their families and children must be employed only in cases where the family is not likely to be put at risk by the father.

Despite the scarcity of support services available for the children of incarcerated and ex-inmate fathers, examples of good practice do exist and are worthwhile highlighting in order to be flagged up and replicated in or adapted in other areas.

## 8. Policy, Changes, Good Practice

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As the prison population has increased there has been a certain amount of new interest in the children of prisoners and family ties. This has to some extent facilitated the creation and development of projects and support for these groups that merit attention in this section.

### 8.1 USA

Some US states have taken steps to improve the quality of visitation areas for the children of incarcerated fathers. Although they are usually not as elaborate as those established in women's prisons,<sup>289</sup> they are a good start.

At a detention centre in San Antonio, Texas, equal parenting programmes exist. The 'PATCH' scheme (Pappas and their children) was initiated in 1993 and modelled on the previous 'MATCH' programme for mothers and their children which began in 1984. Seventy fathers in the PATCH programme live together and must attend parenting and life skills classes in order to stay in this separate accommodation.<sup>290</sup> The state of Illinois has also demonstrated good practice in this area by implementing procedures to establish paternity and child support orders for prison inmates as a key component of its responsible father initiative.

A good example of a positive post-prison scheme in the USA is 'Project Greenlight' - a pilot running in New York. It involves 4 weeks of family reintegration sessions focused on couple, co-parenting and family of origin relationships and is run by a family counsellor.<sup>291</sup>

### 8.2 UK

The prison system in the UK has been somewhat more progressive than in the USA in promoting an ideal of rehabilitation and, at least in 'open prisons', children can have better expectations and levels of access to their imprisoned fathers.<sup>292</sup> The Home Office has supported a range of parenting initiatives to increase family contact for prisoners, although there is no overall strategy or central funding for this.<sup>293</sup> In 2003 the Department for Education and Skills produced the 'Every Child Matters' policy paper which included the children of imprisoned parents and the 'Next Steps' report talks specifically about young offenders; however, it is unclear how this support will be provided in practice.<sup>294</sup>

Huntercombe Young Offenders Institution routinely asks the young men if they have children or if their partner is pregnant and information is provided about visits and caseworkers are invited to be present to meet with the parents.<sup>295</sup> This can help to prevent the children from slipping through the net of care and rights. Visiting facilities are improving in some men's prisons, indicating that perhaps a 'family preservation ethos is gradually becoming an important part of the English penal system.'<sup>296</sup>

There are some effective educational and support schemes in the UK, a few of which directly target imprisoned fathers. One award-winning example is the 'Storybook Dad' scheme, through which a father can read a story onto a tape and then have it edited to produce a CD for the child.<sup>297</sup> A similar Book and Tape Club exists in Northern Ireland that teams up with the local library to offer children reading incentives.<sup>298</sup> The tape and CD element is good not only because children can hear their father's voice, but it also avoids discriminating against fathers with low literacy levels. Men who cannot read can repeat a story after someone else and then have the tape spliced. Additional benefits of these schemes are that they sometimes improve a father's literacy level and the stories provide a stimulus for starting conversations during visits, as children and fathers may feel uncomfortable at first in this environment.

Parenting classes in prisons and Young Offenders Institutions seem to have positive results.<sup>299</sup> One particularly effective example is ‘Parentcraft’, a 16-week course at Aylesbury Men’s Young Offenders Institution (YOI) that includes information on child development, parental responsibilities, masculine identity, affection and positive discipline strategies and leads to a validated Open College Certificate.<sup>300</sup>

The ‘Family Man’ and ‘Fathers Inside’ programmes run by Safe Ground also achieve encouraging results through the use of drama and video, which makes them accessible to all inmates, regardless of literacy or education.<sup>301</sup> Research indicates that black and minority ethnic fathers are the least likely group to engage with ‘traditional’ parenting provision due to complex and cultural reasons. However, organisations such as Safe Ground experience a high uptake of their courses by men of all ethnicities, due to their emphasis on ‘family networks’ that see everyone as a member of a community.<sup>302</sup>

Most help given to the children of prisoners in the UK is not provided by the government, but by organisations within the not-for-profit sector. Since the 1960s a number of support or self-help groups have evolved. Informal networks have been created for the families of prisoners, which can be a source of great support and refuge from social labelling, scape-goating and victimisation inflicted by the media and wider community.<sup>303</sup> In recent years numerous NGOs have begun to work jointly with prisons to develop services<sup>304</sup> and have been heavily involved in the provision of visitors’ centres. Examples include the ‘Sunday Brunch’ project at HMP Altcourse men’s prison, which has evolved into an extended visits scheme, family days and child-centred visits, and the Grassroots Family Days and Support Project run by the Blackburn Diocese of the Church of England whose pilot project includes extended visits and community-based support for members.<sup>305</sup>

### 8.3 Europe

Although the preponderance of readily available information regarding good practice in relation to the children of imprisoned fathers is British and American, there are also good examples to be found elsewhere. Fédération des Relais Enfants-Parents (FREP) is an umbrella organisation bringing together 17 associations throughout France<sup>306</sup> and provides childcare professionals to work in more than a quarter of penal establishments maintaining relationships compromised by imprisonment. They act as mediators, accompany children on visits, and support children in sharing their feelings.<sup>307</sup>

FREPs in Brussels also work to facilitate the bond between children and imprisoned parents. Belgian authorities do not run any courses in their prisons to assist or encourage inmates to assume their responsibilities towards their children, so Relais Enfants-Parents organises group discussions, play areas, family support and volunteers to accompany children on visits.<sup>308</sup> In Luxembourg, Service Treffpunkt provides similar assistance, working to help children separated from imprisoned parents of both genders to deal with their feelings and accompanies children on visits when visiting would otherwise be impossible.<sup>309</sup>

The Italian association Bambinisenzasbarre (BSS) runs support groups for both imprisoned mothers and fathers in order to raise awareness of the different aspects of parent-child relationships and reinforce parenting skills. They also offer psychological and practical support.<sup>310</sup> Clearly there are benefits to this approach but it can be costly to run as it requires the intervention of professionals: psychologists, judges, social workers and representatives of various institutions. A much cheaper example of support can be found in the Swedish study circles practice. These group parenting courses operate in both male and female prisons throughout Sweden and are often led by prison officers with special training.<sup>311</sup> Fathers have been demonstrated to particularly benefit from this scheme.<sup>312</sup>

At Roermond Prison in the Netherlands there is a programme that offers imprisoned fathers the opportunity to have physical contact with their children (children can climb onto their father’s lap and they can embrace), which has been shown to create much calmer and more humane visits.<sup>313</sup> This

may also help with the problem of fathers struggling to enact their role as ‘play mate’ whilst in prison. There are also play projects offering supervised play areas in some prisons in the UK and Belgium thanks to volunteers and the support of various foundations.<sup>314</sup>

## 8.4 Shortfalls

To an extent, these examples of good practice demonstrate that attitudes are changing with regard to supporting the children of imprisoned parents and perceptions of fatherhood. The implementation of some state-led responsible fatherhood initiatives challenge the conventional wisdom of treating incarcerated fathers’ family responsibilities as private matters.<sup>315</sup> However, despite some promising approaches emerging, there is still a dearth of schemes available for the children of imprisoned parents in general, and particularly for those of imprisoned fathers.

The growth in the prison population has certainly not been matched by a growth in support schemes.<sup>316</sup> Those that do exist suffer from a lack of evaluation and independent assessment.<sup>317</sup> It is not sufficient to have a project in place if its effectiveness is unknown. For example the Long Distance Dads programme used at correctional facilities in 19 US states was empirically evaluated and found to have no impact on any of the 20 outcome variables. The evaluation cites the lack of instruments sensitive to father involvement in the context of prison as one possible reason for this.<sup>318</sup>

Prison and probation services are not necessarily aware of the issues concerning the children of prisoners; this is especially true with regard to the children of imprisoned fathers as the father-child links are often not visible. Furthermore, when prison staff do acknowledge the importance of maintaining family ties, it is seen primarily from the perspective of what would be beneficial for the prisoner, rather than for the child.<sup>319</sup> There is little awareness-raising on the issues concerning prisoners’ families among those who work with children or prison and probation staff. Many prisons are unaware of effective practice in relation to children’s services, interventions are often poorly delivered and there is a lot of misinformation around understanding wider child wellbeing, rather than just child protection.<sup>320</sup>

For children of imprisoned parents of both genders, care is disjointed, variable and inadequate. Community and voluntary agencies, whilst providing essential services, have developed in a haphazard manner without a clear Government policy framework or stable funding.<sup>321</sup> Many are also uneasy that these organisations are assuming responsibilities which are arguably the functions of the public sector.<sup>322</sup> These examples demonstrate that some things can and are being done, but the gaps and lack of systematic policy and practice remain noticeable.

## 9. Alternatives and Recommendations

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### 9.1 Legal Matters

The UN Convention on the Rights of the Child states that children should be protected from any form of discrimination or punishment based on their parents' status or activities and that the best interests of the child should be a primary consideration in all actions concerning children.<sup>323</sup> Furthermore, it emphasises a child's right to maintain contact with a parent from whom they are separated.<sup>324</sup> Every situation of parental imprisonment should be dealt with on a case-by-case basis in order to ensure that impacts on children are fully considered. However, except in circumstances where parental contact is not in a child's best interest, child care policy should allow for the establishment and continuation of contact with both parents.

Particularly in the USA and countries with similar policies, greater consideration needs to be given to the issue of terminating parental rights for persons in prison, consistent with the safety and wellbeing of children.<sup>325</sup> The 'getting tough on crime' attitude that has led to mandatory and lengthy sentencing policies needs to be reviewed and a move towards greater use of non-custodial sentences and restorative justice would be a 'refreshing and long overdue development'<sup>326</sup> that would help to avoid 'getting tough on the children' of prisoners.<sup>327</sup>

### 9.2 Children in Prisons with Fathers

There are not many known examples of children living in men's prisons alongside their fathers, but where it does happen there must be appropriate facilities and adequate protections put in place. Prison conditions must not impact on the safety, wellbeing or educational opportunities of such children. Where there is no, or no adequate, provision for children in prisons, alternatives for the children of imprisoned fathers with caring responsibilities should be considered (see below).

Where it is more common for children to reside in prisons with their fathers (for example, in Bolivia), a great improvement would be brought about by reducing the use and length of preventive detention and other infringements of due process, which would lead to fewer children living in the prisons as well as reducing overcrowding.<sup>328</sup>

The prisons themselves must have staff continually in place to monitor the safety of any children. In addition, civil society and non-governmental organisations (NGOs) should receive support for their work in prisons as in many cases, it is individual volunteers and voluntary organisations who organise child-friendly programmes and provide essential services for families.<sup>329</sup>

### 9.3 Non-Custodial Measures

An obvious option for preventing harmful effects of parental imprisonment on children is to imprison fewer parents, both pre-trial and after sentencing. Non-violent offenders, particularly with drug-related offences, make up an increasing proportion of the US correctional population and are heavily represented among incarcerated parents.<sup>330</sup> Prisons can sometimes be used as a 'dumping ground' for people who have been failed in a variety of ways, such as by education, psychiatric, psychological and drug treatment services and, more generally, by a society that marginalises them.<sup>331</sup>

Non-custodial measures are discussed more often for mothers than for fathers. However, including fathers in access to support programmes and alternatives to prison, including pre-trial detention, thus allowing non-violent offenders to live with their young children, will help keep

vulnerable families intact and break the intergenerational cycles of poverty and incarceration.<sup>332</sup> Alternative forms of sentence can include suspended sentences, probation, intensive supervision, house arrest, electronic monitoring, community service and fines. 'Fundamental policy shifts must occur whereby incarceration is considered a last resort rather than a first choice.'<sup>333</sup>

## 9.4 Support Schemes

It is important to implement a two-pronged approach, which not only focuses on non-custodial alternatives but also on programmes that reduce the harmful effects of parental imprisonment when it does occur. Children may be protected from some of these through stable caring arrangements, financial assistance, social support, parenting programmes and improved prison visiting procedures.<sup>334</sup>

Prison jobs and work schemes can help to combat child poverty and also help the imprisoned father to feel less impotent in fulfilling his parental role. Paternal imprisonment tends to have a severe financial impact on the family outside and should, therefore, trigger an automatic assessment of the family's needs. Outstanding debt and financial obligations could be identified as part of the prison intake process and followed up by offering debt management and assistance to fathers after release.<sup>335</sup> This could help to prevent children growing up in poverty and avoid repeated parental arrests and convictions.

Criminal justice-based approaches such as the use of restorative justice can help to reduce the stigma associated with incarceration that can be harmful to children and families.<sup>336</sup> Teachers and other professionals working with children should be trained to deal with the issues affecting children of imprisoned parents, to prevent discrimination against and stigmatisation of the children, and time off school should be authorised for prison visits if these are beneficial for children.<sup>337</sup> Equally, visiting hours should be set to minimise disruption to schooling, including, where appropriate, extended visiting times during school holidays.

Using time in prison to work, learn new skills, including parenting skills, and undertake personal study can help imprisoned fathers to feel more able to provide for their family, establish regular patterns of contact and give better care to their children.<sup>338</sup> It is important to enable fathers to plan their own strategies and set their own goals<sup>339</sup> with regard to maintaining family contact as this can help them to take on a more active and positive fathering role. Programmes must necessarily be sensitive to cultural differences regarding definitions of family as well as behavioural expectations.<sup>340</sup>

Some helpful recommendations were generated from a research project on prisoners' families in Limerick, Ireland. These include positive sentence management, having a designated family contact person within a prison, a co-ordinated pre-release programme,<sup>341</sup> family friendly and extended visits, a space to discuss issues, training for prison staff on family ties and an effective complaints mechanism.<sup>342</sup> With regard to children specifically, the research suggested developing guidelines for parents on how to inform their children about prison sentences, developing published information resources, training programmes for teachers, social workers and other agencies that interact with these children and the recruitment of designated staff in prisons to work specifically with children.<sup>343</sup>

## 9.5 Contact

There are a few schemes available, at least in the EU and the USA, that attempt to facilitate family contact for male prisoners, and of these, some have been seen to be effective. There is a need for a comprehensive survey of current and potential arrangements for contact between imprisoned fathers and their children,<sup>344</sup> and for a standardisation of good visiting systems across prisons.

Many of the support schemes that do exist would be more effective if there were better cooperation between criminal justice and community based agencies. This could lead to a sharing of

resources and strategies to obtain further resources to continue programme implementation.<sup>345</sup> It could also create a shared understanding of what is required in order to avoid inconsistencies, gaps or overlaps in service provision.

There should be services available to accompany children on visits when they are hindered by practical difficulties. One option that could be made available is legal services for imprisoned parents, the primary purpose of which would be to help prisoners maintain a healthy, constructive relationship with their children.<sup>346</sup> There should also be services available to support children in dealing with parental imprisonment. The child's best interests must be a primary consideration for these types of intervention.

## 9.6 Resettlement

Support for the children of imprisoned parents should continue after a sentence has ended in order to help reconstruct family relationships and positive childcare. Many fathers cannot afford to spend unpaid time in training and education programmes after release,<sup>347</sup> so incentives could be provided for participation. Harmful policies affecting ex-offenders need to be reviewed and post-prison support should be developed in a way that is father sensitive.<sup>348</sup>

Support for ex-offenders to secure economic resources in order to care for children would be helpful, as would access to family counselling and with other transitional services, if appropriate.<sup>349</sup> Developing a tracking system for service follow up with ex-prisoners may help to improve post-prison care.<sup>350</sup> Ideally planning for release should begin the day the person goes into prison,<sup>351</sup> in order to minimise the disruption to children of prisoners' lives throughout and after the sentence.

## 9.7 Further Research

Recent research on incarcerated fathers and their families concluded that 'the most striking finding is the lack of rigorous research aimed at fully understanding and serving incarcerated fathers and their family'.<sup>352</sup> The available studies are mainly small, qualitative and non-representative.<sup>353</sup>

Research is needed to distinguish the unique stressors and outcomes related to having a mother or a father incarcerated as well as the developmental implications of the timing of their imprisonment. Future research should incorporate direct child assessments and observational studies of parent-child interaction, rather than relying on parents and second hand sources to report on child outcomes.

Longitudinal prospective studies that follow children through the various stages of their parents' involvement with the criminal justice system would help to assess changes in their wellbeing and identify malleable risk and protective factors for future interventions.<sup>354</sup> A considerable help would be the gathering of official statistics on how many children are affected by parental imprisonment throughout the world. There should be thorough assessments of policies and programmes used to promote responsible fatherhood as well as motherhood from prison, and support schemes need to be increased and standardised.

## 10. Conclusion

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Paternal imprisonment is often detrimental to their children. Consequences can include health, financial and behavioural problems as well as strained relationships between children and their other carer, wider family and local community. As the UN Convention on the Rights of the Child specifies, these children must not be discriminated against because of their parents' status or actions and their best interests must be taken into account.

There needs to be a greater emphasis on restorative justice, and alternatives to pre-trial detention and imprisonment. However, when paternal imprisonment does occur it should trigger a needs assessment and care provision for any children affected to mitigate the impacts of imprisonment as well as any pre-existing disadvantage. Where children are allowed to reside in prisons with their father, strict safety precautions must be in place, and facilities provided to ensure their well-being. For those left outside, contact with imprisoned fathers should be facilitated as long as it is in accordance with the child's best interest. Subsequent visiting arrangements need to take into account the particular nature of paternity behind bars so as to enable contact in a way that is conducive to maintaining father-child bonds.

Prison programming based on gender stereotypes should be altered and parenting classes and work schemes ought to be available to imprisoned fathers. This will enable the adoption of more responsible fathering roles and improve the level of care that these men can provide to their children. Provisions for the imprisoned fathers need to include young fathers and juveniles in youth offending institutes. They then need to be followed up with post-prison support for ex-inmates and their children.

Past QUNO publications have focused primarily on the children of imprisoned mothers. This is a group with particular and urgent needs and work must continue to be done in this area. However, the children of imprisoned fathers share some of these needs and have some unique concerns of their own. It is hoped that this publication will raise awareness of the particular concerns regarding children of imprisoned fathers, so that they can be considered alongside those specific to children of imprisoned mothers and that rights for children of imprisoned parents of both sexes will be promoted in an equal but gender appropriate manner.

# Endnotes

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- 1 Murray & Farrington (2008) *The effects of parental imprisonment on children*, (The University of Chicago) p. 179
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## Children Need Dads Too: Children with Fathers in Prison

Because of the relative sizes of the prison populations, many more children are affected by paternal than maternal imprisonment. However, the impacts on the children can be quite different. This study looks at the situation of children with fathers in prison. It seeks to identify the similarities and differences of this experience with that of children of imprisoned mothers. This focus is designed to complement QUNO's previous work on children with mothers in prison, and thus to enhance the understanding of and encourage responses to the needs of all children of prisoners.

