DO CHILDREN AND PRISON GO TOGETHER?

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Paper presented at the Women in Corrections: Staff and Clients Conference convened by the Australian Institute of Criminology in conjunction with the Department for Correctional Services SA and held in Adelaide, 31 October – 1 November 2000
Introduction

The question is asked; do children and prison go together? The vast amount of literature in relation to this subject matter offers differing opinions. This paper describes the journey that has been undertaken in order to ascertain an answer that best suits the South Australian Department for Correctional Services in the provision of the children in prison program.

The Adelaide Women’s Prison currently has the provision to have children reside in prison, dependant upon some age criteria and safety and security obligations. Recent events highlighted some significant shortcomings in regards to the level and type of service being offered for the mother and child and challenged us as to whether it was still appropriate to allow children to reside within a prison environment. The rights of the custodial parent versus the best interests of the child were also questioned.

A Project Plan was developed and distributed to Stakeholders that defined the goals and outcomes of the “Children Residing in Prison” project. These outcomes include the development of a policy, the defining of a program model and the development of Memorandums of Understanding with other key agencies. The verification for the program will include:

- an increased awareness in parenting by the prisoner mothers;
- an improved positive attachment between the mothers and their children;
- the women are aware of the community resources that they can access on their release from prison; and
- an increase of services from key agencies comparable to community standards.

The goal of the project is a focus on positive parenting that will assist in breaking the cycle of abuse. Farrington, quoted in the National Crime Prevention’s Pathways to prevention, observes that interventions, such as positive parenting programs, early in life can have an impact on childhood disruptive behaviours. Simultaneously, the studies explored the concepts of developmental prevention and early intervention in relation to the nature and causes of crime and prevention. Early intervention therefore, is a cost-effective way to reduce crime and abuse in a child’s teenage years.

History

In the early 1990’s a woman in custody asked the Department for Correctional Services if her child could reside with her in prison. In 1993 an Instruction was issued that stated, in part, that the “importance of maintaining parent-child relationships particularly with very young children is recognised. In appropriate circumstances where it is both in the interests of the child and consistent with prison security and management, provision may be made for a child to live with the parent in prison.” (D.I. No.46). As a result of this action children were then permitted to reside in prison.

There are children (aged to three years) who reside in prison with their prisoner mothers. The Adelaide Women's Prison experienced some difficulties with a mother and her child, which led to a review of current practices and procedures. It is acknowledged that the current departmental procedures are out dated. In addition there have been changes to associated legislation, such as the Child Protection Act 1982, resulting in the need for the Department for Correctional Services to be more closely aligned with other agencies such as the Department for Family and Youth Services, the Department for Human Services and Child and Youth Health.
Future Goals

From the historical perspective, which focussed upon the needs of the prisoner mother, far more emphasis in now placed upon the needs of the child and societal expectations in relation to sanctions regarding offending and relationships. To progress this issue a workshop was held with key stakeholders who could provide assistance to the Department for Correctional Services in identifying best practice models that meet the best interests of the child. This process also facilitated further building of inter-agency relationships and a collaborative approach to service provision. It was anticipated that this would lead to assistance to the Adelaide Women's Prison in providing parenting programs for the prisoner mothers which would be required to promote change in their parenting practices and assist them in building better family relationships.

Initially this process was focusing on those children who will reside full time in prison. It has now become obvious that this program should consider the needs of those children who visit prison on a regular basis and may also inform the development and implementation of new practices such as an occasional care program.

Studies by Sullivan (1997) have shown that in Australian crime rates there are documents that point towards “community lawlessness” which is attributed to the cultural and social change in relation to the areas of childrearing and family life. She draws attention to the “crucial role of the family and of parenting” (p.4 Pathways to prevention) as a means of breaking this cycle through giving children values and obligations fundamental to their culture. It is an aim of this project to eventually allow as many mothers and their children as possible to become involved in the program to strengthen family relationships.

Literature Review

A literature review was undertaken that showed a wide range of differing opinions as to whether children should or should not reside in prison with their mothers. The literature review conveyed some of the following key issues that may facilitate further action:

- That the best interests of the child is paramount;
- That the age limit for residency could be up to three years of age;
- That the program should be culturally sensitive;
- Separate accommodation for mothers and children is considered the best option;
- That the program model to be based on the significance of the attachment between child and mother in the first twelve months of the child's life;
- That the mothers will share, and have access to, a broad range of community supports to assist in the care of the child;
- There was a need to have clear Memorandums of Understanding with other support agencies;
- That the children will not be used as punishment for the management of the mother’s behaviour;
- The care of the child will be the sole responsibility of the mother;
- There was a need to have parenting and educational programs for the prisoner mothers; and
- Staff training needs was identified, in particular Mandated Notification training.
Stakeholder's Meeting

A stakeholders meeting was convened on the 9th March, 2000 for the purpose of further developing collaborative working relationships and to gain commitment from appropriate agencies to support the Adelaide Women’s Prison in its program response for mothers and children. The meeting included members from agencies such as Child and Youth Health, Family and Youth Services, South Australian Forensic Health Services and various participants from Correctional Services including representatives from the Women's Prison.

In summary, this meeting brainstormed ideas resulting in several issues to be clarified. These included:

- What we want (or the ideal) V What we can reasonably deliver;
- Current practice V Aiming for best practice;
- Increase links and co-operation between agencies through 'Memorandums of Understanding’;
- Recommendations for appropriate separate accommodation for mothers and children;
- A program that is culturally sensitive and flexible; and
- Children aged 0 - 3 years to be considered for residency.

An outcome of this meeting was the development of a discussion paper that generated recommendations to the Steering Group that working parties be formed to address specific issues. These working parties, made up of members of the Steering Group and other interested persons, were named: ‘Program Model’; ‘Environment and Design’; ‘Criteria, Assessment and Contract’ and ‘Key Issues and Throughcare’ in line with those issues each group would consider.

A project plan was developed that outlined the project scope and included key indicators for measurement and verification and those risk issues that were fundamental for the project’s success or failure.

Working Parties

Program Model

The General Manager of the Adelaide Women's Prison and the Project Officer, Operations Unit was assigned the task of developing the Program Model based on Case Management principles, which include:

- A harm minimisation approach;
- That the best interests of the child will be the paramount consideration;
- That the program is sensitive to practices reflecting cultural, religious and societal attitudes, values and beliefs whilst not placing the child at risk;
- That the program facilities will be separate from the general prison population to provide a dedicated focus on parenting skills, child development, child nutrition and discipline;
- A collaborative approach with agencies to provide support services for the child;
- The environment will be both child and adult friendly to meet minimum industry standards in relation to buildings, furnishings and equipment; and
“There are good reasons for intervening early in life. Families with babies and preschoolers that are at risk of poverty, relationship breakdown, and abusive or inept parenting styles are more likely to produce teenagers at risk of criminality and substance abuse. Once it is accepted that some configurations of risk at an early age have multiple consequences later in life, it follows that successful intervention at an early age is a cost-effective preventive strategy. This could be seen as a generic form of early intervention” (P.10 Pathways to prevention).

This model will be submitted to the Executive Committee of the Department for Correctional Services with appropriate recommendations for endorsement prior to implementation at the Adelaide Women's Prison.

Environment and Design

Membership of this group included departmental employees from both the Central Office, Port Augusta Prison and the Adelaide Women’s Prison. The group invited the Executive Director of the Lady Gowrie Child Centre Inc to be a participant on this group to provide advice. The task of the group was to develop recommendations in relation to the general environment for the mothers and children's facility whilst paying particular attention to the building design, the furnishings and equipment. Visits were undertaken to Lady Gowrie Child Care Centre, Jacaranda Cottages at Emu Plains in New South Wales, the Parramatta Transitional Centre in New South Wales, Kidsafe House and the New Children’s Hospital in Sydney and Kidsafe in South Australia. Information from these visits was considered in developing the recommendations for the new proposed facility.

Environmental issues were identified. For instance, the mother and baby units will be ‘kid safe’ with appropriate fixtures, nursery, and young children’s, furniture will have features that will not be a hazard to children. These fixtures have been investigated and will prove to be cost effective in their application.

Four accommodation options were considered. The first two involves the units already housing mothers and children in the Living Skills Units at the Prison. However, these options are now discarded as they are considered to be unsuitable for family living. The third option involves taking over two bigger units that are placed near the male Adelaide Pre-release Centre and have the potential to cater for more than four mothers and their children. To make these ready for accommodating female prisoners and children will require perimeter security fencing, slight building modifications and ensuring that the surrounding area is child friendly and safe for playing. This is the option more likely to be acceptable. The final option involves the construction of a new purpose built facility that can be developed and designed to meet the needs of the Adelaide Women’s Prison but this will require extensive funding.

Key Elements and Throughcare

This working group was asked to consider those issues, which involved other agencies in the care and support of the child while in prison and continuity after the mother’s release to prevent the likelihood of family breakdown and reduce the risk of further offending. Membership of the group included representatives from Community Corrections, Child and Youth Health, Family and Youth Services, the Adelaide Women’s Prison and Central Office.
Issues highlighted from this group include:

- The role and responsibility of the visiting Child and Youth Health nurse;
- Access to medical services for the child;
- Access to alternative care facilities to provide additional learning opportunities for the child. This will give the mother similar childcare options in line with the community and will allow her to attend identified programs to address her offending behaviour;
- Inclusion of support services in Case Management and Throughcare issues; and
- Clarifying the role of Family and Youth Services in a number of areas, such as:
  - the sharing of information; and
  - involvement in the alternative placement of the child should it become necessary to remove the child from the prison environment.

The relationships and areas of responsibility between Child and Youth Health, Family Day Care or Childcare facilities and Family and Youth Services will be addressed through the development of new Memorandums of Understanding.

**Criteria/Assessment/Contract**

This group has representatives from Child and Youth Health, the Women’s Prison, Community Corrections and Central Office. The task of this group is to establish the criteria for residence, review existing assessment processes and to review and refine a contract detailing the rights and responsibilities between the mother and the prison when an application is made to have the child reside with her.

Approval for residency will include the formation of a panel from key agencies who will make recommendations to the General Manager, Adelaide Women’s Prison. Approval will be based upon the six key principles of the Program Model and will take the following into account:

- that there is suitable accommodation available for mother and child;
- that the mother was the primary carer for the child prior to imprisonment; and
- that the mother agrees to use alternative carers.

Criteria for removal of a child may occur where:

- there is substantiated abuse of the child as per described in the *Child Protection Act, 1982*; or
- the child has reached the prescribed age; or
- the child’s health status prohibits care in the prison environment; or
- the mother does not comply with the conditions of her contract.

**Outstanding Issues for Further Consideration**

**Staff Training**

There is a need to train staff who work in the Adelaide Women’s Prison with mothers and their children in child development and appropriate parenting techniques, but particularly in relation to Mandated Notification. The *Child Protection Act 1982*, states that all staff of the
Women’s Prison fulfil the legislative requirements to act as Mandated Notifiers but to date no custodial staff have been trained. There are roster and financial restraints in fulfilling this obligation. There will be a recommendation for support for funding to meet this requirement.

Memorandums of Understanding

These will be developed and formulated once there is clear direction from the four working groups. It is anticipated that the memorandums will be with Child and Youth Health, Family and Youth Services and Family Day Care.

Resource Restraints

The Adelaide Women's Prison does not receive specific finances for the mother and children's program. This is funded through existing budget. A recommendation will be made that funding is available for the upgrading of existing equipment and facilities to ensure they comply with industry standards.

There is no dedicated staff who have the necessary skills and competencies in relation to children's needs, child development and parenting techniques. It will be recommended that funding is made available for a dedicated child worker who will provide the appropriate supervision, support and advice in maintaining the children in prison program.

Conclusion

This project recommends a ‘stand alone’ mother and baby unit separate from the main prison areas. It recognises that the needs of both the child and the mother should be integrated into the operations of the institution thereby contributing to a normalised environment that reflects community standards.

Perhaps children and prison do go together. The debate goes on.

Contacts

Visits

**Prisons**
- Emu Plains, New South Wales
- Jacaranda Cottages, New South Wales
- Parramatta Transitional Centre, New South Wales

**Child Care Centres**
- Lady Gowrie Child Care Centre, South Australia

**Children’s Services**
- Family Day Care, South Australia
- Kidsafe, Women and Children’s Hospital, South Australia
- Kidsafe House, New South Wales
- New Children’s Hospital, New South Wales
References


Dr Bruce Perry, a seminar arranged by the South Australian Association for Infant Mental Health, May 2000.


National Crime Prevention (Towards a Safer Australia), Pathways to prevention: Developmental and early intervention approaches to crime in Australia, Attorney-General’s Department, March 1999.

New South Wales, Mother and Children’s Program.