

**A STUDY OF THE MOTHERS AND CHILDREN'S
PROGRAM IN THE NSW DEPARTMENT OF
CORRECTIVE SERVICES**

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Introduction

On any given day there is estimated to be in excess of 11,000 children in NSW with a parent who is imprisoned. These figures were given in a study carried out by Dr Michael Levy, from the NSW Corrections Health Service, in May 1999. Since then the numbers of imprisoned parents has continued to rise. If that study was carried out across the country today, it is fair to say that figure would be significantly higher, due to the increase in inmate population both male and female.

What happens to these children?

The New South Wales Department of Corrective Services, endorsed the *Women's Action Plan* in 1994 to address the issues of women in Prison. The recommendations of the Women's Action Plan in regard to mothers and children provided the impetus for development of the Mothers and Children Program Policy.

From December 1981 until December 1996 no woman in the custody of NSW gaols was able to care for her young child while serving a prison sentence. Before then, a program to accommodate mothers and their pre-school aged children was in operation at the *Mulawa Correctional Centre* between 1979 and 1981.

With the closure of the *Mothers and Babies Unit* at Mulawa in 1981 emphasis turned to alternatives to imprisonment for women inmates, who are the mothers of a young child or young children. In 1986 Section 29 (2)(c) of the *Prisons Act* 1952 was amended to allow women inmates who are mothers to be granted 'approved absence' to serve their sentence with their child or children in an appropriate environment. In practice only a small number of women are released pursuant to this mechanism. Legislation was later amended in 1999 to Section 26(2)(1) of the *Crimes (Administration of Sentences Act, 1999)*, however the Department's interpretation of the legislation and all relevant policy and procedures remained the same.

In developing the Mothers and Children's Program, the Department has put the best interests of the children of mothers who are serving a full-time prison sentence at the highest priority. The Department recognises that continuity in the relationship between primary carer and child is of great importance to the child's emotional, intellectual and social development. The Department also recognises that imprisonment in itself is neither evidence of a mother's lack of desire nor of her ability to perform her parental duties.

The contradiction between providing such a program for women and the commitment to developing policies which do not reinforce gender stereotypes is acknowledged. However, women's statistical dominance in the correctional system as primary care givers and the best interests of children whose primary care giver is imprisoned make this contradiction a necessary one.

Secondary benefits of the program include a likely reduction in re-offending behaviour of participants and alleviation of the distress and anxiety associated with forced separation from children.

Policy

The Department provides a range of options to female inmates who wish to assume an active parenting role. Primary carers, irrespective of whether they are the biological mother, are eligible to participate in the program. Non-primary carers are eligible to participate in the occasional residence program with the written consent of the primary carer of the child or children, eg grandmother or significant relative.

The *Mothers and Children's Program* includes the following options:

- Approved Absence pursuant to section 26(2)(1) of the *Crimes (Administration of Sentences) Act, 1999*
- caring for child or children full time while in custody (the Full Time Residence Program) to the age of 5 years.
- Occasional accommodation for children such as on weekends and school holidays (the Occasional Residence Program)

These options are administered with as much flexibility as possible in order to meet the needs of individual women and children.

Decisions regarding section 26(2)(1) approved absence and decisions regarding participation in the Full Time Residence Program are made by the Commissioner, taking into account recommendations from the *Mothers and Children's Program Committee*. Decisions regarding participation in the occasional residence program are made by the governor, manager, or delegate, of the relevant correctional centre.

The policy is of general application and is supported by an operational framework also of general application, and operational guidelines specific to each centre.

Guiding Principles

- The best interest of the child is the paramount consideration;
- Imprisonment in itself is neither evidence of a mother's lack of desire, nor of her ability, to perform her parental duties;
- Participation in the full time residence program is the option of last resort, to be utilised when there are no satisfactory alternatives for the placement of the child or children available;
- Children residing in, or spending time at, a correctional centre are the sole responsibility of their mother; and
- Participation in the full time residence program must never be used as part of the hierarchy of privileges and sanctions.

Objectives of the Principles

- Ensure that the placement of any child at a NSW correctional centre meets the best interest of the child;
- Ensure that the Program is fair and equitable;
- Provide a safe and supportive environment in which selected inmate mothers can care for their child or children;

- Ensure that the environment in which inmate mothers care for their children reflects the aspirations of child rearing according to community standards;
- Ensure that the staff of correctional centres in which children reside, have a high level of understanding of the specific needs of mothers caring for their children in the correctional centre context; and
- Ensure that the needs of women who are the primary carers of children are given recognition in the classification, placement and case management processes.

Criteria for Eligibility

Guiding Principle

Section 26(2)(1) of the Crimes (Administration of Sentences) Act 1999

The Legislation states the following:

- 26(2)** Any prisoner may, in accordance with a permit granted to the prisoner by the Commissioner, be permitted to be absent from a prison, on such conditions as may be prescribed and such conditions as may be specified in the permit, for a period, being:
- (1)** In the case of a female prisoner who is the mother of a young child or young children, for the purpose of enabling the prisoner to serve her sentence with her child or children in an appropriate environment determined by the Commissioner - such period as may be specified in the permit.

In light of the legislation the Department has devised the following Criteria for approved absence on Section 26(2)(1) for consideration by the Commissioner.

- Drug and alcohol issues identified and addressed
- Sentenced
- No further court appearances
- No more than 12 months to earliest possible date of release
- Served at least 3 months of the sentence
- Suitable sponsors and address or place in support accommodation or drug rehabilitation centre

The criteria for release on a Section 26(2)(1) has been operational since its implementation in 1981. It has become apparent that with the growth in numbers of women in prison, there are many more unknowns in relation to women with children than previously existed. Most of the women are single parents and have been the primary carers of their children and like many of the NESB women, do not have the support of family and friends. These women often are the subject of social condemnation from their peers. More often we are receiving applications from women who do not fit within the Section 26(2)(1) criteria because they have unsuitable or no sponsors. In NSW there is only one sponsored accommodation house available to these women. The capacity of this facility is eight beds. These beds are often filled with women on bail or recently released from prison. Another outside criteria issue is length of sentence to serve such as this following account;

A Vietnamese speaking woman approached me to see if she could go home to look after her son. On interviewing this woman, I listened to one of the saddest cases I have heard in many years.

Her son, named Joey is a 27 year old autistic man, his condition exacerbated by being severely developmentally delayed. A pediatric specialist report revealed that he had the mental capacity of a seven year old child. At present, Joey is living in the family home with his 22 year old sister who works each day and his natural father, who although divorced from the mother has returned to the home, to assist in caring for Joey. The father is rarely there, he is compulsive gambler and spends most days and evenings away from the home.

The responsibility for Joey falls mostly onto his younger sister. In the last few months Joey has taken to wandering the streets of his suburb, dropping in on the local shop keepers who give him food, and he can often be found at the doctors playing with the toys. He has developed a passion for finding blue tongue lizards. He has started to self mutilate by scratching at his arms and punching himself in the head.

This an indication that Joey is severely stressed, which in turn causes great suffering to his mother, who has another two and a half years to serve.

Joey has also attracted the young neighbourhood thugs who take things from him and have started following him home. I have made arrangements for Joey to be involved in a community based program on a daily basis. This is a type of respite program for young disabled adults. However this young man needs his mother. I will be presenting a submission to our Department to look at the possibility of finding some solution to this tragic situation. Clearly under the present guidelines the mother does not fit into the criteria and these guidelines are to be reviewed.

Full Time Residence Program

That placement in the full time residence program is in fact, *in the best interest of the child*.

Minimum Criteria:

- That there is a place available for mother and child;
- That placement in the full time residence program is the best available placement for the child;
- That the mother is not eligible for release pursuant to section 26(2)(1);
- That the mother was the primary carer for the child prior to imprisonment;
- That the mother has legal custody of the child;
- That the child is of pre school age;
- That the child is immunised according to standard immunisation requirements;
- That there is no demonstrated inability on the part of the mother to provide satisfactory care for her child; ie mental instability, continued drug use, etc.
- That the mother has been cleared by the Department of Community Services, Child Protection Unit.

As approval for both Section 26(2)(1) and Full Time Residence is granted by the Commissioner on recommendation from the Mothers and Children's Committee and the Assistant Commissioner of Inmate Management, a number of additional considerations may also be looked at. For example:

- The possibility of continuous and stable care by one adult;
- Sibling integrity;
- The behaviour, health and emotional state of the child;
- The physical and mental health of the mother;
- The possibility of maintaining the child's significant relationships.

Levels of Risk

To ensure that the Department meets its level of care in relation to the safety of resident children, the following security levels have been introduced to determine the suitability of women entering the Jacaranda Cottages area.

- Level 1 Present no risk to children may be housed in the same cottage as a child.
- Level 2 Presents low risk to child due to violent history. May be housed in the same area as a child but not in the same house.
- Level 3 Presents a potential risk to children and may not be housed in the same area as children.

To assess the appropriate level of security, inmates are required to be assessed by the Case Management Team, with referrals to Psychologist and Drug & Alcohol Services, who will / will not recommend an inmate.

For those inmates who are seen to be problematic a full and comprehensive risk assessment is referred to the Mothers and Children's Committee for consideration.

The Mothers and Children's Committee

The Mothers and Children's Committee was established by the Department as the executive body overseeing the Mothers & Children's Program. The Committee is an important mechanism **to ensure the best interest of the children of inmates is paramount in the Department's decision making in relation to their well being.**

The Committee comprises the following members:

- An Independent Child Advocate
- Governor &/or Manager of each female centre
- A representative from the Department of Community Services
- Manager, Women's Services Unit
- The Coordinator, Mothers & Children's Program

The Committee has a Patron, the Hon. Ann Symonds, former MLC of the NSW Government, and Chair of the Standing Committee responsible for the 1997 *Report Into Children of Imprisoned Parents*.

Comparisons

Overseas

UK - HM Prison Service Mother and Baby Units

Prison	Prisoner Status	Security Category	Places Available	Child Age Limit
Askham Grange, Near York	Sentenced	Open	20	18 months
Holloway, London	Remanded & Sentenced	Closed	13	9 months
New Hall, near Wakefield	Remanded & Sentenced	Closed	9	9 months
Styal, Cheshire	Remanded & Sentenced	Closed	22	18 months

USA

Bedford Hills in New York runs an extensive program where women can keep their children with them until they are one year old. Should they be paroled after the child is 18 months, the child has special permission to remain until that time.

When the NSW Department of Corrective Services implemented the Mothers and Children's Program Policy it was a result of researching overseas programs and many of the innovative trends in corrections for women, have been implemented in the program.

Other States

I have purposefully not mentioned Programs in other states which have extensive Mothers and Babies Programs, as I am aware that other speakers will be alluding to this subject in their papers.

Benefits of the Program

Reducing Trauma to Children of Imprisoned Parents

Research findings on the long term effect of mother/infant separation and the effects of short term traumatic separation, show that separation has a long term and devastating effect on the child's emotional, physical and mental development. Other research into incarceration and forced separation effects on the mothers, shows that it is in the communities best interest to maintain the mother/child bond, thus enhancing the child's developmental prospects and the mothers rehabilitation prospects.

Quite often children are left in the care of relatives and stable arrangements have been made for their care however, due to the intense pain of separation and emotional trauma, that incarceration imposes on all of the family, these relationships often break down. This again causes more distress for the child and crisis for the mother hence the need to have some firm program in place to assist.

The Program helps to reduce trauma to children and supports the parenting relationship by:

- Creating a structured and supportive environment to address and prioritise social, emotional, physical, family and legal issues surrounding the mother and her child/ren;
- Informing resident mothers of the community standards in parenting and providing parenting skill development,
Eg. Parenting Programs, 0-5 childhood development;
- Providing education to promote the highest standard of child care and protection. Eg. The Kidsafe Program
- Maintaining family contacts.

Rehabilitative Impact on the Mothers

- Effectively offering programs to women to assist them in meeting their rehabilitation needs. Eg. Drug & Alcohol Services, Psychological Counselling, Program Pathway
- It is essential to the holistic rehabilitation of the mother that she, where possible is connected with family support or a significant group.
- Ensure through care for inmates and their children with referral to the community on release.
- Research has shown that the maintenance of family ties reduces re-offending behaviour. (See Zemans & Cavan 1958, Holt & Miller 1972, Stanton 1980, Hairston 1991, McLaren 1992)

Community Involvement

The Mothers and Children's Program operating out of Jacaranda Cottages at Emu Plains Correctional Centre and the Parramatta Transitional Centre is involved in accessing community based programs, to support the mother, child and extended family members eg. grandparents.

- A pediatric specialist from the Nepean Hospital attends Jacaranda on a monthly basis. Prof. Bolton has on his own volition initiated this service as a result of his concern for many of the babies born under his care and who were drug affected. This service provides a continuity of care.
- Early childhood intervention nurse attends the centre on a weekly basis and refers to medical and/ or specialist services if required eg. hearing, reflux
- Women are released on a special order to attend the Tresillian Unit at Nepean District Hospital.
- The women attend the local medical centre for their children's minor health inquiries. The children are taken immediately to the Centre on the Mothers request. At no time are children kept waiting to seek medical attention.
- Other local community centres involved with the Jacaranda Cottages are the Department of Health (Wentworth Area Health) which provide a Children At Play Team and TAFE.

- Kidsafe, a Child Protection Program under the auspice of the Child Protection Council and Westmead Hospital. All resident mothers completed the Kidsafe Program and this included being taken to the Kidsafe House at Westmead, being given a tour of the children's ward and the children's services available. As a result of the Kidsafe Program being available to our mothers, two mothers have taken up training and will achieve accreditation.
- Each mother is given a Kidsnet phone card to Westmead Children's Hospital which gives them access to professional advice on how to handle health concerns for their children.
- This Program was established to give mothers access to Community agencies on their release from prison and reduce their inhibitions about contacting community agencies. It also increases their self esteem.
- There is a volunteer referred to as Grandfather Bob who attends the play groups on a weekly basis. Bob is from the NSW Volunteers Association. He is well respected by the women and sought after by the children, especially the little boys who he teaches woodwork and science (he's an ex-science teacher). The mothers invited Grandfather Bob to their graduation ceremony following the completion of the Kidsafe Program.
- The older Women's Network, who are all retired volunteer women, come in once a week to teach the women to sew, make children's toys etc. This has been a particularly successful program as most of the mothers are creative and take great pride in making their children's toys. A little boy called Daniel would not take off his Pyjamas that his mother had made for him, she had to make another pair quickly so that she could get them into the wash.
- Another young woman who was extremely withdrawn and uncommunicative when she came into prison. She is now making all of her babies clothes and some of the latest fashion for herself.
- During summer months the children will attend the local Council swimming pool and have learn to swim classes.
- The mothers and children are taken out as regularly as possible on social outings. These have included, the local parks and river, Featherdale Animal Park, picnics, Blue Mountains, Taronga Park Zoo, children's movies and the Sydney Aquarium. The mothers are encouraged to be pro active in organising outings and children's activities and to present their requests to management for approval.
- Whilst external outings are important to the overall development of the children in the Centre, it is also extremely important that the mothers are actively involved with the children in areas of play.
- Some of the older children attend the local child care centre a day or two a week. This is an expensive arrangement, not all of the mothers can afford this option. For the Mothers in the Transitional Centre, who are working, their children are in day care paid for by the mother.
- Within the Centre children's birthdays are a major social event and most of the mums are in competition to make the best birthday cake. The child's birthday in prison is no less celebrated than a child living in the community, with other mothers and children as well as staff giving gifts. **This is the child's day.**

- The women have completed many courses, these include gaining their First Aid Certificate, Domestic Violence, Alternatives to Violence, Salvo Money Care, budgeting course and many others.
- A community service with women maintaining the grounds and cleaning the pre-school where the children attend.
- The women write and publish their own community paper called “Mums the Word”.
- At the present time there are five different nationalities within the program and the women are encouraged to present talks on their cultural backgrounds to the other mothers, this has been an excellent way of building community and increasing peoples awareness of some of the differences that can be seen in the application of discipline etc.
- Within the Transitional Centre at Parramatta, the mothers there access all the relevant community agencies and due to their classification status, they are able to make their appointments and attend to their affairs within the community on their own volition. In other words without an officer escorting them.

Statistics

In December 1996, the first woman to enter the Full Time Residence Program at Emu Plains, was a young Aboriginal woman from the Grafton area, with her 6 month old baby. Since then the Program has been utilised by the following numbers.

Year	Program	# of Mothers	# of Children
Dec 96 - June 97	S26(2)(1)	2	2
	Full Time Residence	5	9
	Occasional Care	8	15
July 97 - June 98	S26(2)(1)	4	7
	Full Time Residence	5	8
	Occasional Care	11	22
July 98 - June 99	S26(2)(1)	9	18
	Full Time Residence	12	13
	Occasional Care	25	36
July 99 - June 2000	S26(2)(1)	5	10
	Full Time Residence	18	20
	Occasional Care	19	24

Participants may be counted in consecutive years if participation continued from June into July of each year. Therefore each year should be looked at in isolation.

Since the Parramatta Transitional Centre opened their doors in 1996 there have been eight Mothers on the Full Time Residence Program caring for ten children and 19 Mothers on the Occasional Care Program caring for 38 children.

Future Directions

Remandees

At any given time there could be as many as 8 to 10 pregnant women on remand at Mulawa Correctional Centre.

Historically inmates on remand are held in a secure prison, that is maximum security, due to the possibility of escape from a minimum security area. The Department is developing the options to include remand women into the Mothers and Children's Program as it is seen as a highly inequitable position for these women to be in, given that they are considered innocent until proven guilty.

There has been occasions since the introduction of this program that children have been removed from their mothers until such time as they are sentenced. The women can apply as soon as they arrive at Mulawa, however, the application cannot be finalised until they can be moved into a minimum security area when they are sentenced.

- Currently a young women has been bailed to a drug rehabilitation centre in Sydney where she is caring for her new born baby. Following her trial and the approval of the application she can move into Jacaranda Cottages with barely any separation time from her child.
- A Cambodian women, unable to speak English, who was heavily pregnant when arrested at the airport for importing drugs with her husband and six year old child. The family had no significant relations in Australia and the six year old was sent to a distant friend who lived in Melbourne.
- The Mother gave birth to her baby whilst in Mulawa. Arrangements were made through DOCS to foster the child, until such time as we knew what was going to happen to her. Subsequently she went to trial and was released. However, she had spent eight months on remand. Arrangements were made for her to be reunited with her baby and to send them both to Melbourne to be regain care of her son. The consequence of this experience, can only be imagined by any woman who has given birth in a foreign country, unable to speak the language, having no friends or family for support and surrendering her baby to total strangers.

Periodic Detainees

The Department is also looking at extending the Mothers and Children's Program to accommodate women serving Periodic Detention. Currently this is not an option and it limits the availability of this sentencing option for women. Given the requirements regarding the appropriate staffing and facilities, this extension of the Mothers and Children's Program is about to be reviewed by the department.

Regional Facilities

Grafton Correctional Centre has the June Baker Centre which provides for women only. If they want to be with their children they need to be relocated to Emu Plains Correctional Centre or Parramatta Transitional Centre.

A new gaol being built in the Kempsey area will accommodate women and also the Mothers and Children's Program. The appropriate infrastructure will be in place when this Centre opens.

A new Women's Centre, 'Dilwynia' is planned for the metropolitan area of Sydney. There are currently no plans for the Program at this centre as the Program operating in close proximity to Emu Plains CC and Parramatta TC.

Conclusion

As previously stated there are more than 11,000 children whose parents are in prison. This paper has examined only a handful of these children, where are the rest? A large number are being supported by their mothers on their own. It is obvious, that more statistics and research needs to be completed until this question can be answered in any degree of detail.

The department is in the process of setting up a data base, to record accurate numbers listing where the children are housed and who is caring for them. It is reasonable to suppose that many of the children are in full time foster care and many are also Wards of the State.

The Mothers and Children's Program has operated since December, 1996 and is still in a state of growth and change and many lessons have been learned over the past 3 and a half years by inmates and staff. At no time has the main premise of the program been compromised, ie, *in the best interests of the children.*

The rehabilitation of the women is a critical component of any program within the Department and the mothers must adhere to their case management plan. Most of the women have been able to successfully complete their program but some have been removed from the Jacaranda Cottages area as a result of drug taking and /or violent behaviour.

All the women from the Transitional Centre have successfully completed the Mothers and Children's program.

It is my view that the needs of children of imprisoned parents requires a whole of government approach. This was certainly the finding of the *Inquiry into the Children of Imprisoned Parents.*

The Department therefore is committed to broadening the program, as I have previously stated such as Remand and Periodic Detention, but is also looking to extend the availability and access to alternative options to incarceration such as Home Detention as residence in prison must always *be seen as last resort for any child.*

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