CHILDREN OF PRISONERS AND THEIR OUTSIDE CARERS: THE INVISIBLE POPULATION

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How many Children?

IT IS DIFFICULT TO ESTIMATE THE NUMBERS OF CHILDREN AFFECTED BY THE imprisonment of a parent. This difficulty is an integral aspect of the shadow punishment experienced by children of prisoners and their outside carers. It is closely associated with the neglect of public care for this especially vulnerable population. The official neglect of the impact of imprisonment on the child of the prisoner is the common focus of four recent commentaries on the prison systems of Belgium, the US, England and New South Wales (Hounslow et al. 1982, de Coninck 1982, Smith 1986a, 1986b, Bauhofer 1987). These reports identify two aspects of this issue of neglect:

- that there is almost no public information available about how many prisoners have children, where the children are, or how they are cared for;

- that this neglect is not accidental but is an inherent aspect of a judicial system centred on the principals of 'justice' and 'individual responsiblity'.

Smith (1986a) further argues that, in the case of the legal penal system in England, the shift to a more punitive 'law and order' climate increases both the shadow punishment of the family outside gaol, and the pressures to mask that punishment:

> It would be political suicide to build up one picture of crime and criminals to the voting public, instilling fear and prejudice and present a law and order platform and then contravene it by aiding prisoners' families (p. 9).

Although we cannot know the exact figure we can make some estimates based on reports of imprisoned parents. In Morris's (1965) study of families of prisoners in the UK, 80 per cent of the married male prisoners (including those in de facto marriages) were parents, with an average number of two children in each family. In a study of all newly committed male prisoners in Oregon, of the 744 men committed there were 988 children 'left behind' (Sack et al. 1976). McGowan and Blumenthal's (1978) survey of seventy-four women's gaols in the US found that two-thirds of the 9,379 women prisoners who responded to their survey were parents. In Australia, the 1982 Family and Children's Service Agency (FACSA) researchers tried but failed to get systematic information about the numbers of prisoner-parents in any NSW gaol apart from Mulawa, the women's gaol. Fifty-five of the one hundred women prisoners there had children (Hounslow et al. 1982).

As a very rough rule of thumb we estimate that there is at least one child for every woman prisoner in gaol and that there are two children for every three men imprisoned. Using this very approximate measure, on any one day in New South Wales there are at least 4,000 children of prisoners. The figure for the numbers of children who have a parent in prison during the course of one year would be much greater than this.

A fairly consistent finding in all of these studies is that most of the prisoner parents were living with their children prior to imprisonment, although the figure for this finding varies between two-thirds to three-quarters.

Effects of Imprisonment: Literature Review

The literature about children of prisoners falls into two major categories:

- those using a 'family in crisis' model which emphasises the various psychological problems of the family outside and their ability/inability to cope with the imprisonment of a family member. In these, the object of the analysis is the behaviour and attitudes of the individual child or the child's outside carer. The raison d'être for these studies is often that the prisoner's parenthood is their one positive self-image so that clinical intervention by the professional evaluator will enable the family to stay together and thus be instrumental in reducing the rate of recidivism; and

- reports using a more critical paradigm and a method of 'studying up' that constitute the penal system as the problem to be investigated. Some of these studies also incorporate a feminist critique and focus on the interrelationship between the penal and family spheres as an especially powerful site of social control.

Although there are major methodological and political differences between these two broad approaches there are some findings that are constant throughout the literature. In general terms these are:

- that the family outside shares the punishment of the prisoner: 'they are doing my time';

- that separation by imprisonment leads to the risk of experiencing the same problems, but in more extreme form, that any enforced and traumatic separation from a parent creates—anxiety states, neuroses, enuresis, personality disturbances, inhibited or aggressive behaviour and prolonged stress that has negative consequences for the child's emotional, cognitive and psychomotor development. The physical stress, risk of internalised guilt, emotional disturbances, aggressive behaviour at home and falling standards of schoolwork then impose extensive demands on the work of nurturing taken on by the outside carers of children of prisoners;

- that there are some children who are more resilient than others;

- that letting the child know about the imprisonment increases the child's sense of control over the separation;

- that allowing the children to maintain contact with their imprisoned parent is an important aspect of 'the conditions for growth' for children of prisoners. (There are some obvious exceptions to this where, for example, the imprisonment of the parent relieves the child of physical or emotional stress).

The more critical literature, however, indicates that there are major structural factors that exacerbate the hidden punishment for children of prisoners and their outside carers:

- that the most resilient children are those whose outside carer is experiencing the least stress (Jones 1983);

- that the shift to a more militaristic form of policing places children of prisoners at greater risk of experiencing trauma during the arrest of their parent. Small confined households are especially frightening places when guns are being wielded (COPSG 1990);

- that the tensions of the first visits to gaol are increased for children because prisons are not child-oriented. There is little provision in the maximum security gaols to enable the prisoner parent and their children to have a 'normal' family conversation;

- that children are regarded as nuisances and security risks rather than as people with rights of their own and in need of especial care in the potentially traumatic situation of a prison visit;

- that the variations, pettinesses and arbitrariness of rules about prison visiting create uncertainties that increase tensions between prisoners and their children and between prisoners and the outside carers of the children. The spiralling sense of a loss of control that this process creates increases with the increased demands on prison resources (Smith 1986a);

- that the imprisonment of the parent increases the economic insecurity of the family not only because of the loss of his/her wage but because the imprisoned parent has previously been the main child carer enabling the co-parent to earn a wage (Jones 1983). Imprisonment policies can also involve the family outside in major costs such as providing goods for the prisoner, travelling, moving home to stay near to the prisoner when (s)he is reclassified or moved for reasons of prison security or prison management of scarce resources. This loss of income and increased costs of maintaining family contact can lead to the loss of the family home and further stress for both the children and their outside carers;

- that there is little recognition of and provision for the differences between children of prisoners. These differences include the issue of whether it is the father or the mother who is the imprisoned parent. Women are less likely to have their children being cared for by a co-parent or other family member. The children are less likely to be in the continuous stable care of one household. Women are more likely to have their children separated and cared for by different carers, less likely to have the children brought on regular visits by another family member, and less likely to have letters and telephone calls from their children. Unsurprisingly, therefore, women are more likely to return on release to a splintered family than are men prisoners (Koban 1983; Hounslow et al. 1982);

- that the recent shifts in policing and prison policies have increased the tensions of imprisonment. In the pre-sentence period of imprisonment more prisoners are being held in police cells for longer periods and police cells are the most stressful sites for maintaining family contact (Aungles 1990, pp. 438-40). In the post sentencing period, the pressure on prison resources reduces the possibility of contact visits and of family 'picnic' days;

- that socioeconomic status and racial origin are factors that differentially expose children to the risk of having a parent imprisoned, or of having a parent imprisoned for longer periods in the most punitive and segregative institutions within the penal system.

Children of Prisoners Support Group (COPSG): Current Issues (as at 1992)

The experience of the workers in the COPSG accords with these findings from the review of the literature. It is against this background that we would like to express our concern about several issues that are currently affecting the lives of children and their imprisoned parents in NSW.

Imprisoned mothers in Mulawa had been able to have visits with their children once a fortnight. These contacts have been cut back to once a month. Children were

able to have their all-day visit on any day from Monday to Friday. Now Friday is the only day on which these visits can be made. Further, children whose mothers are on protection are now unable to have any all-day visits. This cutback has occurred because there are now insufficient prison resources to allow this form of family contact for these children.

Only five women prisoners can be placed on the Methadone program at Norma Parker. This effectively reduces the proportion of imprisoned women (including imprisoned parents) who can be transferred to this minimum security prison. This policy then means that there is a significant reduction in the level of family contact as minimum security prisoner parents have access to a range of privileges and programs not available to parents in a higher security gaol.

Imprisoned parents also report to COPSG workers that the children of women imprisoned for more than twelve months are most at risk of becoming state wards for specified periods. In the case of extremely young children this could be until they are eighteen. Although judges assure women that they can engage in the processes of regaining custody, women on release from gaol do not find it easy to regain their legal parenthood. In addition, imprisoned parents feel that they have little say about what they want in relation to decisions about the long-term care of their children and that they were not given enough time at the point of arrest to arrange care for their children.

Lastly, COPSG believes that the sentencing policy of imprisonment for drug offences and other non-violent crimes needs to be seriously reconsidered. The destructive impact of the twelve months or more sentences of imprisonment on the imprisoned mother, her children and her parents in the records of COPSG highlights the extensive social costs that accrue from unnecessary imprisonment.

Conclusion

In summary, the Children of Prisoners Support Group argues that there are a range of issues generated by the ways in which the parenthood of prisoners is currently being constituted. COPSG joins with other womens' policy advocacy groups (Lee 1988, Kane 1991) in arguing that there are four questions about information requirements that need to be raised if policy makers are to be able to address these 'hidden' issues of the intersection of penal and domestic life:

- what information is required to facilitate and improve policy development?

- what data are currently available and what is known about the effect of having a parent imprisoned?

- what are the information gaps?

- what should be done to improve the data base?

The Group is currently restructuring its own method of data collection to begin to chart the impact of parental imprisonment on the civil status of children of prisoners. However, the resources of the group are limited. For this work to be done effectively further funding is required. Moreover, this specific data set is only one part of a range of information that needs to be collected and systematised. The primary problem is

that research in the sphere of punishment is oriented around the principal of individualism. The actual infrastructure of domestic support and the actual punishments experienced by the children of prisoners and their outside carers are marginalised to the point of invisibility in the policies, practices and data collection procedures of the legal-penal sphere.

Data collection is a necessary but not a sufficient component of the process needed to remedy the hidden punishment of children of prisoners and to redress the loss of the rights of prisoner parents. The FACSA report of 1982 clearly outlined the ways in which the NSW Government could set about remedying some of the problems experienced by children of prisoners and their carers and parents (Hounslow et al. 1982). Although some of those recommendations were implemented, by the 1990s even those few reforms had been severely eroded by the extra strains imposed on the NSW prison system.

De Coninck (1982) in his overview of the literature on families of prisoners up to 1982 points out that although various ameliorations to the situation of families were suggested in this literature what is most noticeable about the studies is the fact that hardly any of the recommendations were ever implemented. In NSW there have been four reports that addressed the issue of the hidden punishment of families of prisoners. Of the many recommendations made by these reports only eight have been implemented. Moreover, as indicated above even these changes need to be constantly defended.

Over the past two years the NSW Government has introduced several changes in the legal penal system under the principle of truth in sentencing. Support for that principle needs to acknowledge fully, and thus to measure, the impact of imprisonment on the children of prisoners and their outside carers and on the parenthood of the people imprisoned. Although the principle reason for this claim is to ensure that the rights of children of prisoners and their parents are safeguarded, there are also arguments in the reformist literature that fit with the emphasis on economic rationalism and good management principles of the current government. These arguments have been based on the economically rational attempts to reduce the rate of recidivism (Irwin 1985). The Corrective Services research department has indicated that the lowest rates of recidivism are associated with the maintenance of family ties and the ability of the outside carers to maintain the material and the emotional bases of the prisoners 'home' (Dewdney et al. 1978). There is then no discontinuity between the arguments centred on childrens' rights and the arguments centred on economic rationality. It would be both more humane and more rational for any penal administration to acknowledge the significance of the issue of the rights of children of prisoners.

If the mark of a civilised society is the treatment of its prisoners, then we must ask ourselves what kind of a society are we condoning when the rights of children of prisoners are continually marginalised and rendered invisible.

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