

Bill of Rights for Incarcerated Parents

5) I must be included in decisions that are made about my children where possible, and notified when emergency decisions have to be made.

Incarcerated parents should be given the opportunity to participate in decisions made regarding their children's care, education and medical needs. Not allowing parents to be included in decisions regarding the child can be traumatic for both. Understandably, decisions must be made immediately in emergencies. Parents still need to be notified. Parents should not be kept in the dark when their child is involved in an emergency situation. *Caregivers should inform incarcerated parents of important issues involving their children and solicit their input. They should notify parents promptly when an emergency decision has been made about the child. Correctional facilities must provide a means for emergency messages to be communicated to parents.*

6) I must receive education and support about how to parent from behind bars.

An absent parent must use different techniques to keep her family united. Incarcerated parents need to receive education about these techniques. *Social workers, case managers and institutional counselors must work together with incarcerated parents to promote strong family ties.*

7) I must have my children's caregivers receive education and support about parenting a child with an incarcerated parent.

Sometimes caregivers make decisions regarding the incarcerated parent and her children that should be made by, or with, the social worker/case manager and the parent. Being incarcerated does not stop a parent from being a parent. It is in the best interest of the child to encourage a sense of partnership between the caregiver and the incarcerated parent. *Social workers and court workers must provide training and counseling to caregivers about the importance of parenting from prison and how to support it.*

8) I must have a realistic unification plan that addresses my specific needs for better parenting and the support I need to meet that plan.

A good reunification plan should address the root causes that led to incarceration in the first place, such as drug or alcohol addiction, unhealthy relationships, etc. *Caseworkers must draw up realistic and effective reunification plans. Prisons and jails must help incarcerated parents meet the goals of those plans by providing timely access to necessary classes and services.*



I must be allowed to be a parent to my children whether I am incarcerated or free. Being incarcerated does not stop me from being a parent. For my children's sake, I must be educated and allowed to continue to parent so that we can maintain our family structure.



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Every day at Legal Services for Prisoners with Children we hear the voices of mothers and fathers seeking to maintain a parental relationship with their children despite their own incarceration. We hear from incarcerated parents who are desperate to reunify with their children. We are contacted by prisoners who long to establish a meaningful relationship with their children. We believe that all of these parents should be entitled to certain basic human rights of parenthood. Please join us in fighting for these rights.



Eight Rights of Incarcerated Parents

1) I must know the impact my sentencing will have on my family before accepting a plea bargain.

Accepting a plea bargain from the court could have a major impact on family structure, depending on the amount of jail time involved. If parents do not have relative caretakers for their children, the children will be put in foster care. *Accepting a plea or deal that would keep parents away from their children for more than 24 months might cause the loss of their paren-*

tal rights and their children could be put up for adoption. Judges, prosecutors or defense attorneys should inform parents facing jail or prison time of the possible implications for parental rights of accepting a plea bargain.

2) I must be allowed an opportunity to develop a parenting relationship with my child.

Many women enter jail or prison pregnant. They must find someone else to care for their children while they are incarcerated. Even so, they should be given the chance to form a connection with their children. If their sentences are short, they may be able to take on the role of caregiver when they are released. Even if their sentences are long, it may be in their children's best interest to maintain a life-long relationship with their mothers. *Services must be developed to help pregnant women remain in the community to give birth and live with their children. Caregivers must learn to view their roles as temporary and to actively support reunification. Where unification is not possible, open adoption and similar arrange-*



ments must be developed to help keep the mother-child connection alive.

3) I must be allowed to maintain a relationship with my children while incarcerated.

Parents who have relationships with their children before incarceration should be allowed to maintain those relationships. Sudden breaks in family structure can cause feelings of abandonment and lack of trust. These issues must be addressed for families to heal and reunify. *Relative caregivers, guardians and foster parents should encourage and help facilitate communication and contact.*

4) I must have regular visits with my child whenever possible.

The most meaningful form of contact that incarcerated parents can have with their children is by visiting. Visits are beneficial to both the parent and the child. Parents who lived with or visited their children before incarceration should be allowed to continue that relationship. Parents who have not yet established a connection with their children should also be allowed the opportunity to do so in the context of a visiting program. *Relative caregivers, guardians and foster parents must bring the children to visit their incarcerated parents as frequently as possible. Correctional facilities must provide frequent visitation opportunities in a child-friendly environment.*